FREMONT UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

RULES & REGULATIONS
OF THE
CLASSIFIED SERVICE

Personnel Commission

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FREMONT UNIFIED SCHOOL DISTRICT
CLASSIFIED PERSONNEL
PERSONNEL COMMISSION: INTRODUCTION

Merit System

Classified employment in the Fremont Unified School District is covered by the merit system provisions of the California Education Code.

According to merit system principles and laws, employees are selected on the basis of merit and fitness. All appointments to regular jobs in the classified service must be made in accordance with objective criteria, as measured in competitive examinations.

The merit system provides assurance that jobs will not be awarded on the basis of family relationship, fraternal association, political, religious, ethnic, or racial criteria. Discrimination in employment is prohibited. Candidates are to be given consideration without regard to race, color, ancestry, religion, sex, sexual orientation, age, national origin, physical handicap, medical condition, or marital status.

A merit system helps to ensure that the classified service will be effective in its role in the District's educational programs.

Commission Composition

The Education Code provides for a personnel commission composed of three citizens to oversee the operation of each merit system.

One member is to be appointed by the governing board of the school district; one member is to be nominated by the employee organization which represents the largest number of classified employees; the third member is to be appointed by the first two.

Appointments are for terms of three years and the terms are staggered and expire in the month of December.

Personnel Commission Meetings

FUSD's Commission normally meets the first Thursday of the month. Workshop meetings or special meetings (such as for a hearing) are scheduled as needed. Meetings normally are held at the Education Center located on 4210 Technology Drive, Fremont.

The agenda and minutes for each regular meeting is sent electronically in advance to interested parties including administrators, employee representatives, local newspapers and to general distribution throughout the District. Minutes of the meetings are distributed to the same group.
Employees and their representatives, administrators and members of the public are welcome to attend each meeting. Meetings are conducted somewhat informally in that those in the audience are given the opportunity to comment on items before votes are taken. Other matters may be brought up during the oral communication portion of the agenda. Thus, the meetings are conducted in a "forum" atmosphere.

Oral Communications

Any citizen desiring to speak on a matter which is not scheduled on the agenda may do so under Communications. When addressing the Personnel Commission, each person will state their name; a three (3) minute time limit is assigned to each person who wishes to address the Personnel Commission.

General Functions of the Commission

Among the normal functions of FUSD's Personnel Commission are the following:

A. Serve as governing body of FUSD's merit system, enforcing the merit system and related statutory provisions,
B. Appoint the Director, Classified Personnel,
C. Select commission employees,
D. Adopt a budget, including staffing provisions, for the merit system and office activities, subject to approval of the County Superintendent of Schools,
E. Establish and maintain employee evaluation system,
F. Review and approve qualifications for new classifications, after the Board of Education approves the duties, perform job audits, classification of new positions, reclassification of existing positions,
G. Recommend salary range placement of classifications, to the Board of Education,
H. Approve and establish eligibility lists,
I. Establish rules and regulations affecting the classified service (aside from those contained in relevant labor agreements), pertaining especially to the merit system and the classification plan guidelines,
J. Review and approve various personnel transactions (e.g., transfers, layoffs, rehires, return to works and leaves, process merit step increases); make recommendations to the Board of Education on certain transactions,
K. Serve as a hearing panel upon appeal from employees on appropriate matters,
L. Maintain Seniority lists,
M. Conduct recruitment, screening, examinations, eligible certifications, notify candidates of results, maintain examination material and,
N. Establish and maintain classification specifications, occupational hierarchies, salary surveys, determine employees working out of class.

ISSUE RESOLUTION

There are various ways for classified employees to have their concerns considered by the Personnel Commission.

1. Consult with the Director, Classified Personnel on the particular problem, regarding the most effective way of having it addressed.

2. Address a memo or letter to the Personnel Commission, c/o Classified Personnel Office, 4210 Technology Drive, Fremont, CA 94538.

3. Request placement on the Commission's agenda by calling, or, preferably, writing to the commission through the Director, Classified Personnel at least seven calendar days prior to the Commission Meeting. Identify the subject, supply background information, and indicate the action which you wish the Commission to take.

4. Attend the meetings and express your point of view regarding agenda items, in the "forum" atmosphere mentioned in the foregoing introduction.

RULE 10.00 – WORDS & PHRASES. Words and phrases used in these rules shall have the following meanings:

ACT. – Act refers to pertinent sections of the Education Code of the State of California applicable to the merit system for classified employees. It shall include all of the provisions of Article 6, Chapter 5, Division 3, and such other provisions of the Education Code that are specifically applicable.

ALIGNMENT. – The horizontal grouping of all classes which occupy the same rank within the unit or equivalent levels in the other units.

APPOINTING AUTHORITY. – The Board of Education of the Fremont Unified School District, or such person or persons as the Board may designate to act for the Board regarding appointments.

BENCHMARK RANK COMPARISON METHOD. – The initial method of ranking of positions within occupational hierarchy measuring various given factors, non-quantitavely, relative to the hierarchy benchmark's given rank within each factor.

BOARD OF EDUCATION. – The governing body for the Fremont Unified School District.

CAREER LADDER. – A set of inter-related available classifications in a listing showing subordinate or feeder classifications in ascending order leading to the target class and indicating prerequisite qualifications for advancement.

CERTIFICATION. – The submission of names of eligibles who may be legally appointed from an eligibility list or from some other source of eligibility, to the appointing authority who will make a selection.

CLASS. – A group of positions sharing sufficiently similar duties, responsibilities and entrance qualifications to which the same job title, salary range, and tests of fitness apply.

CLASS SPECIFICATION. – A formal statement containing the official class title; a definition of general functions; a list of examples of duties typically performed by incumbents of the class; and a statement of the qualifications indicating prerequisite knowledges, abilities, education, experience, and any special licenses or certificates.

COMMISSION. – As provided by the Act, the governing body for the merit system in the Fremont Unified School District.

COMPETITIVE EXAMINATION. – An open and/or promotional exam in which candidates who satisfy the entrance or higher requirements are tested as to their qualifications for a particular classification, utilizing objective and impartial criteria.

DISTRICT. – The Fremont Unified School District.

ELIGIBILITY LIST. – A list of persons who have qualified in a competitive examination and are eligible for certification or appointment to a position in a specific classification.

EMERGENCY/SUBSTITUTE EMPLOYEE. – A temporary employee whose substitute or emergency assignment is not to exceed 15 working days, but who may remain on the District's rolls as an administrative convenience.

EXEMPT POSITION. – Part-time playground positions (such as noon supervisors, baby sitters), full time students and part-time students in work experience/work study programs, apprentices and professional experts employed on a temporary basis for specific projects, regardless of length of employment, are not a part of the classified service.

FACTORS AND DEGREE LEVELS. – Refer to definitions appended to Article 15, "Classification Plan".

JOB FAMILY. – A set of related classifications which share a vertical or horizontal relationship in the same series, and in which the qualifications of lower classifications are understood as being encompassed within the higher classifications.

LIMITED TERM EMPLOYEE. – A temporary employee whose appointment is not to exceed six months, or in case of an appointment in lieu of an absent employee, is not to exceed the authorized absence of said employee.

PERMANENT EMPLOYEE. – An employee who has successfully completed the initial probation period.

POSITION. – A group of duties and responsibilities, assigned by competent authority, requiring the full – or part-time employment of an individual.

POSITION EVALUATION. – The process of collecting and analyzing descriptive information for a particular position, in order to apply the benchmark rank comparison method and thus arrive at the appropriate classification level for the position.

PROBATION PERIOD. – The initial six months of service immediately following

appointment to a regular position from an eligibility list (12 months in classified management classifications.

PROBATIONER. – An employee who is serving in a probationary status.

PROMOTIONAL LIST. – An eligibility list resulting from an examination in which only permanent employees of the District may participate.

PROVISIONAL EMPLOYEE. – A person occupying a position pending the establishment of an appropriate eligibility list.

QUALIFICATIONS. – Refer to Class Specifications, above.

QUALIFIYING EXAMINATION. – An exam in which only incumbents of reallocated positions may participate, with the results to be rated as "passing" or "not passing", rather than relatively.

RANK. – The vertical distinction or level within an occupational hierarchy.

REINSTATEMENT. – Reappointment, discretionary to the appointing authority, without need of re-examination within a 39-month period following resignation, with restoration of previous entitlements.

TEST. – Basically equivalent to an examination, whether competitive or qualifying (see above). It may be used as referring to a brief check of specific skill rates such as in typing or shorthand.

TRANSFER.– Refer to the pertinent labor agreement.

Previously revised 10/1984
Last revised 03/2009

ARTICLE 2 – ADOPTION & AMENDMENT OF RULES

RULE 20.00 – RULE-MAKING BY THE COMMISSION. Adoption of rules by the Commission shall be in accordance with the provisions of the Act. (EC 45260; 45261; 45262)

RULE 21.00 – NOTICE. Rules may be adopted or amended at any Commission meeting, subject to the following proviso. Any proposed rule or amendment shall be reviewed and discussed at one meeting of the Commission and not adopted until a subsequent meeting of the Commission, with an interval of at least one week, unless emergency circumstances require that the notice and one week period of consideration be eliminated, in which case the Commission shall indicate the nature of the emergency requiring this action. The requisite reasonable notice to the administration and employee organization is to be accomplished by publication/posting of the commission agenda which lists the item of the proposed rule or amendment, while the text is mailed to packet recipients.

RULE 22.00 – RULE RECOMMENDATION AND CONSIDERATION. Proposed rules or amendments may be submitted in writing for consideration by the Commission, by Commission staff, any classified employee or his/her representative, the Governing Board, the administrative staff, or other interested parties. The Commission shall consider such proposals and act upon them as it deems proper and in accordance with law.

RULE 23.00 – EFFECTIVE DATE. The normal effective date of a rule or amendment shall be the first of the month following action by the Commission, except in instances when longer lead-time will be needed for proper implementation, and shall be indicated as part of the motion.

RULE 24.00 – REVIEW OF RULES. The commission periodically shall conduct informal reviews of the rules to determine the need for amendments.

ARTICLE 3 – PERSONNEL COMMISSION ORGANIZATION & BY-LAWS

RULE 30.00 – ORGANIZATION & ANNUAL ELECTION. The Commission annually shall elect its officers at the first meeting in January.

RULE 30.25 – OFFICERS. The officers of the Commission shall be:

A. Chairperson, whose duty it shall be to preside at all regular and special meetings during the term of office.

B. Vice Chairperson, whose duty it shall be to preside in the event of the Chairperson's absence.

The Secretary to the Commission shall be the Director, Classified Personnel, who serves with ex officio status.

RULE 30.50 – GENERAL DUTIES OF THE DIRECTOR, CLASSIFIED PERSONNEL. The Director shall perform and discharge all of the powers, duties, functions, and jurisdiction which by law or by these rules are vested in him or her. The Commission's office shall be under his/her direction, and he/she shall conduct such administrative transactions not inconsistent with law or with these rules as may be necessary to the functioning of such offices. (EC 45240; 45264; 45266; 45252)

RULE 31.00 – BY-LAWS. The By-Laws shall be as follows:

Meetings - Regular meetings shall be held at times and places determined by the Commission. Whenever a regular meeting is adjourned for lack of a quorum, it shall be rescheduled and held within ten work days if possible. Special meetings may be called by the Chairperson and shall be called upon the written request of two members of the Commission. Notice of special meetings shall be given to the members at least 72 hours prior to the date of such meetings. Meetings shall be open except that the Commission may hold closed sessions to consider employment or dismissal of employees or to hear complaints or charges brought against employees.

Quorum and Majority - Two members shall constitute a quorum for any regular or special meeting of the Commission and the affirmative vote of two members shall be required to make any motion of the Commission effective.

RULE 32.00 – ENFORCEMENT OF THE ACT AND RULES. The Commission shall enforce the provisions of the Merit System Act and of these rules and shall hold such hearings and conduct such investigations as may be necessary to this end. (EC 45260)

ARTICLE 4 – EMPLOYMENT APPLICATIONS

RULE 40.00 – GENERAL. All applicants/candidates shall have the opportunity to seek and obtain District employment without discrimination due to race, religious creed, color, national origin, ancestry, disability, medical condition, employee organization membership or non membership and legal activities related thereto, marital status, sex, age, sexual orientation, or gender identity. Applicants with disabilities protected under law shall be given equal employment opportunity. No maximum age limit shall be set as a condition of initial or continued District employment.

RULE 41.00 – APPLICATION MATERIAL SUBMISSION. All applications for classified employment must be in a Personnel Commission approved format (form). The candidate's application material must be complete, and submitted prior to the filing deadline specified in the job announcement. Applicants wishing to apply for more than one job classification must file a separate and complete application for each such classification. Applications for classified employment are accepted only during the announced filing period unless otherwise indicated. Applications are received for substitute and temporary employment as needed. All applicants must meet all of the established minimum qualifications to be considered a candidate.

RULE 42.00 – CONFIDENTIALITY. The application and exam material are confidential and become property of the Personnel Commission and shall not be returned to the applicant. The names of applicants or unsuccessful candidates in any of the District's selection process shall not be made public. Commission staff shall permit the appointing power or his/her representative to inspect applications of persons being considered for appointment.

RULE 43.00 – REJECTION OF APPLICATION. In addition to the rejection which may occur through screening, the Director, Classified Personnel may refuse to examine an applicant, or, after examination, may withhold the applicant's name from an eligibility list, or after selection, may determine that the applicant is not eligible for employment for any of the following reasons:

A. Previous dismissal (separation for cause) from District employment.

B. Dismissal from previous non district employment for cause if that cause is grounds for dismissal by the District.

C. A record of unsatisfactory service within the District as evidenced by a recent (within the previous 12 months) written reprimand or suspension without pay, or a resignation in lieu of dismissal.

D. Making a false statement or omitting a significant material fact in the application process.

E. Practicing any deception or fraud in seeking employment or in connection with examination process.

F. Obtaining or attempting to obtain, privileged information regarding any examination content.

G. A conviction, either by a plea, verdict of guilty or nolo contendere, or a court decision of a sex or narcotics offense as defined in Education Code 44010 or 44011.

H. Any conviction, other than a sex or narcotics conviction as defined in Education Code Section 44010 and 44011 may disqualify an applicant/ candidate if the criminal conviction(s) is sufficiently serious to require disqualification from employment. The following factors shall be considered in determining whether an applicant/candidate's criminal convictions shall disqualify them: nature, seriousness and circumstances of the offense(s), recency of the conviction, number of convictions, job relatedness of the conviction relative to the classification, and age of the applicant when convicted.

I. A determination that the applicant/candidate is a sexual psychopath.

J. Dishonorable discharge from the Armed Forces of the United States.

K. Refusal to furnish testimony, other than self – incriminating, at a hearing or investigation before the Personnel Commission or Board of Trustees.

L. Unsatisfactory health conditions which clearly indicate that the applicant/candidate is unable to perform the essential job functions with or without reasonable accommodation, or endangers their health or safety or the health or safety of others to the extent permitted under federal and state law.

M. A history of drug addiction without acceptable evidence of rehabilitation to the extent consistent with federal and state laws.

N. Advocacy of the overthrow of the Government of the United States or the State of California by force, violence or other unlawful means.

O. Failure, after notice, to report for review of any of the above causes of disqualification.

P. Failure to report for duty after a position assignment has been certified, offered and accepted.

Q. Conviction of or pleading guilty in court to, a charge of moral turpitude or mistreatment of children.

R. Criminal, infamous, dishonest, immoral or notoriously disgraceful conduct.

S. Failure to provide verification of eligibility for employment in the United

States (Title 8, United States Code).

T. Other reasons deemed sufficient by the Commission.

RULE 44.00 – FINGERPRINTING AND PREVIOUS EMPLOYMENT. The application form shall require each applicant to indicate whether they have been convicted of a crime. If an applicant states that they have been convicted of a crime, then the applicant is required to provide detailed information pertaining to all convictions. All candidates that are recommended for district employment must be fingerprinted prior to employment. An applicant may be disqualified based on the job relatedness and recency of the conviction. Results of the fingerprint record and investigation may be cause for disqualification or release from employment.

RULE 45.00 – MANDATORY REPORTING OF APPLICANT INFORMATION. For legal reporting purposes, questions regarding ethnicity, sex, age, disability and other protected categories under Federal and State laws may be asked of applicants /candidates and may be answered voluntarily. No other information shall be requested relative to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, sexual orientation, age or other protected categories prior to employment. Questions regarding an applicant's knowledge, skills, physical characteristics or other characteristics to successfully perform job duties may be asked.

RULE 50.00 – RECRUITMENT AND SELECTION PLAN DEVELOPMENT. The Personnel Commission shall direct and administer the employment selection examinations for the purpose of creating eligibility lists for the Classified Service.
The Commission staff prescribes the relative weights of the various exams utilized to determine the total examination score, subject to Commission review. The Personnel Commission staff shall develop a recruitment and selection plan when a position becomes vacant, an approved personnel requisition is received, and no eligibility list for the classification exists. The recruitment and selection plan shall entail reviewing the current job classification information available; minimum qualifications for education and experience, the recency and job relatedness of existing written and/or electronic exams, performance exams and oral interview exams. Input may be solicited from subject matter experts, including position incumbents and their supervisors as well as interested parties such as bargaining unit representatives. The Personnel Commission (staff) will establish classification qualifications which are job related and do not reject qualified candidates. The recruitment plan will strive to attract qualified applicants from a diversity of sources including; district employees, newspapers, flyer distribution to district worksites, appropriate professional journals, recruitment websites, e.g. EDJOIN, employee networking, and by other methods as deemed appropriate.

RULE 51.00 – RECRUITMENT & EXAMINATION ANNOUNCEMENTS.
Recruitment and examination announcements may communicate the following items except where these rules may provide otherwise: reasonable information concerning classification title, salary range, and such details as location, work year, and hours per day when they are known. If the announcement is of a general nature, such details need not be reported. Such parts of the class description as will adequately describe the nature of the work, scope of duties and responsibilities, minimum and desirable education and experience qualifications, the deadline for filing the required application material, and other job related information that will assist employees and applicants from the general public in understanding fully the nature of classification and the procedures necessary to participate in the examination process will be included in the announcement.

RULE 52.00 – GENERAL EXAM INFORMATION. The Personnel Commission and its staff maintain the District responsibility to recruit and retain highly qualified applicants/ candidates for the District classified service. Commission staff will strive to effectively monitor district staffing levels by classification, the number of current vacancies in classifications and the attrition rates for the classifications. When practical, Commission staff will provide continuous recruitment and testing for classifications with high vacancy and attrition rates. In classifications with lower vacancy and attrition rates, staff will endeavor to establish and maintain viable eligibility lists to minimize the "time to fill" classified positions. The Commission staff shall determine the appropriate type and content of the examination. If needed, and subject to Commission authorization, the Director, Classified Personnel may secure the assistance of any competent person or agency outside the District service.
The type and content of examinations are designed to assess a candidate's qualifications in relation to the classification (job) requirements. Some of the exam test methods that may be utilized include; application screening exams, written and/or electronic exams, performance exams, oral interview exams, or any combination of these exams.

Any exams/tests of technical knowledge, manual skill or physical and mental fitness which in the judgment of the Director and Commission are appropriate may be utilized. Performance evaluations prepared by the immediate supervisor may be considered in evaluating an employee's general fitness. Candidates may be required to attain a designated minimum rating in each part or in combined parts of the selection process to qualify for participation in succeeding examinations.

RULE 52.10 – EXAMINATION LOCATIONS. The examinations shall be held at such places as may be deemed practicable, given the type of examination, the nature of the position(s), and the anticipated number of candidates. All candidates in any examination must take the examination on the prescribed date(s) and under the same or similar conditions unless otherwise approved by the Director.

RULE 52.20 – CONFIDENTIALITY. Examination records shall be confidential. If there is reason to review the records, the identities of applicants, candidates and panelists shall be redacted appropriately. The content of pending examinations shall be maintained under strict security.

RULE 52.30 – RECORD RETENTION. Examination records (paper screening examination summaries, written and/or electronic exams, written test summaries and/or electronic exam summaries, oral interview rating sheets and summaries, overall rating sheets and eligibility list) involving applicants and candidates shall be retained for a period of one year from their creation.

RULE 52.40 – RESULT NOTIFICATION. Applicants whose application material successfully passes the paper screening exam phase shall be notified of subsequent exam phases and dates. Applicants/candidates shall be provided reasonable notification of the next examination (phase), and the notification shall indicate the date, time and location of the examination; such notice shall be the applicant's authorization to take the examination. Applicants and candidates bear the responsibility to provide the current contact information. Failure to provide current contact information may result in the District's ability to process or consider the applicant/candidate further. At the conclusion of the examination process, each candidate shall be notified of the results of the examination. A copy of the eligibility list shall be posted at a convenient location in or near the Classified Personnel Office accessible to the public and employees.

RULE 52.50 – EXAM ADMISSION. Each candidate must provide personal identification (photo ID) at the time of any of examination admittance if so requested to verify their identity. A candidate shall not be admitted to any exam without authorization and the provision of satisfactory evidence of their right to compete in the exam. An applicant/candidate who is unsuccessful in an examination process shall not retake the examination more than twice during a 180 calendar day period. (Excluding Bus and Van Drivers).

RULE 53.00 – OPEN COMPETITIVE. Open Competitive recruitments shall allow the receipt of application material from members of the general public as well as district employees unless proscribed otherwise in these rules.

RULE 53.10 – CONTINUOUS EXAMINATIONS. When the vacancy and attrition rates are high, the Director shall authorize recruitment for continuous examinations. Continuous recruitment and examination process shall be conducted in accordance with job related principles and techniques used in the establishment of other eligibility lists. Resulting eligibility lists shall be merged with previously created eligibility lists for the classification, with ranking based upon overall scores of the eligibles. Discontinuance of continuous examination procedures for any class may occur by action of the Personnel Director.

RULE 53.20 – TYPES OF EXAMINATIONS. Examinations shall be prepared and conducted under the direction of the Director and Personnel Commission. Exam weighting and passing points shall be established impartially by Commission staff.

RULE 53.30 – APPLICATION MATERIAL SCREENING (PHASE). An objective screening of applicant material (paper screening) may constitute the initial phase of the competitive examination. The purpose of the Application Material Screening Exam is: (a) to identify applicants who do not meet the minimum qualifications and (b) to identify applicants possessing (desirable) qualifications which exceed the minimum qualifications for the classification. The Application Material Screening is performed by the Commission staff members. Permanent District employees whose qualifications clearly satisfy the established minimum qualifications (experience and education) for the classification shall be advanced to the next examination stage (normally a written and/or electronic exams,).

RULE 53.40 – WRITTEN EXAMINATION AND/OR ELECTRONIC EXAM, (PHASE). Instructions regarding the written and/or electronic examination shall be made under uniform circumstances for all candidates. Specific questions shall not be explained to any individual candidates. Written and/or electronic exam test proctors are prohibited from explaining questions or making remarks relating to any question that may unfairly assist candidates. Communication among candidates during an examination is strictly prohibited. Candidates are forbidden to receive aid from one another or to use any unauthorized help in any form. Before the commencement of a written and/or electronic examination, candidates shall be required to turn in to the exam proctor any materials in their possession which might aid them in the examination, unless such materials are expressly permitted as part of the examination process. Evidence of copying or collusion by a candidate shall result in disqualification of the candidate in that selection process and future selection processes. Copies of examination questions shall not be made or taken from the examination room. Written and/or electronic examinations shall be so managed that none of the written and/or electronic examination papers shall disclose the name of any candidate until all examination papers of all candidates in a given examination are marked and rated.

Any candidate in any examination who places any identifying mark upon his or her examination papers (other than the identifying mark prescribed at the time of the examination), or who makes any attempt to disclose to others the identity of his or her papers prior to the completion of the examination may be deprived of all benefits under such examination. Candidates (including district employees) must receive an overall

minimum written and/or electronic exams score of 75 (%).

RULE 54.00 – ORAL INTERVIEW PHASE. An Oral Interview exam is a major determinant of candidate merit. The purpose of the Oral Interview (examination) is to review and appraise a candidate's job related knowledge, skill, willingness, and types and level of education and experience. The oral interview examination for general fitness may be administered but only as one component in conjunction with other instruments.

RULE 54.10 – ORAL INTERVIEW PANEL COMPOSITION. Oral interview panels may consist of a minimum of two panelists. The Commission staff shall determine the final number of panelists required to conduct each oral interview examination, and shall select and appoint such panelists. A District employee or Commission staff member may serve on an interview panel if the employee is not at the first level of supervision over a vacant position in the classification for which the exam is being held. The Oral Interview panel shall include a member of the Commission staff or a qualified alternate designated by the Director, and may include one or more employees of the district, of another governmental agency, from private business, or a community member.

RULE 54.20 – ORAL INTERVIEW PANEL PROCEDURES. It is preferred that all members of the panel examine all candidates. In exceptional circumstances it may be necessary to proceed when not all panelists are present or when rotation of panelists has occurred. Scores achieved by the candidates in the written and/or electronic examination or performance examinations shall not be revealed to interview panelists. Candidate Ratings shall be made on forms prescribed by the Director/Personnel Commission. Each oral interview panelist shall sign and date their rating forms. Oral interview panelists must sign a Confidentiality statement that insures candidate and exam material confidentiality. Ratings of education, experience and other qualification shall be made primarily against a specified standard when rating either a technical or a general fitness oral exam, but with due consideration to measurable differences among candidates. The term "qualifications" includes relevant knowledge and abilities as specified in the published classification description. When rating candidates' education and experience, the panelists shall consider the quality, length, and type of such education and experience as they are related to the classification.

RULE 54.30 – GENERAL FITNESS ORAL EXAMINATIONS. In the case of a general fitness examination, panelists must be generally familiar with the work of the class and otherwise competent to assess the overall fitness of candidates.

RULE 54.40 – TECHNICAL KNOWLEDGE ORAL EXAMINATIONS. An oral examination of technical knowledge and skills may be administered. In the case of a technical oral examination, at least two of the panelists must possess reasonable (subject matter) expertise in the occupation for which the exam is being conducted.

RULE 54.50 – ORAL INTERVIEW PANELIST WAIVER/DISQUALIFICATION. If a candidate is related by blood, by adoption, or is/was related by marriage to any oral interview panelist, it shall be the duty of the panelist and of the candidate to reveal such relationship. If an oral interview panelist is related to a candidate then the oral interview panelist shall be disqualified from rating the specific candidate. This information shall be

recorded appropriately on the rating sheet.

RULE 54.52 – ORAL INTERVIEW PANELIST WAIVER. If an oral interview rater knows a candidate and believes they cannot be objective or impartial in rating the candidate, then the oral interview panelist must "waive" rating the candidate.

RULE 54.53 – CANDIDATE REQUESTED WAIVER. If a candidate knows an oral interview rater and believes the rater cannot be objective or impartial in rating them, then the candidate shall express their concern and request that the oral interview panelist "waive" rating their interview. Normally in such cases the oral interview rater shall leave the interviewing room during the candidate's interview. The oral interview panelist is not allowed to share information with other raters.

RULE 54.60 – ORAL INTERVIEW SCORING. Ratings shall be made on forms prescribed by the Commission staff, signed by the panelist, and submitted to the Commission staff participant or representative. Each interview panelist shall independently rate each candidate. Ratings shall be made independently by each panelist prior to any group discussion.

RULE 54.61 – CANDIDATE DISQUALIFICATION. & MINIMUM QUALIFYING SCORE. If an oral interview panelist judges that a candidate fails to meet the established minimum standards for the classification, then they shall rate the candidate a score of 65%. Likewise, the oral interview panelist shall specifically and clearly identify job related reasons why, in their judgment the candidate does not meet the minimum qualifications. The panelist shall record the reasons for such rating on his/her rating sheet and to sign the same.

Candidate ratings by oral interview panelists shall be expressed as percentages. The average of the oral interview panelists ratings shall be calculated to determine each candidate's total overall oral interview score (percentage). This calculation shall not include "waived" candidates or rating decisions that may be shown to be biased. A candidate must acquire a 70% average in the oral interview examination. If two or more oral interview panel members judge that a candidate fails to meet the minimum qualifications and scores the candidate 65%, then the candidate shall be deemed unqualified and shall not become part of an eligibility list for the classification.

RULE 55.00 – EXAM RESULT CONSOLIDATION AND CANDIDATE RANKING. At the conclusion of the examination process for a classification, Personnel Commission staff shall assemble and consolidate each candidate's score on each of the examination phases (normally written and/or electronic exams, oral interview exam(s) and performance exam if applicable). This consolidation shall take the appropriate exam scores and calculate the basic overall (exam process) percentage of each candidate. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles.

RULE 56.00 – QUALIFICATION FOR EMPLOYEE CREDITS. Employee credit points shall be applied only to regular (permanent) District employees. Permanent employees of the District occupy positions in the Office/Technical, Aide or Operations & Support Units and must achieve an overall passing score for exams in order to qualify for employee

credits.

RULE 56.10 – NUMBER OF CREDIT POINTS. Regular district employees who successfully pass all exam phases shall receive credit points as follows:

A. CSEA Represented Classifications

1) For overall score of 75 to 84, 6 points
2) For overall score of 85 and above, 7 points.

B. SEIU Represented Classifications

1) For overall score of 75 to 84, 6 points
2) For overall score of 85 and above, 7 points.

RULE 57.00 – VETERAN'S CREDIT POINTS. Veterans' preference points shall be granted only for entry-level positions (All positions with the exception of supervisory and management).

RULE 57.10 – QUALIFIED VETERANS. "Veteran" 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) between the following dates:

December 7, 1941 to December 31, 1946	World War II
June 27, 1950 to January 31, 1955	Korean War
August 4, 1964 to May 7, 1975	Vietnam War
August 2, 1990 to February 28, 1992	Persian Gulf
September 11, 2001 to Present	Global War on Terrorism

"Disabled veteran" means any veteran, who is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of service in the armed forces.

RULE 57.20 – VERIFICATION OF ELIGIBILITY. Applicants shall apply for veteran credits at the time they submit their application by completing the appropriate section of the district application. Should an applicant fail to request the credits at that time of their application they waive their right to request the credits. An original or a certified copy of DD Form 214 (Honorable Discharge document) showing satisfactory military service, as defined in Section 18973 of the California Government Code, must be submitted prior to the conclusion of the final examination. Failure to submit DD Form 214 shall result in the applicant not being given veteran's credit points. Those claiming additional preference as disabled veterans must submit proof of current disability. Proof of disability shall be deemed conclusive if it is on record in the United States Veterans Administration.

RULE 57.30 – VETERANS CREDITS. Qualifying veterans who become eligible for appointment by attaining the passing score for the entire examination process shall be provided an additional five point credit. Qualifying disabled veterans who become eligible for appointment by attaining the passing score for the entire examination

process, shall be provided an additional ten point credit.

RULE 58.00 – USE OF PREVIOUS EXAMINATION RESULTS. Permanent district employees desiring to use previous examination scores shall make a written request to the Director and file an updated application form for the classification prior to the filing deadline. Permanent District employees may use previously acquired examination scores under the following circumstances:

A. Written and/or Electronic Examination – If the same, or reliably similar, written and/or electronic examination is going to be used in the current selection process and if the request is being made during a period that does not exceed three years from the date the examination was previously administered. When a permanent employee of the District elects

to be re-examined rather than to have the previous examination results re-utilized, the higher of the two scores shall be used.

B. Skilled (Speed) Test score – Skill-speed rates (e.g., typing and similar tests) may be re-used for a period not to exceed three years from the date that the speed test was administered (applies to external applicants as well). If an employee's current classification requires a speed level equal to or greater than the level required for the classification being processed, the skilled test shall be waived.

C. Performance exam scores – Performance examination scores shall not be re-used due to difficulty in insuring test reliability (content and rater consistency).

D. Oral Interview exam scores – Oral interview examination scores shall not be used due to difficulty in insuring test reliability (content and rater consistency)

RULE 59.00 – MEDICAL OR PHYSICAL EXAMINATION. When a medical examination for initial or subsequent employment is required, it shall be taken at such time as the Director, Classified Personnel shall designate and at the District's expense. Any candidate who is unable to meet the established medical or physical essential standard shall undergo the interactive process to determine whether appropriate accommodation can be made.

RULE 59.10 – ERRORS IN PROCESS. An appointment made in good faith from an eligibility list believed to be correct at the time of appointment shall not be invalidated if an error is later discovered in the grading of the examination papers or in the processing of the applications. Applicants and candidates may officially question selection/ screening decisions by summarizing their concerns in writing to the Director, Classified Personnel. The applicant/candidate must provide specific information as to their issue and their proposed remedy. The Director, Classified Personnel shall research the candidate's concern and respond in writing indicating the finding of the research. The Director has the discretion to correct any error. Following the settlement of any disputed items, the results of examinations shall be adjusted accordingly.

Previously revised, 07/1983, 09/1989 Last revised 11/2008

RULE 60.00 – ESTABLISHMENT AND DURATION OF ELIGIBILITY LISTS. After the examination process for any classification is completed, the names of successful candidates shall be placed on the eligibility list in the order of their qualifying scores (rounded to the nearest whole number). The eligibility list thus created shall become effective as of the date it is compiled, subject to subsequent approval by the Commission.

The purpose of an eligibility list is to establish and maintain an efficient system to assure that the proper rank(s) are processed in accordance with the "rule of three" process detailed in the certification procedures.

The duration of an eligibility list is one year from its establishment. Extension of eligibility lists shall not exceed one year and must be authorized by the Commission.

RULE 61.00 – TERMINATION OF AN ELIGIBILITY LIST.

An eligibility list is automatically terminated one year from the date of its development unless extended by the Commission.

An eligibility list is automatically terminated when no eligibles remain on the list.

Any individual on an expiring eligibility list must compete in accordance with existing rules (Rule 58). When an eligibility list expires it is not required that Personnel Commission staff notify eligibles of the expiration of the eligibility list.

If after the establishment of an eligibility list, there are not three ranks available for consideration by the immediate Supervisor, then the immediate Supervisor may interview the "willing and available eligibles" and recommend one of the eligibles for District employment, or if the immediate Supervisor does not make a recommendation they may request the establishment of a new eligibility list.

Depending on the number of ranks the immediate Supervisor interviewed (one or two) the remaining ranks (to assure the availability of three ranks) will be taken from the new eligibility list so the immediate supervisor has a total of three ranks from which to choose. Once the new eligibility list is established the immediate Supervisor will only get to interview in accordance with the "rule of three". The eligibles not selected by the immediate Supervisor will be merged with the new eligibility list and their eligibility will expire at the end of their one year of eligibility.

RULE 62.00 – DUTIES OF ELIGIBLES. The following provisions summarize the duties and responsibilities of individuals who are on an eligibility list.

RULE 62.10 – CURRENT CONTACT INFORMATION. It shall be the duty of every eligible to update their current email address, primary telephone contact number and mailing address with the Personnel Commission staff.

Rule 61 revised 2/2019.

It shall be the responsibility of each eligible to respond promptly (to certification) and in accordance with these provisions.

Eligibles will be expected to respond to Personnel Commission staff within the following time frames;

A. Responses to email communication – by the end of the next business day following the sending of the email (the District's preferred method of communication), or

B. Response to telephone call or message – by the end of the next business day following the making of the call or leaving a message, or

C. Response to regular mail communication – within five working days following the mailing of the communication.

Failure of the eligible to respond within the above-stated timeframes will be deemed an automatic waiver of certification and the Commission staff may certify the next eligible if another rank is required to be compliant with the rule of three.

These responsibilities will be communicated in writing by Personnel commission staff to individuals.

RULE 62.20 – CONTENTS OF AN ELIGIBILITY LIST.

An eligibility list shall contain;

A. The names of all eligibles in final rank order (based on examinations),

B. The expiration date of each eligibles eligibility,

C. The date the eligibility list was ratified by the Personnel Commission and,

D. The signature of the Personnel Commission designee attesting to the accuracy of the information on the eligibility list.

ARTICLE 7 – ELIGIBILITY LIST CERTIFICATION

RULE 70.00 – PURPOSE OF CERTIFICATION. The purpose of certification (of eligibles) is to establish and maintain a fair and equitable system for determining the eligibles' willingness and availability to consider district employment.

RULE 71.00 – RULE OF THREE RANKS. One of the primary tenets of the Merit System is the process known as the Rule of Three. All eligibles with the same score shall be placed appropriately in the same rank. Certification from the eligibility list shall be from the first three (3) ranks of eligibles who are ready and willing to accept positions to be filled in the classification.

RULE 72.00 – REQUEST FOR CERTIFICATION. A Request for Personnel form (Personnel Requisition), that has been approved by the District's Assistant Superintendent of Business and Assistant Superintendent of Human Resources is required for certification of eligibles to an immediate Supervisor.

Following the posting of vacancies and consideration of transfer candidates (in accordance with the Education Code), Personnel Commission rules, and negotiated agreements, and any other eligibles who would take precedence over the eligibles from the list, certification from the eligibility list shall be made by Commission staff.

RULE 73.00 – CERTIFICATION OF NAMES. Commission Staff shall certify to the immediate Supervisor the names and primary telephone number(s) of the eligibles in the highest three ranks on the eligibility list for the classification to which the position belongs. Eligibles must indicate willingness and availability to accept the conditions of employment specified.

RULE 74.00 – WAIVERS BY ELIGIBLES. Eligibles are given some flexibility before being removed from an eligibility list for being unavailable. Eligibles may "waive" certification in accordance with the following provisions.

RULE 74.10 – WAIVER OF CERTIFICATION. An eligible may for reasons satisfactory to the Director, Classified Personnel, waive appointment after certification, but after three position selective waivers his/her name shall be removed from the eligibility list for that class and he/she shall not be eligible for further certification from that list. In the extraordinary cases where waivers are caused by circumstances beyond the control of the eligible, the Director, with the approval of the Commission, may restore the eligible to the list on satisfactory explanation of the reason for the waiver.

RULE 74.20 – POSITION WAIVER. Eligibles may choose to waive certification for a position to which they are being certified.

RULE 74.30 – INACTIVITY WAIVER. An eligible may, at any time, have his/her name temporarily inactivated from the eligibility list by giving in writing or email reasons satisfactory to the Director. His/her name may be reactivated to the list at the discretion of the Director upon written request of the eligible during the period the list remains in effect.

RULE 74.40 – NEXT IN RANK AFTER WAIVER. Whenever an eligible has been certified to an immediate Supervisor and such eligible waives appointment, Commission staff shall certify the next highest eligible/rank.

RULE 75.00 – NOTIFICATION OF ELIGIBLES.
It shall be the duty of the Commission staff to:

A. Provide reasonable notice to the specified three highest ranks of eligibles regarding the vacancy;

B. Inquire as to the eligible candidate's interest and availability; and

C. Refer the eligible candidate for an interview with the immediate Supervisor.

In appropriate instances, the contacting of eligibles may be delegated, subject to the Commission staff's review. Reasonable notice is deemed to be given when staff emails the eligible and then attempts telephone contact, including, where practicable, calling beyond normal business hours and leaving messages at the primary phone number. When time permits, notification by mail may be made. The process is that the eligibles are certified to the immediate supervisor then the immediate Supervisor interviews the individuals and makes a recommendation.

Failure of the eligible to respond within the required timelines in these rules will be deemed an automatic waiver of certification and the Commission staff may certify an additional name in lieu of the name of such eligible.

RULE 76.00 – REPORT OF APPOINTMENT. Whenever an eligible is recommended for appointment following a certification of names, it shall be the duty of the immediate Supervisor to make an immediate report in writing (email) of the recommendation to the Director.

RULE 77.00 – ELIGIBILITY AFTER APPOINTMENT. When an eligible is appointed to a permanent position, his/her name shall be removed from the eligibility list. When an eligible is appointed to a part-time or limited term position, the name of said eligible shall be continued on the eligibility list for certification to a full-time or permanent position in the order of his/her eligibility notwithstanding the part-time or limited term employment.

Acceptance or rejection of assignment to an emergency or limited term position shall not affect the eligibility of any applicant for a regular appointment when the applicant's name is reached on the eligibility list.

RULE 78.00 – REMOVAL OF ELIGIBLES.

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

A. Failure to respond within the timelines specified in these rules,

B. Failure to respond for a scheduled interview with an immediate Supervisor after certification,

C. Refusing an employment offer after having been properly certified as eligible and available for appointment,

D. Written request of removal by the eligible,

E. Failure by the eligible to provide Personnel Commission staff current contact information (email address, primary telephone number(s) or mailing address

F. Failure to pass a reference check with previous or current employers and/or supervisors; including three (3) positive references.

G. Failure to provide the District true and correct answers and statements on all District materials including employment application or supplemental to it or,

H. For termination of employment including probationary or at-will employees.

If an eligible is certified from the same eligibility list three separate times and is passed over by the immediate Supervisors on all three occasions, in favor of the other eligibles certified, his/her name may be permanently removed from the list by the Director under the following circumstances.

In such cases, the Director will ask the respective manager(s), who have interviewed and considered the eligible, for a written and/or electronic assessment of the eligible's prospects including an indication of specific deficiencies. If, in the Director's discretion, there would be no further advantage to the eligible in continuing on the list, the Director shall so notify the eligible in writing, indicating the reasons for removal. The eligible may appeal the removal decision to the Personnel Director and shall be informed by the Director of his/her right to do so.

RULE 80.00 – CLASSIFIED SERVICE. Positions in the classified service are divided into two basic types: regular employment and temporary employment. All appointments to the classified service shall be made in accordance with procedures subject to merit system laws and principles and Commission rules.

RULE 81.00 – EMPLOYMENT IN CLASSIFIED SERVICE AND EXEMPTIONS. The classified service comprises all positions which have been established by the Board of Education to carry out the ordinary, continuing services in support of the district's educational functions and operations.

RULE 82.00 – SPECIFIC EXEMPTIONS. Exempt employment is not covered by competitive merit system provisions. Duties in exempt positions shall fall clearly outside the scope of those in the classified service.

A. Student Employment.

High school students, and, in appropriate instances community college students, may be hired to assist regular employees, for the purpose of performing duties of a nature which normally would not be performed by the regular employee or which would be appropriate for delegation by the regular employee. The student's employment does not continue beyond the summer in which he/she graduates.

B. Noon Supervisor.

Noon supervisors fall within the statutory exemption of "playground supervisor" who perform monitoring duties for brief periods per day. Also encompassed within this exemption are related positions including Baby Sitters.

C. Coaches.

Non-certificated coaches perform the same duties as certificated coaches.

Professional Experts.

In rare circumstances, there may be temporary exemption for a professional expert. The work in demand must qualify on one of the following grounds, which must be presented to the Commission along with the request for approval of such temporary designation.

1. Work calling for unique or rare abilities, skills or knowledge such as would not be feasible for recruitment or examination.

2. Work calling for advanced learning in a recognized field.

3. Work calling for other criteria of exceptional nature which may be specified by the Commission.

The duration of the appointment shall be limited by the Commission according to the objective to be accomplished, allowing for renewable increments, for a total duration not to exceed two years.

RULE 83.00 – CONSULTANT AGREEMENTS. A "consultant" can be either an "Independent Contractor" paid through Accounts Payable, or an "Employee" paid through Payroll and processed through the Personnel Department. Internal Revenue Service (IRS), State Teachers Retirement System (STRS) and Public Employees Retirement System (PERS) guidelines determine who is an "Independent Contractor" (paid through Accounts Payable) or an "Employee" (Limited Term Employee-Consultant processed through HR and paid through Payroll).

RULE 83.10 – REPORT OF CONSULTANT ARRANGEMENT. The Director shall be provided information by the Business Services Division on request concerning contractors, firms or other providers who have been paid for, or are providing, noncertificated services, showing amounts paid, dates of services, and services performed.

RULE 84.00 – TYPES OF EMPLOYMENT STATUSES. The following types of employment statuses exist and are specifically addressed regular, temporary, limited term, provisional, substitute and emergency.

RULE 84.10 – REGULAR EMPLOYMENT. Entrance to regular employment status may be obtained only through an established eligibility list. Once employment has been obtained through an eligibility list, the employee may transfer to same-class positions, or utilize other procedures within the labor agreement provided such procedures are in accordance with merit system laws and principles, and Commission rules.

A. Probationary Employee. The initial six months of service (12 months for classified managers) in the district is probationary service. After attaining permanency, although an employee later may be selected for a different classification and must serve a six-month probation period as to that classification, he/she retains permanent status in the classified service. If a probationary employee is selected for a different class prior to attaining permanency, the employee must satisfactorily complete the full probationary period in that different class, in order to attain permanency in the classified service.

B. Permanent Employee. A permanent employee is one who has satisfactorily completed the initial probation period. Permanent employment normally may not be terminated by the district except by layoff in accordance with the Education Code and labor agreement, or following disciplinary action in accordance with the Education Code and Commission rules.

RULE 84.20 – TEMPORARY EMPLOYMENT. Three basic types of temporary employment are permitted: Limited Term, Provisional and Emergency/Substitute.

RULE 84.30 – LIMITED TERM APPOINTMENTS. Duration of a limited term appointment shall not exceed six months or, in the case of an appointment in lieu of an absent employee, shall not exceed the authorized absence of said employee. Unless the appointing power terminates a limited term employee before the last day of the term, the employee shall automatically be terminated at that time. Temporary reassignment programs involving regular employees shall conform with limited term appointments.

RULE 84.40 – PROVISIONAL APPOINTMENT. When certification of eligibles has been requested in accordance with these rules and there is no eligibility list from which to certify, the Director, Classified Personnel may authorize the appointing power to fill such positions by provisional appointments in accordance with Sections 45287, 45288 and 45299 of the Act. Until such permission has been given, no authority exists in the appointing power to make a provisional appointment.

A. Provisional appointees must meet the minimum qualifications prescribed for the class. The appointee must complete the official FUSD application form along with any other documents which may be required to substantiate qualifications for review by the Commission staff.

B. The services of provisional appointees who have failed to qualify for a position in their class after having taken an examination for such position shall be terminated with 15 calendar days after the date on which an eligibility list has been established for such position provided this 15 day period does not extend beyond the provisional limit of 90 working days.

RULE 84.50 – EMERGENCY/SUBSTITUTE APPOINTMENTS. Temporary employees may be appointed on an emergency basis either from among eligibles or non-eligibles, to prevent the stoppage of public business and to provide substitute employees during brief absences of regular appointees. Such emergency and substitute assignments are not to exceed 15 working days provided, however, that the emergency/substitute appointees may continue on the District's rolls as an administrative convenience in lieu of continual termination and re-hire.

ARTICLE 9 – RESIGNATIONS

RULE 90.00 – SUBMISSION OF RESIGNATION. When a classified employee desires to leave District employment and resign his/her position, the resignation shall be submitted in writing simultaneously to the immediate supervisor and the Director of Classified Personnel. A classified employee's resignation shall be final upon receipt by the Director, Classified Personnel with subsequent ratification by the Board of Trustees. The letter of resignation shall include the last day in paid status, and the reason for the resignation. The Director, Classified Personnel or designee may conduct an exit interview with the employee.

RULE 91.00 – ADVANCE NOTICE OF RESIGNATION. Classified employees are expected to provide the District with at least two (2) weeks notice of their intent to resign. Management classified employees are expected to provide at least four (4) weeks notice to the District.

RULE 92.00 – RESIGNATION AND EFFECTS ON ELIGIBILITY LISTS. A resignation relates only to the specific position from which the employee resigns. The resignation does not impair his/her rights on other eligibility lists.

RULE 93.00 – RESIGNATION FOR ABSENCE WITHOUT LEAVE. An employee who fails to follow established absence reporting procedures for three consecutive working days, shall have voluntarily resigned their position for absence without approved leave. An employee who fails to return from a leave of absence within three working days after the expiration of an authorized leave shall be absent without leave. Such absence without leave shall be deemed an automatic resignation. In the event there are extenuating and compelling circumstances to the employee's absence and lack of communication, the employee must submit such information to the Director of Classified Personnel. The Director shall evaluate the information and decide the appropriate action.

ARTICLE 10 – FORMER EMPLOYEE REINSTATEMENT

RULE 100.00 – FORMER EMPLOYEE REINSTATMENT AFTER RESIGNATION. A permanent classified employee who voluntarily resigns in good standing may request to be placed on a reinstatement list. Former employees placed on the reinstatement list do not undergo further competitive examination within 39 months after his/her last day of paid service. Upon reinstatement, the break in service shall be disregarded and he/she shall assume his/her previous status and have restored to him/ her all rights, benefits and burdens of a permanent employee e.g., previous step placement, longevity, leave accrual rates.

Reinstatement is a privilege and not a right. Placement on the reinstatement list is recommended by the Director, Classified Personnel with the approval of the Personnel Commission.

RULE 101.00 – RESIGNATION BY PROBATIONARY EMPLOYEE. A probationary employee who resigns their position while in good standing may be returned to his/her original place on the original eligibility list at the discretion of the Director, Classified Personnel.

RULE 102.00 – REINSTATEMENT AFTER SERVICE IN THE CERTIFICATED SERVICE. A permanent classified employee who accepts a position in the certificated service of the District shall have the privilege of reinstatement to his/her former permanent position in the classified service upon termination of the certificated position.

RULE 103.00 – REINSTATEMENT AFTER SERVICE IN ANOTHER CLASS. A permanent classified employee who accepts a position in the classified service under provisional or limited term appointment in another class shall have the privilege of reinstatement to his/her former permanent position in the classified service upon termination of the provisional or limited term appointment.

RULE 104.00 – REEMPLOYMENT (REINSTATEMENT) LIST PROCEDURES. Personnel Commission Staff will maintain reinstatement lists by classification. Selection of the former employee for a vacant position is discretionary on the part of the immediate supervisor with a position vacancy and there is no obligation on the immediate supervisor's part to fill a vacancy by reinstatement.

If individuals have been laid off by the District they will be placed in vacant positions and have priority over individuals on the reinstatement list.

ARTICLE 11 – PROBATION PERIOD

RULE 110.00 – LENGTH OF PROBATIONARY PERIOD. Initial employment in a classification shall be in a probationary status. The normal period of probation shall be for six months, except that for classified management employees, the period shall be for 12 months. This probationary period shall not include time served in emergency (substitute), provisional or limited term appointments but shall date from the beginning of service in a regular position after appointment from a valid eligibility list. For part-time positions, duration of the probation period is the same as for full-time positions. Duration of a probation period is exclusive of the period of a leave of absence. (EC 45301)

RULE 111.00 – REPORT OF PERFORMANCE. It shall be the duty of the appointing authority (immediate supervisor) during an employee's probation period to investigate thoroughly the employee's performance, capacity, moral responsibility, and integrity to determine whether or not the employee is fully qualified for permanent status. A report is to be made to the Board of Education on the prescribed evaluation form and filed in the Classified Personnel Office at the end of the second and fifth months and at the end of the eleventh month for classified managers.

RULE 113.00 – TERMINATION OF PROBATIONARY SERVICE. If the probationer (who previously has not attained permanency in the classified service) is found to be unsatisfactory with respect to performance, capacity, moral responsibility, integrity, or other essentials, it shall be the duty of the appointing power to reject him or her from the service and report the rejection together with the reasons therefore in writing to the Director, Classified Personnel. There shall be no appeal from such rejection. (EC 45305)

RULE 115.00 – REINSTATEMENT OF PROBATIONER TO FORMER POSITION. A permanent employee who has vacated a position to accept another position in a different class and who does not pass the probation period shall be reinstated in the former position. The incumbent of such position at the time of reinstatement of the unsatisfactory probationer shall be transferred to a vacant position in the same class if such exists or shall be restored to his or her previously held position in the District or to the eligibility list from which appointed, if no previous position was held. Any employee displaced by such restoration to a previously held position shall have similar rights of displacement. (EC 45305)

ARTICLE 12 – VOLUNTARY DEMOTIONS

RULE 125.00 – VOLUNTARY DEMOTION. A permanent classified District employee may request a voluntary demotion to a lower (salary range) related classification (in the same job family) for which they qualify. The employee must make a written request of the Director Classified Personnel, stating the reasons in writing. Upon approval by the Director Classified Personnel the request may be granted by the Commission without prejudice. Any immediate Supervisor who will be affected will be provided information regarding the voluntary demotion.

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Last revised 07/2009

ARTICLE 13 – SUSPENSION, DEMOTION AND DISMISSAL, APPEAL & HEARING
(EC 45116; 45302-45307; 45311-45313)

RULE 130.00 – CAUSES OF ACTION. In accordance with the Education Code, employees may be suspended, demoted, or dismissed for any of the following causes:

A. Incompetency, inefficiency, insubordination, inattention to or dereliction of duty, discourteous treatment of the public or of fellow employees, or any 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 Education or the Personnel Commission pursuant to it; provided that specific instances must be set forth as to any of the causes enumerated under this heading. (EC 45116)

B. Dishonesty, habitual drunkenness or drunkenness on duty, immoral conduct, addiction to narcotics or the illegal use of same; gambling on school property or smoking in prohibited areas at prohibited times.

C. Political activities engaged in by an employee during his/her assigned hours of employment.

D. Conviction of a felony or of any crime involving moral turpitude; a record of one or more convictions which indicates that the person is a poor employment risk; failure to disclose material facts regarding criminal records.

E. Falsifying any information supplied to the District, including but not limited to, information supplied on application forms, employment records, loyalty oaths, time sheets or cards, absence forms, or any other District records.

F. Frequent unexcused absence or tardiness.

G. Abuse of leave privileges; illness leaves, when habitually taken for trivial indispositions.

H. Continuing illness of a disabling nature after the exhaustion of illness leave and leave of absence privileges.

I. Failure to report for review of criminal records or for health examinations after due notice.

J. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means. (EC 45303c)

K. Membership in the Communist Party. (EC 45303a)

L. The discovery or development during an initial probationary period of any physical, emotional, and/or mental condition which would have precluded acceptance as an eligible for assignment.

M. Abandonment of position.

RULE 131.00 – PROCEDURE FOR DISCIPLINARY ACTION.

A. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his/her political or religious opinions or affiliations, race, color, sex, national origin or ancestry, or marital status, subject to the provisions of Rule 130.00, paragraph 3.

B. When a regular employee is to be suspended, demoted, or dismissed, specific written charges shall be prepared and presented for action of the Board of Education. The charges must be so clear that the employee will know the exact complaints and may be expected to respond to them. (EC 45116)

C. When formal disciplinary action has been taken by the Board of Education, the action and the charges shall be reported to the Director, Classified Personnel who shall immediately notify the employee and shall report the action to the Commission at its next regular meeting. (EC 45304)

D. Notice to the employee shall be in full compliance with EC 45116. Notice shall include a copy of the charges and a statement of his/her right to appeal, if any, together with a copy of Rule 132.00. Such notice shall be transmitted by registered or certified mail to the last known address of the employee within ten (10) days of the effective date of the disciplinary action. (EC 45304)

E Suspension, demotion or dismissal of the Director, Classified Personnel, or any member of the Commission staff, shall be the function of the Personnel Commission.

a. In the event of suspension, demotion or dismissal of the Director, Classified Personnel or any member of the staff by the Personnel Commission, the Clerk of the Board of Education, or his/her Designate, shall notify the Director, Classified Personnel or any member of the staff, in writing of the charges, shall notify him/her of his/her right to appeal within fourteen (14) days of service, and shall file a copy of the charges with the Personnel Commission.

b. In the event of appeal by the Director, Classified Personnel or any member of the staff, the Personnel Commission shall appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission.

c. Except for the above sections, disciplinary action against the Director, Classified Personnel or any member of the staff, shall proceed as with other classified personnel.

F. Notwithstanding the procedures prescribed above, an employee may be suspended prior to Board approval at the discretion of the Superintendent, subject to later ratification by the Board, and approval of charges which must be transmitted to the employee within ten (10) days after the date of suspension. Requirements in regard to charges and notifications must be met when the Board ratifies the administrative action.

G. A regular employee charged with the commission of any sex offense as defined in Education Code Section 44010, any narcotics offense as defined in Educations Code Section 44011 and related sections of the Health and Safety Code, by complaint, information, or indictment filed in a court of competent jurisdiction, may be suspended as provided for in EC 45304. 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 90 calendar days.

H. Failure to appeal shall make the action of the Board of Education final and conclusive.

I. Suspension, without pay, shall not exceed the time limitations prescribed in Education Code Section 45304.

RULE 132.00 – APPEAL. (EC 45305)

A. A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within fourteen (14) days after having been furnished with a copy of the written charges by filing a written answer to such charges. Upon receipt, the Personnel Commission shall immediately thereafter file a copy with the complainant. 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 action was taken because of political or religious opinions or affiliations, race, color, national origin or ancestry, sex, or marital status.

3. That there has been abuse of discretion.

4. That the action was not in accord with the facts.

5. That the penalty invoked is excessive.

B. A permanent employee who has not served the full probationary period for the class and who is demoted to the class from which promoted, may request an investigation by the Commission within 14 days after receipt of the copy of written charges. The request for the investigation shall be based only on one or more of the five grounds provided above for appeals. The Commission shall conduct an investigation confined to the grounds set forth in the charges and in the request for the investigation, but shall not be required to follow the procedures for appeals and hearings set forth in these rules. The Commission shall notify the Board of Education and the employee in writing of its findings.

If the Commission's investigation and findings, however, indicate any discriminatory action, the Commission may order a formal hearing. The decision of the Commission shall be binding on the Board of Education.

C. Failure on the part of the accused employee to file an answer within the time allowed shall be construed as an admission of the truth of the charges made against him and judgment as sought by complainant shall be entered forthwith by the Commission.

RULE 133.00 – 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. (EC 45306, 45307, 45311, 45312, 45313)

B. All hearings and investigations of charges for dismissal, suspension or demotion of an employee shall be public, unless the employee requests a closed hearing, and shall be conducted in the manner most conducive to determination of the truth. 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 a preponderance of evidence.

D. The employee at such hearing shall have opportunity to present whatever Competent evidence he/she may desire to submit in his/her own defense and shall have the right to be represented by counsel at his/her own expense. The Commission or its representative may subpoena witnesses and shall have the power to compel the attendance of witnesses as provided in the Education Code.

E. Each side will be permitted an opening statement and closing argument. The Board shall first present its witnesses and evidence to sustain its

charges and the employee will then present his/her witnesses and evidence in defense.

F. Each side will be allowed to examine and cross-examine witnesses.

G. The Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.

H. Whether the hearing is held in a public or closed session, the Commission, after it concludes the hearing, shall deliberate its decision in closed session. Should the Commission desire information either from the Director, Classified Personnel or its counsel, the employee or the counsel for the employee should be present and vice versa.

I. The Commission shall render its judgment as soon after the conclusion of the hearing as possible and in no event later than 14 days. Its decision shall set forth which charges, if any, are sustained and the reasons therefore.

J. 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.

K. If the Commission sustains the employee, it may order paid all or part of his/her full compensation from the time of suspension, demotion or dismissal and it shall order his/her reinstatement upon such terms and conditions as it may determine proper.

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

M. Upon receipt of the Commission's written decision, the Board shall forthwith comply with the provisions thereof. When the Board has fully complied with the Commission's decision, it shall so notify the Commission in writing.

RULE 134.00 – EFFECT OF ACTION. Dismissal of any employee from the service shall, unless otherwise ordered by the Commission,

A. Constitute a dismissal as of the same date from any and all positions which the employee may hold in the classified service.

B. Result in the automatic removal of the employee's name from any and all employment lists on which it may appear.

C. Terminate the salary of the employee as of the date of dismissal except that he/she shall be paid any unpaid salary and paid for any and all unused and accumulated vacation and any and all accumulated compensating time off or overtime to his/her credit as of the date of the dismissal.

RULE 135.00 – SUSPENSION, DEMOTION, DISMISSAL. An employee may be suspended without pay for not more than 30 days or he/she may be demoted or dismissed for reasonable causes. Except in cases involving the Director, Classified Personnel, or any member of the Commission staff, the Director, Classified Personnel must file written charges with the Personnel Commission within ten days of the action and give the employee a copy of the charges or send a copy to him/her by registered mail. (EC 45304)

A. The employee may appeal to the Commission in writing within fourteen (14) days of receipt of the written charges. Only permanent members of the classified service have this right. (EC 45305)

B. A permanent employee who is probationary in another class may be demoted to the class from which promoted without recourse to an appeal. (EC 45305)

C. The employee may receive all or part of his/her full compensation from the time of the disciplinary action if the Commission sustains him/her after conducting an investigation.

In cases involving the Director, Classified Personnel, or any member of the staff, the Clerk of the Board of Education or his/her designate must file written charges with the Personnel Commission within ten (10) days of the action and give the Personnel Director or any member of his staff a copy of the charges or send a copy to him/her by registered mail.

RULE 136.00 – SCHEDULE OF PENALTIES. The Commission shall cooperate with classified employees, appointing powers, and the Board of Education in the fostering and development of a uniform conduct and behavior for classified employees together with proposed penalties for violations of this code. The purpose shall be to provide uniformity in disciplinary actions taken by various appointing powers and in the penalties assessed for similar violations. Any changes in established procedures for action will be submitted to the Personnel Commission for review.

ARTICLE 14 – IN-SERVICE TRAINING

RULE 140.00. The Personnel Commission, through the Director, Classified Personnel, shall cooperate with District administrators, supervisors, employees and their representatives in designing, developing and fostering programs of training for the classified service in the interest of improving the quality of service and in the interest of encouraging individual employees toward self-development.

ARTICLE 15 – CLASSFICATION

This article has the following organization -

Preamble

Rule 150: General Matters and Scope

Rule 151: Classification Plan Content

Rule 152: Classification Relationships

Rule 153: Effect of Classification Changes

Rule 154: Individual Positions: Classification/Reclassification

Rule 155: Effective Date of Classification Actions

Rule 159: Miscellaneous

PREAMBLE In accordance with the provisions of the Education Code, the Commission shall classify each position in the classified service. Each employee appointed to a position in the classified service, thus, is identified according to classification.

Among the several aims of classification, the primary concerns of the Commission are to promote equity of relationships among classifications and to ensure equity of placement for individual positions. The underlying principle is like pay for like service.

RULE 150.00 – ESTABLISHMENT OF POSITIONS: ASSIGNMENT OF DUTIES
The Board of Education establishes positions and prescribes the duties of all persons in the classified service except for those persons employed on the Commission staff. (EC 45109)

RULE 150.05 – MAJOR FUNCTIONS OF THE COMMISSION REGARDING CLASSIFICATION. Included in the Commission's classification function are the following: preparing written class specifications; arranging classes into occupational groups or job families; determining reasonable relationships among classifications; and allocating positions to appropriate classes. (EC 45256)

RULE 150.10 – CREATION AND ADJUSTMENT OF CLASSES. The Commission shall adopt a position classification plan and may create new classification plan as the needs of the classified service require.

RULE 150.20 – EXEMPT POSITIONS. As set forth in the Education Code, certain types of employees are exempt from the classified service; their positions, therefore, are not to be placed in a classification. Relevant exemptions for the District are: student employees; noon supervisors; professional experts. (EC 45256)

RULE 150.30 – QUALIFICATIONS FOR EMPLOYMENT AS PROFESSIONAL EXPERT. In order to be exempted from the classified service as a professional expert, the work in demand must qualify on one of the following grounds, which must be presented to the Commission along with the request for approval of such a temporary designation.

A. Work calling for unique or rare abilities, skills or knowledge such as would not be feasible for recruitment or examination.

B. Work calling for advanced learning in a recognized field.

C. Work calling for other criteria of exceptional nature which may be specified by the Commission. (ED 45256)

RULE 150.90 – INACTIVATION OF CLASSIFICATIONS. When an unoccupied classification no longer is needed, the appointing authority shall notify the Director in writing that the classification is not needed. The Director shall place the classification in inactive status.

RULE 151.00 – CONTENT OF THE PERSONNEL CLASSIFICATION PLAN. The Classification Plan shall include the classes adopted by the Commission, as described and defined in the class specifications and as interpreted in these rules; the allocation of positions to classes; and the provisions for administration as provided in these rules.

RULE 151.25 – JOB DESCRIPTIONS AND CLASS SPECIFICATIONS. For each job description approved by the Board of Education, pertaining to a position or positions, the Commission shall adopt class specifications and place the classification in the District's classification plan.

RULE 151.50 – CONTENT OF CLASS SPECIFICATIONS. For each classification established by the Commission, the Director shall cause to be maintained in the Classified Personnel Office, in suitable form, official class specifications as approved by the Commission including:

A. The official class title.

B. A definition of the class indicating the general functions performed by incumbents of the classification; and, if needed, an indication of the distinguishing characteristics between this class and other classes.

C. A list of examples of duties typically performed by incumbents of the classification.

D. A statement of the qualifications which are prerequisite for effective performance of the specified duties. The specified qualifications form the basis for designing the type and content of examinations to determine candidates' qualifications. Included are indications of prerequisite knowledges; abilities; education; experience; and any special licenses/or certificates.

RULE 151.60 – PERIODIC UPDATE OF JOB DESCRIPTIONS AND CLASS SPECIFICATIONS. Periodically, within a three-year cycle, the Director shall obtain updated information regarding the duties of all classifications. In the event of changes, the revised descriptions shall be submitted to the Board of Education for approval, and to the Commission for review of the qualifications. Approximately one-third of all job descriptions are to be updated each year in order to fulfill the three-year cycle. If a revision is found to be substantial, a re-evaluation of that classification's relationships is to be conducted in accordance with Rule 152.15.

RULE 151.75 – INTERPRETATION OF CLASS SPECIFICATIONS. Class specifications and their various parts are hereby declared to have the following force and effect:

A. The class titles used in the classification plan are to be used as payroll titles and in connection with any personnel record or transaction.

B. Class specifications are descriptive and explanatory only. They are not restrictive. They indicate the kinds of positions that are allocated to the respective classes but do not prescribe the duties and responsibilities for any position. The use of a particular expression or illustration in the examples of duties or responsibilities or other attributes typical or descriptive of the class does not exclude others not mentioned that are of a similar nature.

C. Class specifications are the basic reference to be used in determining the point rating for a particular classification. Consideration shall be given to all parts of the specifications in accordance with the point rating method as indicated below.

D. Education and experience patterns represent minimum recruitment qualifications. Persons not meeting the education and experience or promotional qualifications where indicated, are to be admitted to, or excluded from further consideration in accordance with applicable provisions of the Examinations Article of these Rules.

E. The following personal qualification requirements apply to all classes even though not explicit in the specifications: adequate health and freedom from communicable diseases; adequate physical condition and agility and strength commensurate with the duties of the class; integrity, sobriety, industry, initiative, resourcefulness, dependability, good judgment, good moral character, reputation, loyalty, ability to work cooperatively with others, and willingness and ability to assume the responsibilities of the position and to conform to the conditions of work characteristic of the particular employment.

- CLASSIFICATION RELATIONSHIPS -
(152.00 - 152.99)

* * * * * *

General Outline of This Section

- RELATIONSHIPS WITHIN OCCUPATIONAL HIERARCHIES
- METHOD FOR DETERMINING REASONABLE RELATIONSHIPS WITHIN OCCUPATIONAL HIERARCHY
- RECOMMENDED PLACEMENT OF NEW CLASSIFICATIONS
- PERIODIC SALARY SCHEDULE RECOMMENDATIONS
- EXAMINATION OF MARKET PLACE RELATIONSHIP
- TERMINOLOGY

* * * * * *

RULE 152.00 – RELATIONSHIPS WITHIN OCCUPATIONAL HIERARCHIES. In fulfilling its responsibility to classify all positions (EC 45256), the Commission determines, among other things, reasonable relationships within occupational hierarchies.

A. Notice to District and Employee Organization. The Commission shall give reasonable notice to the district and the affected employee organization regarding proposed changes in reasonable relationships, prior to adoption (EC 45285.5.)

B. Adoption; Communication to District and Employee Organization. Following its adoption of the reasonable relationships, the Commission shall communicate the relationships to the district and affected employee organization.

C. Scope of Response from District and Employee Organization. The district and affected employee organization may negotiate as to the effective date of the Commission-mandated changes in reasonable relationships within occupational hierarchies, and shall be invited to respond to the Commission with regard to the effective date.

D. Setting of Effective Date. The Commission will set the effective date of changes, which may agree with the date proposed by the bargaining parties. The changes shall be implemented by the indicated effective date.

RULE 152.05 – METHOD FOR DETERMINING REASONABLE RELATONSHIPS WITHIN OCCUPATIONAL HIERARCHIES.

A. Initial Method Affecting All Classes. The initial method to be used by the Commission in, determining relationships within an occupational hierarchy shall be the benchmark rank comparison method, in order to ensure equal analysis of all classifications in a hierarchy.

B. Modification of Key Rank Orders: Market-Place Indicators. Following its initial determination, initial results shall be modified on the basis of the findings of the market-place study indicating the key rank orders and relationships among benchmark classes. These market-place indicators shall be conclusive in the Commission's adoption of occupational hierarchies with respect to the key rank orders.

C. Variation of Key Rank Orders/Relationships. If the Commission identifies cases among the key rank orders/relationships which present issues of "injustice," the Commission in its discretion may introduce special methodology different from that mentioned in 1 and 2, above, which may result in a further modification. The Commission may also consider a request from district and/or the affected employee organization to apply special methodology to avoid injustice.

RULE 152.10 – RECOMMENDED PLACEMENT OF NEW CLASSIFICATIONS. The Commission shall base its recommendations for placement of new classifications primarily upon its initial method, unless there are reasons of concerns which would call for external comparisons. If a significant issue of rank-order is involved, modification may be considered based upon market-place indicators.

RULE 152.15 – PERIODIC SALARY SCHEDULE-RECOMMENDATIONS. In the framework of, or in addition to, the occupational-hierarchy determinations governed by the Commission as indicated above, the Commission shall make periodic recommendations regarding salary relationships, reflecting interoccupational (only within-unit) alignments geared to the findings of a market place study among benchmark classes. The Director shall collect, or cause to be collected, data pertaining to external relationships.

A. A survey of benchmark classifications among appropriate districts shall be conducted periodically for the purpose of (1) analyzing relative ranking within hierarchies among those districts; and (2) examining absolute pay levels in the market place so as to determine the FUSD's classifications' relation to the market.

B. A special survey of particular classes shall be conducted from time to time, for the purpose of assessing appropriateness of placement of particular FUSD classes.

RULE 152.20 – PERIODIC RE-EVALUATION OF CLASSIFICATION RELATIONSHIPS. Based upon periodic revision of the job descriptions/class specifications, as provided in Rule 151.60, the Commission may, in its discretion, provide for periodic evaluation of all or selected classifications, to ensure maintenance of equitable relationships within occupational hierarchies.

RULE 152.25 – TERMINOLOGY. The following terms are to be used in accordance with the cited definitions.

A. Reasonable Relationships Within Occupational Hierarchies. The scope of "reasonable relationship" shall be that as defined by pertinent legal authority at any given time.

B. Rank. A specific rank is the vertical distinction, or level within occupational hierarchy. Classes which occupy the same rank within an occupational hierarchy have a shared rank.

C. Key Rank Order. Key rank order refers to the relationship between benchmark classes within occupational hierarchies.

D. Market-Place Indicator. A market place indicator is a valid statistical item obtained by commission staff in the course of a comparative study of classifications and salary data in the designated market.

E. Alignment. An alignment is the horizontal grouping of all classes which occupy the same (equivalent level) rank within the unit.

F. Degree of Closeness of Classes as to Work Setting. Relatedness of Classifications may be found in one or more of the following types.

a. Familial classifications are those which have a vertical or shared rank in the same occupational hierarchy, and in which the qualifications of lower classifications are understood as being encompassed within the higher classifications.

b. Affiliated classifications are those which have a mutual identification in the form of work objective or organization; and which require similar training and experience.

c. Allied class. Although not related in the sense of familial or affiliated classifications, allied classifications share a common work objective or organization but do not require similar training or experience.

G. Benchmark Class. A benchmark class is one which facilitates comparison with similar classes in other districts. The desirable characteristics of a benchmark are: (a) Clarity of definition, types of duties and qualifications; (b) Occupational identity with similar classes in other districts; (c) Tendency to operate on common standards in various districts; (d) Size of incumbent population sufficient to generate statistical reliability; (e) Susceptibility to establish sound internal relationships.

RULE 153.00 – EFFECT OF CLASSIFICATION CHANGES ON INCUMBENTS. Whenever, as a result of the creation, division, combination, alteration, or abolishment of classes of position, the allocation of individual positions affects the incumbents of such positions, the Commission shall determine the status of the employees affected in accordance with the following procedures:

A. When all positions in a given class are reallocated to a higher class.

- The incumbents of the positions who have been in the class for two or more years shall be reclassified without examination.

- An incumbent of a position for less than two years must secure status in the higher class by passing a qualifying examination.

B. When a portion of the positions within a class are reallocated to a higher class.

- An incumbent who has a continuous employment record of two or more years in one or more of the positions being reclassified and who has been performing the pertinent duties which justify the reclassification for the minimal period, may be reclassified without examination.

C. When an individual position is recommended for reclassification to a higher class.

Refer to Rule 154.21, below.

D. Incumbents in positions reallocated to a lower level.

(Refer to respective labor agreement, regarding salary impact.)

E. Incumbents of positions reallocated to a class of the same level shall be granted status in the new class without further examination.

F. A qualifying examination is defined as one in which only incumbents of reallocated positions may compete. Incumbents must meet the minimum qualifications, and the examination is rated as “passing” or “not passing” rather than relatively.

G. The incumbent who did not pass shall be allowed a period of six months

in which to prepare for re-examination, during which time the incumbent shall be retained within the new classification and salary range – provided that performance continues to be satisfactory. Should the incumbent not pass the re-examination, alternative opportunities are to be explored in accordance with existing rules and provisions of the pertinent labor agreement.

- INDIVIDUAL POSITIONS; CLASSIFICATION/RECLASSIFICATION -

RULE 154.00 – POSITION CLASSIFICATION. All positions substantially similar as to duties performed and responsibilities exercised, and as to qualifications required, as shown in the class specifications, shall be allocated to the same class.

RULE 154.10 – CLASSIFICATION OF NEW POSITIONS. Whenever a new position is created, the appointing power shall immediately report that fact in writing to the Director in the manner prescribed stating the duties to be performed and the responsibilities to be assigned. The Director shall then make such investigations as necessary and proper and shall determine whether the position shall be allocated to an existing class or whether a new class should be created. If a new class is required, he/she shall submit it to the Board of Education for approval of the duties; and to the Commission for approval of qualifications and placement in the classification plan.

RULE 154.21 – GRADUAL VERSUS SUDDEN CHANGES; INDIVIDUAL ADVANCEMENT

A. Notwithstanding the provisions of Rule 154.20, above, the basis for reclassification must be a gradual accretion in duties, and not a sudden change occasioned by a reorganization for the assignment of new duties, as provided in EC 45285.

B. The background of the duties will be traced to determine whether or not the gradual accretion requirement is satisfied. All circumstances will be reported by the Director to the Commission before a reclassification of the position may be effected.

C. Gradual changes: If the Commission finds that a reclassification is warranted, the individual may be granted the new classification, as follows

- An incumbent who has been in the present class and who has been performing the pertinent duties which justify the reclassification for the minimal period, may be reclassified without examination.

RULE 154.21 C. revised 7-7-2016 based on Ed. Code 45285

D. Sudden changes: If the Commission finds that, despite the suddenness of the changes, a reclassification is warranted, the incumbent – irrespective of time in the position – must complete a competitive examination and attain the top three ranks on the eligibility list. This requirement may be satisfied through attainment of an equivalency score on an examination which is substantially similar to the latest open/promotional examination.

RULE 154.23 – PROCEDURE FOR OBTAINING POSITON EVALUATION.

A. Either the incumbent or the supervisor may initiate the request, sending it via the division head, with or without endorsement, to the Classified Personnel Office.

B. The Classified Personnel Office sends a preliminary questionnaire for completion by the incumbent, supervisor and division head, to determine if a full-scale evaluation would be justified.

C. If a full-scale evaluation is indicated, the Classified Personnel Office sends a Position Classification Questionnaire for completion by the incumbent, supervisor and division head.

D. After review of the completed questionnaire, the analyst normally visits the work area to interview the incumbent and his/her supervisor.

E. Based upon analysis, the position is to be assessed in accordance with the appropriate method, thereby determining whether or not the present classification level is correct.

F. The findings are reviewed by the Director.

a. If the present classification is considered to be correct, no further action would be taken. If the incumbent and/or supervisor disagree with the Commission staff's determination, an appeal to the Commission may be made.

b. If the present classification is not considered to be correct, a determination is to be made regarding:

(1) Is there an existing classification which would be appropriate for the position? If so, the Commission staff recommends the position for reclassification to the Commission obtaining management's agreement or disagreement as applicable.

(2) If there is not an existing classification which would be appropriate, a new classification is recommended. Duties are subject to approval by the Board; qualifications and plan placement are subject to approval by the Commission.

G. Endorsements. When the staff's recommendation is for reclassification, as in 6/b (1), above, endorsements or disagreements shall be made by the supervisors up to and including the division head. All interested parties are encouraged to attend the meeting of the Personnel Commission in order to respond to any questions.

Note Regarding Single-Position Classification. When a classification is comprised of a single position, it is not permissible to seek an upward adjustment for the classification during the life of a labor agreement unless the parties to the agreement have authorized such an adjustment.

A. If a position evaluation is requested and conducted, and if it shows that the position is not appropriately classified, it is permissible to re-classify the position into an appropriate existing classification.

B. If the position evaluation shows that the duties of the position do not conform with the published job description, a revision of the job description would be initiated for approval of the Board. Based upon the revised job description, the Commission reviews for appropriateness of plan placement.

RULE 154.25 – POSITION EVALUATION METHOD. The Commission shall base its evaluation of individual position on its amended method. (This normally has no bearing on the salary schedule, but simply involves a question of appropriateness of classification.) If a new classification becomes necessary, RULE 152.10 is applied.

- EFFECTIVE DATE OF CLASSIFICATION ACTIONS -

RULE 155.00 – EFFECTIVE DATE OF CLASSIFICATION ACTIONS. A reclassification affecting all or a portion of positions in the classification, first of the month following the Commission's action.

The Commission may consider retroactive exceptions in instances where a question of equitable treatment arises upon petition by the affected incumbent(s). The following criteria are to be considered: (a) An extraordinary delay has occurred unrelated to the Commission staff's availability or workload; (b) The delay was not attributable to the incumbents' own actions or inactions; (c) Other employees in like circumstances have received favorable differential treatment; (d) The manager(s) of the affected position(s) have provided evidence that the affected budget would sustain the retroactivity; and (e) The manager(s) of the affected position(s) and the concerned administrators up to and including the District Superintendent have endorsed the petition for retroactivity.

RULE 155.10 – CIRCUMSTANCES DURING WHICH PAY FOR WORK-OUT-OF CLASSIFICATON MAY BE JUSTIFIED PRIOR TO A RECLASSIFICATION. When an employee has been assigned to a different set of tasks on a continuing basis that are clearly outside the scope of the original classification, that is, where a position evaluation would not be needed to ascertain whether or not the tasks are beyond the scope of the original classification, pay for work-out-of-classification is appropriate.

Rule 159.00 – CRITERIA FOR PROVIDING DIFFERENTIAL COMPENSATON FOR DUTIES OF A DISTASTEFUL, DANGEROUS OR UNIQUE NATURE. While it is presumed that the classification evaluation process ensures proper recognition of all pertinent elements and factors, there may arise circumstances in which the following criteria should be considered.

A. Eligibility. Any probationary or permanent employee may initiate a request that the Commission make findings and recommendations regarding implementation for differential pay in the general and specific circumstances indicated below.

B. General Parameters. Duties which are not otherwise subject to a differential payment may be considered for this differential if such duties exceed the normal range of tasks common to the employee's classification and are required on a continuous or a regularly recurring basis.

C. Specific Conditions.

Distasteful duties are those which a reasonable person would consider to be offensive to the senses and which induce a physical, emotional, or mental reaction on the part of the employee.
Dangerous duties are those which expose the employee to risk or disabling injury or illness, and for which established protective measures, methods, equipment or procedures cannot reasonably be expected to alleviate the risk.
Unique duties are those which by their nature are peculiar to the requesting employee's position relative to others in the same classification, place an extraordinary demand upon the skills or knowledge of the employee, involve substantial time pressure, and tend to complicate the overall performance of the position.

D. Procedure

- Request Phase -

The eligible employee shall initiate a request indicating satisfaction of the general and relevant specific criteria as set forth above, with accompanying documentation. Supervisors of the position, up to and including the division head shall provide comments on the request and send it to the Commission through the Director, Classified Personnel. The Commission shall review the request and make a determination on whether or not a differential is appropriate considering the relevant criteria.

- Implementation Phase -

The Commission's findings and recommendations calling for payment of the differential, if applicable, shall be presented to the Board of Education for implementation.

Previously revised 05/1984
Last revised 05/1989

APPENDIX 1
- BENCHMARK RANK COMPARISON METHOD -

(INITIAL METHOD, PER RULE 152.05)

The following method is to be used as the initial method in assessing rank order within occupational hierarchy.

Summary: Within occupational hierarchy, identify the benchmark classification. Within each of the ten factors, determine the benchmark class' ranking according to degree of difficulty. Measure each class within each factor, non-quantitatively, relative to the occupational hierarchy benchmark's given rank within each factor.

Factors: The factors comprise the ten "compensable factors" previously established by the Commission, with the given definitions.

Degrees: The degrees of difficulty within factor comprise the degrees previously established, with the given definitions.

Non-Quantitative Assessment: No points are assigned to any factor/degree, and the assessment of rank level is accomplished without use of point-values.

Benchmark Class: The benchmark class, for purposes of this method, is to be identified within each occupational hierarchy insofar as possible, on the basis of standards for the field; clarity of definition, types of duties and qualifications; and orientation among other classes within the hierarchy.

Observation Techniques:

1) Within each factor, starting with the benchmark class, assess each class as to degree of difficulty within rank by use of simple observation, applying the classification specifications against the degree standard.
2) Assign the occupational ranking based upon observation of the various degree-ranks.

Following the initial assessment, market-place indicators are applied to arrive at the final occupational hierarchies with respect to the key rank orders. [152.05/2]

ARTICLE 16 – EMPLOYEE PERSONNEL FILES

RULE 160.00 – PURPOSE OF PERSONNEL FILE. District personnel files are maintained as the central receptacle of procedural and legal employee information maintained by the District to assure compliance with Federal and State statutes.

RULE 161.00 – CONTENTS OF PERSONNEL FILES.

Classified personnel files maintained in the District Personnel Office may contain;

Confidential Information obtained prior to the employee's employment with the District (application material, confidential ratings etc.),

Confidential Information obtained prior to the employee's promotion within the District,

Forms and reports relating to employment transactions and history (step increases, stipend payments, longevity etc.,),

Correspondence relating to continuing employment and verification of current employment status and,

Performance Evaluation Reports, written reprimands, Skelly discipline documents (of suspensions without pay, involuntary demotions or dismissal).

RULE 162.00 – CONFIDENTIALITY OF FILE MATERIAL. All personnel file information is confidential. District/Commission staff access to the information maintained in the personnel file is restricted to staff members with a "business need to know" or a "right to know" granted by the position they hold (i.e., immediate supervisor, Director, Classified Personnel).

RULE 163.00 – ACCESS TO EMPLOYEE PERSONNEL FILES. Access to an individual employee's personnel file is provided for the employee, the employee's current supervisor, a prospective supervisor, or the specifically authorized representative of such employee, and certain other persons subject to specific approval with an official need to review the file for official District needs. Anyone else requesting access to an employee's personnel file, but not falling in any of the foregoing categories may gain access only through written release from the employee.

Questions concerning personnel file access are to be referred to the Director Classified Personnel or designated personnel commission staff. In the absence of the Director or staff, approval for access may be granted by the District Superintendent or the Assistant Superintendent Human Resources.

Access to employees' personnel files by a Personnel Commissioner is limited to matters which have been brought before the Commission on appeal by the employee, or matters which are under review and are governed by the preceding paragraphs.

RULE 170.00 – GENERAL. The classified service of the district includes all positions designated and all employees occupying positions designated as classified management or as confidential.

RULE 170.25 – APPLICABILITY OF MERIT SYSTEM PROVISIONS AND COMMISSION RULES AND REGULATIONS. The statutory merit system provisions and the commission rules and regulations apply to all positions and employees in the classified management group and the confidential group.

RULE 170.50 – WORKING CONDITIONS AND TERMS. For purposes of determining working conditions and terms, employees designated as classified management or as confidential are covered by policies and rules set forth in Board of Education policies and board approved handbooks applicable to these groups, provided that such policies and handbooks are in accordance with the merit system laws and principles and commission rules. The handbooks are incorporated herein by reference.

RULE 171.00 – SENIOR MANAGEMENT OF THE CLASSIFIED SERVICE. As provided in EC 45256.5 and related sections, the governing board may designate certain positions of the classified service. Such positions continue within the classified service and continue to be subject to all merit system provisions and commission rules, with the following exceptions.

A. Unranked Eligibility List. The eligibility list established by the commission with respect to any position, or classification designated as senior management, shall be an unranked list with eligibles listed in alphabetical order; and appointment may be made following interview of all available and interested eligibles..

B. Lack of Appeal Rights. In the event of disciplinary action such as suspension, demotion or dismissal, senior management employees are not entitled to procedures and rights of appeal which otherwise are applicable to all permanent employees in the classified service. The procedure indicated in EC 45256.5 and related sections shall be followed.

RULE 172.00 – EXECUTIVE SECRETARIAL POSITION. Upon request of a majority of the members of the governing board, the commission may exempt one or more executive secretarial positions, up to the following limit: any secretarial position reporting directly to board members, to the superintendent, and/or to not more than four deputies of the superintendent (EC 45272(b)). Such positions continue within the classified service and continue to be subject to all merit system provisions and commission rules, with the following exceptions:

A. Unranked Eligibility List. The eligibility list established by the commission with respect to any position or classification designated as executive secretary, shall be an unranked list with eligibles listed in alphabetical order; and appointment may be made following interview of all available and interested eligibles.

B. Lack of Appeal Rights. In the event of disciplinary action such as suspension, demotion or dismissal, executive secretarial employees are not entitled to procedures and rights of appeal which otherwise are applicable to all permanent employees in the classified service.