



AGENDA

Regular Meeting Tuesday, January 13, 2009 – 4:15 p.m. Board Room – District Office

AGENDA POSTED: January 9, 2009 – Personnel Commission Office Window

1.0 **CALL TO ORDER** By: _____ Time: _____

2.0 **ROLL CALL**

		PRESENT	ABSENT
Chairperson:	Speed Castillo	_____	_____
Vice-Chairperson	Audrey Cherep	_____	_____
Commissioner	Ron Costello	_____	_____
Executive Director	Victoria Wintering	_____	_____

3.0 **PLEDGE OF ALLEGIANCE**

Personnel Commission Chairperson, Speed Castillo, will lead the Pledge of Allegiance to the Flag of the United States of America.

4.0 **PUBLIC COMMENTS**

This is an opportunity for employees and community members to address the Personnel Commission on a closed session item or a non-agenda item. Comments on items that are on the agenda will be heard when the item is considered. A maximum of five minutes will be allotted to each speaker with a total of 20 minutes for each subject matter. Speakers will follow procedures specified on the *Speaker Request Form* that is available on the table at the back of the Board Room. These forms may be submitted to the secretary at any time during the meeting.

In accordance with Government Code Section 54954.3, matters not on the agenda may not be acted on by the Personnel Commission, but will be researched and responded to in any one of the following ways:

- By telephone after research, or
- By mail after research, or
- At the next regular meeting of the Personnel Commission as an agenda item.

If you wish to address the Commission, please step to the podium and identify yourself for the record.

5.0 **GENERAL FUNCTIONS**

Reference

Action

5.1 Approve the agenda as submitted or amended.

Moved by _____
 Seconded _____
 Vote _____

5.2 Approve minutes of regular meeting of December 9, 2008.

Exhibit A

Moved by _____
 Seconded _____
 Vote _____

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5.3 Communication

No Action Required

- Buyer Flyer
- Custodian Flyer
- Instructional Assistant – Severely Handicapped Flyer

6.0 **SELECTION PROCESS**

7.1 List of Current Recruitments (Test Plan)

Exhibit B

No Action Required

7.0 **RULES AND REGULATIONS**

7.1 Approve Chapter 6 of the Personnel
Commission Rules

Exhibit C

Moved by _____
Seconded _____
Vote _____

7.2 Personnel Commission Rules Chapter 7,
First Reading

Exhibit D

No Action Required

8.0 **CHARGES AND HEARINGS**

None

9.0 **OTHER**

9.1 Unfinished Business

No Action Required

9.2 Commissioner's Comments

No Action Required

10.0 **CLOSED SESSION**

10.1 Adjourn to Closed Session

No Action Required

To consider matters pursuant to Government Code Section 45103: Classified employee matters.

Adjourned to Closed Session _____p.m.

Reconvened to regular Meeting _____p.m.

11.0 **RECONVENE INTO OPEN SESSION AND REPORT OUT FROM CLOSED SESSION**



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12.0 NEXT REGULAR MEETING

Date: **Tuesday, February 10, 2009**
Time: 4:15 p.m.
Location Board Room

13.0 ADJOURNMENT: _____ p.m.

Moved by _____
Seconded _____
Vote _____

The Personnel Commission
 Anaheim Union High School District
 501 Crescent Way • Post Office Box 3520
 Anaheim • California 92803•3544



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MINUTES

Regular Meeting
 Tuesday, December 9, 2008 – 4:15 p.m.
 Board Room – District Office

1.0 CALL TO ORDER

The meeting of the Personnel Commission of the Anaheim Union High School District was called to order by Chairperson Audrey Cherep at 4:15 p.m.

2.0 ROLL CALL

Present: Audrey Cherep, Chairperson; Ron Costello, Vice Chairperson; Speed Castillo, Commissioner; and Victoria Wintering, Executive Director.

3.0 PLEDGE OF ALLEGIANCE

Personnel Commission Chairperson Audrey Cherep led the Pledge of Allegiance to the Flag of the United States of America.

4.0 PUBLIC COMMENTS

1. Paul Madrigal, Maintenance Painter, concerned other people are assigned his duties and that he is doing work outside of his job description.

5.0 GENERAL FUNCTIONS

5.1 On the motion of duly seconded and unanimously carried, the Personnel Commission adopted the agenda.

5.2 On the motion of Mr. Costello duly seconded and unanimously carried, the Personnel Commission approved the minutes of the regular meeting of November 12, 2008.

5.3 On the motion of Mr. Costello, duly seconded and unanimously carried, the Personnel Commission approved the re-appointment of Audrey Cherep as Commissioner to the Personnel Commission.

5.4 Election of Officers of the Personnel Commission for the term of December 2008 to December 2009

5.4.1 On the motion of Mr. Costello, duly seconded and unanimously carried, the Personnel Commission appointed Speed Castillo as the Chairperson of the Personnel Commission.

5.4.2 On the motion of Mr. Costello, duly seconded and unanimously carried, the Personnel Commission appointed Audrey Cherep, as Vice-Chairperson of the Personnel Commission.

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5.5 Communication

- Human Resources Assistant Flyer
- Secretary Flyer

- Ms. Wintering discussed the closure of the Personnel Commission office on December 26, 2008 and January 2, 2008.

7.0 **SELECTION PROCESS**

- 7.1 List of Current Recruitments (Test Plan)
- 7.2 Certification/ratification of eligibility lists

On the motion of Mr. Castillo, duly seconded and unanimously carried, the Personnel Commission certified the eligibility lists for Maintenance Lead, Maintenance Plumber and School Community Liaison, Bilingual.

8.0 **CLASSIFICATION AND SALARY**

- 8.1 On the motion of Mr. Castillo, duly seconded and unanimously carried, the Personnel Commission approved the job classification of Performing Arts Supervisor, at salary range 07, Classified Management.
- 8.2 On the motion of Mr. Castillo, duly seconded and unanimously carried, the Personnel Commission approved the reallocation of John Adams from Auditorium Operations Technician to Performing Arts Supervisor. Salary Range 07, Classified Management, at his current step, effective December 10, 2008.

9.0 **RULES AND REGULATIONS**

- 9.1 Mr. Pete Schnauffer discussed various items in chapter 5 of the Classified Personnel Employees Handbook.

On the motion of Mr. Castillo, duly seconded and unanimously carried, following discussion, the Personnel Commission approved Classified Personnel Employees Handbook Chapter 5, with the recommended changes.

- 9.2 Classified Personnel Employees Handbook Chapter 6, First Reading.

10.0 **CHARGES AND HEARINGS**

None



MINUTES

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11.0 OTHER

11.1 Unfinished Business

11.2 Commissioner's Comments

Commissioners will be given more information on the conference

12.0 NEXT REGULAR MEETING

Date: Tuesday, January 13, 2009

Time: 4:15 p.m.

Location Board Room

13.0 ADJOURNMENT

The Personnel Commission adjourned the meeting at 4:50 p.m.

Speed Castillo, Chairperson

TEST PLAN

Classification	Req to test rec'd	Posted	Closed	Days Posted	Field of Competition	NCLB Test	Written Test	Oral/Perf Test	Bilingual Certification	List Established	Bus. Days from Closing	Recruiter
Athletic Facilities Worker II	11/3/2008	11/5/2008	11/26/2008	15	Dual	None	12/11/2008	1/16/2009	n/a			MT
Human Resources Assistant	11/13/2008	11/17/2008	12/9/2008	15	Dual	None	12/18/2008	1/14/2009	n/a			SD
Secretary	11/17/2008	12/3/2008	12/23/2008	15	Promo	None	1/16/2009	Jan	n/a			MT
Instructional Assistant- Severely Handicapped	12/16/2008	1/13/2009	1/13/2009	15	Open	1/29/2009	1/29/2009	n/a	n/a			MT
Buyer	12/12/2008	1/5/2009	1/23/2009	15	Open	None	2/3/2009	2/18/2009	n/a			CJ
Custodian		1/15/2009	2/5/2009	15	Open	None	1/30/2009	n/a	n/a			CJ

RULE 6

ELIGIBILITY FOR EMPLOYMENT LISTS

6.1 ELIGIBILITY LISTS6.1.1 Establishment and Life of Eligibility Lists ~~50.100.1~~

After an examination, the names of successful competitors shall be arranged on a list in the order of examination score, plus additional points where applicable. The list shall be **submitted to the Personnel Director for certification. The completed list constitutes an eligibility list for that class after approval by the Personnel Director and ratification by** ~~presented for approval of the Personnel Commission.~~ **Only after certification by the Personnel Director will names be submitted to the appointing authority for selection.**

- A. **Unless specifically authorized in these Rules, all appointments to positions in the classified service shall be made from eligibles whose names appear on an eligibility list. The Personnel Director shall be responsible for establishing lists as a result of examinations authorized by these Rules.**
- B. **After an examination, the names of successful competitors for positions designated Senior Management shall be arranged in an unranked alphabetical list. The list shall be submitted to the Personnel Director for certification. The completed list constitutes an eligibility list for that class after approval by the Personnel Director and ratification by the Commission. Only after certification by the Personnel Director will names be submitted to the appointing authority for selection.**

Reference: Education Code 45272, 45300

6.1.2 Contents of Eligibility List

An eligibility list shall contain:

- A. **The type of eligibility list: promotional or open competitive.**
- B. **The dates of each part of the examination and the weight assigned to the part.**
- C. **The signature of the Personnel Director attesting to the accuracy of the information on the eligibility list.**
- D. **The date the list was approved by the Personnel Director.**

6.1.3 Certification of Eligibility Lists

All eligibility lists shall be certified by the Personnel Director and ratified by the Commission.

- A. **The Personnel Director shall submit eligibility lists for ratification and approval by the Commission subsequent to the certification of eligibles from the list. Appointments may be made from available eligibles pending the final decision on a protest and shall not be changed even if the outcome is in the candidate's favor, unless the commission has ordered it otherwise.**

6.1.4 Types of Eligibility

Appointments to positions shall be made from:

- A. **Eligibility lists (In order of preference):**

1. Reemployment: A list of persons who have been laid off from permanent positions due to lack of work, lack of funds or exhaustion of benefits. These eligibles shall take precedence over all other persons eligible for appointment.

2. Promotional: A list of eligibles resulting from an examination limited to qualified permanent employees only.

3. Open competitive and Merged Promotional: One list of eligibles resulting from a single examination including service credit and/or veteran's preference for all eligibles.

B. Requests-Other methods of filling positions:

1. Transfer: Employees who have requested appointment to a vacant position in the same or related classification.

2. Reinstatement: Former employees who have requested reinstatement to a vacant position in a class in which they held permanent status.

3. Demotion: Employees who have requested assignment to a vacant position in a lower classification.

6.1.5 Duration of Eligibility Lists

~~After approval~~ An examination, eligibility list shall be in effect for a **period of one (1) year, unless exhausted, and may be extended for not to exceed one (1) additional year by the Personnel Director with ratification by** at the discretion of the Commission. Names of **additional** successful competitors may be added to eligibility lists **by the Personnel Director** ~~resulting from continuous open examinations without approval by the commission.~~

A. The Commission may approve the establishment of an eligibility list for a period of six (6) months when announced on the recruitment bulletin for the examination.

B. When fewer than three (3) ranks of available eligibles remain on an eligibility list and the appointing authority has requested certification of additional eligibles, the list may be terminated by the Personnel Director.

6.1.6 Merger Consolidation of Eligibility Lists 50:100-4

If a new examination for a class is given during the first year of the life of an existing list, the examination shall be sufficiently similar to the previous examination to ensure the comparability of those scores of eligibles. The new list shall then be merged with the existing list with eligibles ranked in the order of examination score, plus additional points where applicable. Promotional lists shall be merged only with promotional lists. ~~except that, where "dual certification" applies, open and promotional lists shall be merged for certification.~~

A. When lists are consolidated merged under this rule, the earlier list shall be terminated one year after its establishment, and those eligibles names shall be removed from the consolidated merged list, except when the earlier list is extended.

B. All eligibles on a terminated eligibility list shall be notified when a new examination is scheduled for the class. Candidates may retake the examination if ninety (90) days have elapsed since they last took the examination. Notification is not required when an eligibility list expires.

6.1.7 Reemployment Lists ~~50.100.2~~

There shall be established for each class, a reemployment list which shall take precedence over all other employment lists in **filling vacant positions** ~~appointment~~. This list shall contain the names of all ~~permanent~~ classified ~~service~~ employees who have been laid off or demoted from any position because of lack of work, or lack of funds.

- A. **Any** employee who ~~acquire~~ **requires** a leaves of absence for military reasons ~~and~~ or those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall take precedence by having their names placed over the other names on the reemployment list in ~~any given case~~ **the class which they leave**.
- B. **The life of the reemployment list for persons laid off shall be thirty-nine (39) months. Employees returning from military service shall be eligible for reemployment for a period not to exceed six (6) months after discharge.**
- C. **Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall retain eligibility for reemployment for an additional period of twenty-four (24) months, provided the same tests of fitness under which they qualified for appointment, as determined by the Personnel Director, still apply.**
- D. **Upon the expiration of a reemployment list, employees who took a voluntary demotion or voluntary reduction in assignment time in lieu of layoff, at the option of the employee, shall be returned to a position in their former class or to a position with increased assigned time as vacancies become available, without limitation of time.**

Reference: Education Code 45298
Military and Veterans Code 395.1, 395.3

6.1.8 Termination of Eligibility Lists ~~50.100.3~~

- A. An eligibility list is automatically terminated one **(1)** year from the date of its approval unless ~~previously~~ extended by **Personnel Director and ratified by** the Commission.
- B. An eligibility list is automatically terminated ~~two year after its approval unless previously terminated~~ **when no eligibles remain on the list**.
- C. An eligibility list may be terminated by the **Personnel Director** ~~commission~~ when no eligible is available for appointment to a specific ~~permanent~~ **regular** position in a class or when there are fewer than three **(3) ranks of** eligibles remaining on the list. **Eligibles on a list shall be notified when the list is terminated.**

~~An eligibility list is automatically terminated when, in the second year of existence, a new list for the class is established.~~

6.1.9 **Changes or Continuance in** Eligibility After Appointment ~~50.100.5~~

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

Reference: Education Code 45278, 45286, 45300

6.1.10 Waivers of Certification ~~50.200.5~~

An eligible may **make themselves unavailable for consideration**, ~~waive certification~~ to specific locations or shifts and to part-time or full-time positions and to limited-term or permanent positions by filing a **written notice** ~~prescribed form~~ in the personnel **commission** office.

- A. Certification of eligibles who have **made themselves unavailable** waived shall not be made, provided that eligibles may revise or withdraw their **waivers unavailable** in writing.
- B. **An available eligible may who have waived certification twice without penalty. At the time a third waiver is made by an eligible, they will be informed that upon filing the third waiver, their name will be removed from the eligibility list, per Rule 6.1.11.** ~~appointment shall be notified when a new examination for the class is to be held.~~
- C. **An available eligible who fails to return a waiver form within five (5) working days after being notified via certified mail shall be removed from the eligibility list pursuant to Rule 6.1 11.**

Refusals of Appointment ~~5.2.3~~

An eligible may refuse appointment to a specific position and retain eligibility, provided that refusal of three offers of appointment or certification within the areas of employment not waived may be cause for removal from the eligibility list. Such action may be appealed in accordance with Rule ~~40.100.4~~.

Reference: Education code 45300

6.1.11 Removal of Names from the Eligibility Lists ~~50.100.6~~

The name of an eligible may be removed from an eligibility list by **the Personnel Director, subject to ratification by** ~~action of the~~ **Personnel Commission**, for any of the following reasons:

- A. A written request by the eligible for removal.
- B. Failure to respond **within five (5) working days following an inquiry by certified mail** ~~to a written inquiry~~ regarding availability for employment.
- C. **Three waivers of certification during the length of the eligibility list, except that waivers relating to part-time or limited-term appointments shall not be counted for the purpose of this Rule.** ~~three offers of interview or~~
- D. Any of the causes listed in Rule ~~4.2.1. 40.100.3~~
- E. **Failure to respond for a scheduled interview after certification.**
- F. **Termination of regular employment for promotional only eligibility lists.**
- G. **Refusing an offer of employment after being properly certified as eligible and available for appointment.**

Reference: Education Code 45300

6.1.12 Disqualification from Consideration for Employment

- A. **An eligible removed from an eligibility list may be disqualified from consideration for employment by the Personnel Director, subject to ratification by the Personnel Commission.**
- B. **When an eligible is to be disqualified from consideration for employment, the Personnel Director shall consider:**
 - 1. **Nature of the classification.**
 - 2. **The relevance of the cause (s) for removal.**
 - 3. **The seriousness of the cause (s) for removal.**
 - 4. **Mitigating circumstances.**
 - 5. **Prior work history.**
- C. **When an eligible is disqualified from consideration from employment, the disqualification period shall be specified for an appropriate period from the life of the eligibility list to permanent disqualification and the eligible shall be given an opportunity to have an administrative review.**

Reference: Education Code 45300

6.1.13 Notification to Eligible of Removal From List

Notice shall be given to an eligible of his removal from an eligibility list, the reason therefore, and any period of disqualification. An eligible may request an administrative review of the removal or disqualification decision to the Personnel Director within five (5) working days. The decision of the Personnel Director shall be final unless the decision is appealed to the Commission. The Director's decision must be appealed within five (5) working days of the receipt. The decision of the Commission shall be final.

Reference: Education Code 45300

6.2 CERTIFICATION FROM EMPLOYMENT LISTS 5.2

6.2.1 **Appointing Authority**

The appointing authority shall be the Board of Trustees and its designated staff, except that the Commission shall be the appointing authority for its staff.

6.2.2 **Order of Precedent in Filling Vacancies 50.200.1**

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

- A. **Reemployment list: Persons previously laid off because of lack of work, lack of funds or exhaustion of medical leaves or benefits shall be assigned to vacant positions in order of seniority. ~~(one name)~~**
- B. **Reinstatement/Transfer/Voluntary Demotion/Change of Assignment: ~~Other Sources of Eligibility 5.2.3~~ all qualified persons requesting increase or decrease in hours, voluntary demotion, ~~In the absence of a reemployment list for a class, a vacancy may be filled by transfer or reinstatement or reemployment (after resignation), restoration to former class after,~~ shall be certified, at the same time, in addition to eligibles from lists established by competitive examination. ~~or other means provided in the rules, without regard for existence of eligibility lists.~~**

- C. Promotional eligibility list: **When the vacancy is not filled through the procedure listed above, the top eligibles in first three (3) ranks of available eligibles shall be certified.**
- D. Open eligibility list: **When the vacancy cannot be filled from the promotional list, the top eligibles in first three ranks of available eligibles on the merged promotional and open competitive list shall be certified.**

Reference: Education Code 45171

~~Dual Certification 50.200.2~~

~~When the same examination is held on an open competitive and promotional basis to provide a list of eligibles for any class, the commission may, prior to the examination, authorize dual certification from the resultant eligibility lists.~~

~~The names certified shall be those of open and promotional eligibles in the highest three ranks, without veteran's credit and including seniority credit for promotional eligibles. When all promotional eligibles have been removed from the list, through appointment or otherwise, veteran's credit shall be added to scores of remaining open eligibles, and their ranks shall be adjusted accordingly.~~

6.2.3 **Rule of Three (3) Ranks**

Eligibles shall be placed on eligibility lists in rank order according to their score in the examination process. The final scores of candidates shall be rounded to the nearest whole percent. All eligibles with the same score shall be placed in the same rank.

Certification from the list shall be the first three (3) ranks of eligibles who are ready and willing to accept the positions to be filled.

For classes approved for continuous testing, certification shall be made from the list but a selection shall not be required until three (3) ranks of eligibles have been certified to the appointing authority.

Reference: Education Code 45260, 45261, 45272

6.2.4 ~~Procedure of Certification and Appointment~~ **From Eligibility Lists**~~50.200.4~~

~~When a vacant or new position is to be filled, the appointing authority power shall notify the Personnel Director. of that fact and the date of the anticipated need. The employment request for certification shall include state the class title, hours, months, and location of employment, and other pertinent information to fill the position. as required by the director.~~

- A. **When a vacancy occurs in an established position, a written request shall be completed and forwarded to the Human Resources office.**
- B. The Personnel Director shall **determine** ~~ascertain~~ the availability of eligibles and shall certify **the names of eligibles. Certification of eligibles shall be to the appointing power in accordance with these Rule **6.2.2 and 6.2.3.****
- C. The **administrator conducting the interviews** shall, **within three (3) working days of the final interview,** ~~appointing power~~ make it's a selection **from the eligibles presented** and shall notify the ~~director~~ **Human Resources** who shall see that the necessary employment procedures are carried out.
- D. **If a candidate who was certified eligible for appointment to a position fails to keep an interview or declines appointment, the appointing authority may**

fill the vacancy from the remaining eligibles or may request certification of eligibles in accordance with Rule 6.2.6.

- E. In the event there is more than one (1) position in the class to be filled, the Personnel Director may certify additional ranks of eligibles to allow two (2) more ranks of eligibles than the number of vacancies to fill.
- F. No promotional or initial assignment shall be effective unless it bears the certification of the Personnel Director that the person has been employed pursuant to these Rules.

Reference: Education Code 45272, 45277, 45310

6.2.5 Procedure When Fewer Than Three (3) Ranks Remain

- A. When fewer than three (3) ranks of eligibles are available for certification from an eligibility list, the available eligibles shall not be considered, or interviewed, unless the appointing authority decides to use these remaining eligibles for appointment as part of three total ranks when they are merged onto a list resulting from a new examination. It is the intent of this rule that no more than three ranks be considered if two eligibility lists for the same classification are used.
- B. ~~When If, during the first year of the life of an eligibility list, fewer than three eligibles are available able to be certified for certification, to fill a vacancy, the Personnel Director may determine to open the eligibility list may be terminated by the Commission (Rule 6.1.8). The remaining eligibles shall be notified in writing, prior to termination of the eligibility list, that they may have the opportunity to either retest for improvement of their exam score, or they may stand concluded, the remaining eligibles shall be merged onto the new eligibility list. to continuous testing in order to facilitate the filling of vacancies. Such testing shall be done in accordance with Rules 50.100.4 A and B above and 40.200.6 C. The personnel Commission shall be informed of and ratify eligibility lists augmented by this procedure. Upon filling the vacancy, continuous testing done pursuant to this rule shall cease.~~

Reference: Education Code 45272, 45277

6.2.6 Certification of Additional Eligibles

If an eligible, who has been certified, refuses appointment or fails to respond for an interview, the appointing authority shall notify the Personnel Director. When a request for additional eligibles is made, the Personnel Director shall:

- A. Certify additional eligibles as provided by these Rules
- B. Remove the names of eligibles who failed to report for interviews or who refused appointment from the eligibility list.
- C. Investigate removals at their discretion to determine if an appointment refusal is in fact voluntary.
- D. Request authorization from the Commission to refuse additional certification, should the investigation determine that the refusal of appointment was in fact not voluntary.

Reference: Education Code 45272 45277

6.2.7 Withholding Names from Certification 50.200.8

The name of an eligible may be withheld from certification **by the Personnel Director** when **the eligible**:

- A. He/she Expresses unwillingness or inability to accept appointment. **Persons requesting to be withheld from certification in accordance with this provision shall not be considered further until they notify Human Resources and provide medical release to work, if such is required, prior to employment.**
- B. He/she Fails to respond within three **five (5)** business days next-following the mailing of written inquiry regarding availability. ~~for permanent employment or request to appear for interview regarding such employment.~~
- C. He/she Fails to present himself/herself for duty at the time agreed upon after having accepted an appointment.
- D. He/she Cannot be reached in time for appointment when immediate temporary employment is required, **providing a "No Contact" letter is sent by certified mail within 24 hours of the attempted telephone contact.** ~~(This provision shall apply only to such immediate temporary employment.)~~
- E. He/she Fails to present the license, registration, certificate, or any other credential required. ~~(The name of any such eligible shall be restored by the Personnel Director for certification when the particular requirement has been met.)~~
- F. For any reason listed in Rule ~~40.100.3~~ **4.2.1.**

Reference: Education Code 45272, 45277

6.2.8 **Failure to Make Appointments**

Should the appointing authority fail to make a selection from the top three (3) ranks or other eligibles as certified by the Personnel Director, the position shall be vacated as directed by the Personnel Director. The position shall remain vacant until such time as a selection is made from the eligibles originally certified or until the eligibility list for the class expires. Vacant shall mean that no person in any employment status may fill that position.

Reference: Education Code 45272, 45277

6.2.9 Restoration to Certification **and Eligibility** ~~50.200.9~~

When the **Personnel Director** ~~name of a person~~ has been withheld a **candidate or eligible** from **placement on** or certification from an eligibility list, ~~they or has been removed from the list,~~ it may **subsequently approve placement on, or restoration to,** ~~the be placed on such list or restored thereto by the~~ **subject to ratification by the Personnel Commission, under the following circumstances:**

- A. When the withholding or removal was **due because of to a** the waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to **their his/her** availability, to appear for interview, or to **report present himself/herself** for duty, and the applicant presents a good and valid reason and certifies to the Personnel Commission that **they he/she is are** now willing and able to accept appointment. **Applicants certifying that they have been unable to respond to a direct inquiry regarding availability shall provide evidence within ten (10) working days of their inability to respond at the time of their request for restoration to eligibility or certification.**

- B. When the withholding or removal was for a reason stated in Rule **4.2.1 40-100.3** and such ~~action was improper or the defect or reason for ineligibility~~ has since been corrected. ~~Revisions and withdrawals of voluntary waivers shall not require approval by the commission.~~

Reference: Education Code 45272

6.2.10 Certification From List for Another Class ~~50-200.7~~

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

Reference: Education Code 45272

6.2.11 Duties of Eligible ~~50-200.10~~

It shall be the duty of every eligible to respond promptly to **Human Resources department** after receiving the notice of certification. ~~An~~ When the eligible resides in the district, he/she shall **will be expected to** respond within three **five (5) working** days after ~~from~~ the date the notice **notification is received** mailed. If the eligible resides outside the district, he/she shall **Failure to** respond within **the above stated time may result in removal from the eligibility list. If a notice is mailed, the working day following the postmark date of the notice shall be considered the date of receipt.** ~~three days plus the normal time required for the communication to be transmitted by mail to the eligibles place of residence and for his/her answer to be returned by mail. In the event an eligible is notified by telephone or telegram of the certification, he/she shall present himself/herself before the appointing power for interview or reach the appointing power with some form of communication within 24 hours. Failure of an eligible to respond within the above stated times will be deemed an automatic waiver of certification, and the Personnel Director may certify an additional name in lieu of such eligible.~~

An eligible that has been **selected for a permanent position and is** unable or unwilling to report by the end of two **(2) weeks, one (1) full month for management classes,** certified shall be allowed two weeks to report for duty after an offer of appointment to has been made. If he/she is he/she may be considered to have refused appointment; and the appointing power **authority** may request certification of **additional eligibles.** ~~another name from the eligibility or reemployment list.~~

1. The date of the offer of appointment shall be the date on which the eligible is notified by the **Human Resources office** Personnel Director of his/her selection.
 2. Notification may be made by telephone, telegram, **fax**, or registered or certified mail.
 3. The appointing power may allow a **reasonable** period longer than two weeks or **one (1) month** at its discretion.
 4. ~~When appointment is to a limited term position, the eligible must be available on the date specified by the appointing power.~~
- C. Every person who has been placed on any eligibility list or reemployment list shall promptly and in writing, file with the **Human Resources department** commission

~~his/her~~ **their** correct **current** mailing address, place of residence and **telephone numbers where they can be reached to schedule employment interviews.** This address shall be the place to which the commission and the Personnel Director shall direct all notices necessary in carrying out the provisions of the Act and these rules. Whenever such person shall have any change in mailing address or place of residence, ~~he/she~~ **they** shall promptly notify the **Human Resources** office of the Commission, stating the list or lists upon which his/her name appears, together with ~~his/her~~ **their** new mailing address, place of residence and **telephone numbers where they can be reached.** Failure to keep the Commission or Human Resources informed may results in the eligible being bypassed on the or neglect on the part of any such person to file such information may, at the discretion of the commission, operate as a waiver of his/her order of certification and/or appointment from any such **eligibility** list or lists as unreachable. In that event, **Human Resources shall send a letter inquiring as to continued availability and interest. Failure to respond pursuant to these rules will result in removal form the eligibility list.**

6.2.12 Selective Certification

If a position within a classification requires a special skill, license or language, the Personnel Director shall determine which eligibles possess the required skill, license or language and shall certify the names of the first three (3) ranks of eligibles who meet the special requirements. If there are insufficient eligibles who meet the special requirements and who are ready and willing to accept the position, a provisional appointment may be made pending completion of an examination process to fill the position.

Reference: Education Code 45272, 45277

6.2.13 Confidentiality of Lists and Test Scores

Eligibility lists and test scores shall be considered confidential information and release of this information shall be limited to:

- A. Only information identifying the eligibles certified shall be released to the appointing authority.**
- B. Only information pertaining to an eligibles own scores and current rank on the list shall be released to the eligible or his representative**
- C. To the extent authorized by law, such other persons as specifically ordered by the Commission.**

Reference: Education Code 45272, 45274

~~Subjects Regarding Which No Questions Shall Be Asked 50.200.11~~

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

RULE 7**APPOINTMENT TO CLASSIFIED POSITIONS****7.1 Procedures for Appointment****7.1.1 Procedures for Selection**

The appointing authority shall interview eligibles certified from appropriate employment or eligibility lists. A selection shall be required when three (3) ranks of eligibles have been certified for a vacancy from an eligibility list. When two (2) or fewer ranks an/or only eligibles fro position transfer, lateral transfer, voluntary demotion or reinstatement lists have been certified the decision to make a selection shall be at the discretion of the appointing authority.

Reference: Education Code 45272

7.1.2. Appointment

Upon selection, each person to be employed or promoted shall be given an offer of employment by Human Resources, Classified. The offer shall include the work location, time and date to report for duty and the salary at the time of hire. Eligibles not selected shall be promptly notified of their status within ten (10) working days by Human Resources. Appointment to a position shall be subject to the Personnel Director certifying that the employee was hired pursuant to these Rules and ratification by the Board of Trustees as the employer.

The prospective employee shall be allowed at least two (2) weeks to report for duty after an offer of employment to a regular position has been made or one (1) month in the case of management classes. Should the prospective employee be unable or unwilling to report for duty within the required period, the appointing authority may request additional ranks be certified. The date to report may be extended or reduced by mutual agreement.

Reference: Education Code 45272

7.1.3. Discrimination Prohibited

No applicant or eligible certified for appointment shall be discriminated against because of his political or religious opinions or affiliations, race, color, national origin or ancestry, gender, marital status, employee organization membership or legal activities related thereto, physical or mental handicap. No questions shall be asked relating to these matters during the selection or employment process.

Reference: Education Code 45293

7.1.4. Nepotism

No person shall be employed in any position which is directly supervised by a supervisor or administrator who is a member of that person's immediate family.

No employee shall be transferred, assigned to or remain at a work location in any position which is directly supervised by a supervisor or administrator who is a member of the employee's immediate family.

For purposes of this Rule, immediate family means a relative as defined in Rule 1.2. definitions or any person living in the supervisor's household.

District managers, supervisors, administrators and other public officials shall make every effort to prevent hiring situations which may be considered nepotism. This includes the advocacy of hiring or promoting a relative, whether or not that relative is in the direct line of supervision of that person. Advocacy, for the purpose of this rule shall mean using one's official capacity to exhort, encourage, recommend or demand the hiring of a relative.

Reference: Government Code 1091.5

7.2 PROVISIONAL APPOINTMENTS (50.300)

7.2.1. Reasons for Provisional Appointment Restrictions (50.300.1)

The appointing authority may make a provisional appointment when the Personnel Director certifies that:

No When eligibility lists exists for the class or;

An eligibility list does not exist, but there is an insufficient number of available eligibles and the appointing authority requests three (3) ranks to interview. for a position in the classified service other than a limited term or substitute position, the Personnel Director may authorize provisional appointments subject to the following conditions:

The appointee must meet the minimum requirements of the class.

Reference: Education Code 45287, 45288, 45289

7.2.2 Length of Provisional Appointment (50.300.1: 2, 3, 4)

The A provisional appointment or appointments may accumulate to a total of ninety (90) working days. A ninety (90) calendar day interval shall then elapse before the person is again eligible to serve in any full-time provisional capacity assignment. In no case may a person be employed in any full-time positions provisional assignments for a total of more than one hundred twenty-six (126) working days in any a fiscal year under provisions of this section.

Reference: Education Code 45287, 45288, 45289.1

7.2.3 Extension of Provisional Appointment (50.300.2)

The Personnel Commission may authorize approve extension of a extending the initial ninety (90) working day provisional employee's assignment appointment for a period not to exceed thirty-six (36) additional working days provided the following requirements are met:

A. An examination for the class was completed during the first initial 90 work working days of the employee's provisional appointment.

B. There is satisfactory evidence to the Personnel Commission is presented indicating that an adequate recruitment effort has been and is being made, and that extension of the provisional assignment is necessary to carry on vital functions of the district and that the position cannot be satisfactorily filled by use of other employment lists or procedures.

Reference: Education Code 45287, 45288, 45289

7.2.4 Successive Ninety (90) Day Appointments (50.300.1-5)

In the absence of an appropriate eligibility list, successive ninety (90) working day provisional appointments may be made to a position for a period exceeding the one hundred twenty-six (126) working day limitation when:

- A. Continuous examination procedures have been authorized by the Commission or;**
- B. The position is less than twenty (20) hours per week.**
- C. Such appointment shall continue only until certification from an appropriate list can be made.**

~~If the position is one in which the assignment is part time as defined in Section 45256, successive 90 working day provisional appointments may be made for in excess of 126 working days in any one fiscal year with approval of the Personnel Commission.~~

Reference: Education Code 45287, 45288, 45289

7.2.5 Qualifications of Conditional Provisional Appointees Appointments (50.300.1.B)

~~Insofar as possible, provisional appointees shall be required to **must** meet the minimum qualifications for the **classification as stated in the** class specification. ~~When no one who meets the minimum qualifications is available, a conditional provisional appointment may be made.~~~~

Reference: Education Code 45287, 45288, 45289

7.2.6 Status of Provisional Employees

To be eligible for appointment to a regular position, the provisional appointee must qualify by competitive examination and be selected from the eligibility list. Time served in provisional status shall not be counted as credit toward permanency or completion of the probationary period for the class.

Reference: Education Code 45287, 45288, 45289

7.2.7 Terminating Provisional Appointments (50.300.3)

The services of a provisional appointee shall be terminated within ~~15~~ **20** calendar days after the date on which an eligibility list has been established, provided that this ~~20~~ **15**-day period does not extend beyond the 90-working day provisional assignment. A provisional appointment may be terminated at any time, at the discretion of the appointing power.

Reference: Education Code 45287, 45288, 45289

7.3 Special Appointments

7.3.1 Emergency Appointments (50.300.4)

If it should become necessary, in time of a **declared** emergency **by the Board of Trustees**, to fill positions in the classified service to prevent the stoppage of public business, the Board of Trustees, through its authorized **management representatives** ~~department heads~~, may **appoint persons to positions** ~~make emergency appointments~~, without reference to eligibility lists, for a period not to exceed 15 working days.

When such emergency appointments are made, it shall be the duty of the Board of Trustees to notify the Personnel Director in writing, naming the appointee or appointees, date of appointment, and nature of duties performed, and **nature of giving a statement justifying the emergency justifying nature of such appointments and any other information requested by the Personnel Director necessary to justify the emergency appointment.** ~~Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code for provisional appointments.~~

Reference: Education Code 45290

7.3.2 Summer and other recess period appointments

The Board of Trustees may establish temporary positions during a recess period between the regular school year. These positions shall be offered to regular employees of the District not regularly employed during the recess. Appointment to these positions shall be made first among employees who have requested recess period work and are working, or have worked, in the classification needed.

Second, appointment shall be made among qualified employees working in other classifications, and finally among qualified persons not currently employed by the District.

Reference: Education Code 45102

Reduction in Eligibility (5.3.5)

~~A reduction in eligibility from a higher class to a lower class may be granted only when two classes are in the same line of promotion. A person granted a reduction in eligibility shall have his/her name removed from the eligibility list for the higher class and placed at the bottom of the eligibility list for the lower class, if such eligibility list exists. When no eligibility list exists for the lower class, reduction in eligibility may be granted by the Personnel Commission only if the request for reduction is endorsed by the department head in which the employee would serve.~~

7.4 Limited-Term and Limited-Term On-Call Appointments

7.4.1 Positions Defined

Positions established to perform duties which are not expected to exceed six (6) months shall be designated limited term.

Positions established to replace temporarily absent employees shall be designated limited-term-on-call.

Reference: Education Code 45286

7.4.2 Establishment of Limited-Term and Limited-Term-On-Call Positions

When a limited-term position is established, the appointing authority shall designate the number of hours, starting date and length of the assignment. Establishment of limited-term positions shall be subject to classification approval of the Personnel Director and ratification by the Commission and Board of Trustees.

A limited-term appointment may not exceed six (6) months. Limited-term positions shall be subject to classification by the Personnel Director and ratification by the Commission.

A limited-term-on-call assignment may not exceed the duration of the absence of the regular employee. The appointment may be in the same class as that of the absent employee or the duties may be reduced in level and the appointment may be made from a lower class.

Reference: Education Code 45286

7.4.3 Eligibility for Appointment

Limited-term and limited-term-on-call appointments shall be made from eligibility and/or employment lists.

When an eligible is appointed from an eligibility list to a limited-term-on-call or limited-term position, they shall continue to be eligible for limited-term-on-call or limited term appointments in the same or a related lower class after the eligibility list has expired. The same privilege of continued eligibility shall apply to a former employee who has resigned in good standing and has accepted a limited-term or limited-term-on-call assignment within thirty-nine (39) months after resignation.

When no eligible is available to accept a limited-term-on-call or limited-term position, the Personnel Director is authorized to certify applicants or candidates for appointment.

Reference: Education Code 45286

7.4.3 Compensation for Limited-Term and Substitute Assignments

When a regular employee is given a limited-term appointment in a second higher class in lieu of all or part of his regular assignment, the rate of pay in the second class shall be the rate of the higher class which is next above his regular rate, if any, and which will provide at least a five (5) per cent salary increase, but not greater than the highest rate for the class.

Former employees who accept a limited-term or limited-term-on-call assignment in their previous class shall be placed on the step of the salary range closest to their last regular rate of pay. Former employees who accept a limited-term or limited-term-on-call assignment in other classifications shall be placed on the first step of the salary range for that class.

All other limited-term and limited-term-on-call appointments shall be compensated at the first step of the appropriate salary range for that class.

Reference: Education Code 45286, 45287, 45288, 45289, 45290, 45309

7.4.5 Rights and Benefits During Limited-Term Assignments

Regular employees serving in limited-term assignment while retaining regular status in another class shall continue to earn and be granted all rights and benefits of a regular employee. No credit toward completion of probation shall accrue from service in a limited-term or limited-term-on-call assignment.

Reference: Education Code 45286, 45287, 45288, 45289, 45309

7.4.6 Termination of Limited-Term and Limited-Term-On-Call Appointments

A limited-term or limited-term-on-call appointment may be terminated at the end of an assigned shift at the discretion of the appointing authority.

Reference: Education Code 45135
Government Code 21220 et. seq.

7.5 Employment of PERS Retirees

7.5.1 General Policy

Any person receiving a retirement allowance from the Public Employees' Retirement Systems (PERS) may be employed only in a limited-term or limited-term-on-call position up to nine-hundred sixty (960) hours per calendar year. The retired person must be informed that temporary employment is restricted to nine-hundred sixty (960) hours in any calendar year with the District and continuous of employment is at the discretion of the District. Any person receiving a retirement allowance from PERS is not allowed to work in a permanent position.

Reference: Education Code 45135
Government Code 21220 et.seq.
PERS publication Employment After Retirement - December 2006 (PUB-33)