



**AGENDA**

**Regular Meeting  
 Tuesday, February 9, 2010 – 4:15 p.m.  
 Board Room – District Office**

AGENDA POSTED: February 5, 2010 – Personnel Commission Office Window

1.0 **CALL TO ORDER** By: \_\_\_\_\_ Time: \_\_\_\_\_

2.0 **ROLL CALL**

		PRESENT	ABSENT
Chairperson	Audrey Cherep	_____	_____
Vice-Chairperson	Speed Castillo	_____	_____
Commissioner	Ron Costello	_____	_____
Executive Director	Victoria Wintering, Ph.D.	_____	_____

3.0 **PLEDGE OF ALLEGIANCE**

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

4.0 **PUBLIC COMMENTS: REQUEST TO SPEAK TO AGENDA AND NON-AGENDA ITEMS**

This is the appropriate point in the agenda for those present to speak to any item on the agenda.

Those who wish to speak to any item of concern not on the agenda, no action will be taken at this time.

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 January 12, 2010.      **Exhibit A**      Moved by \_\_\_\_\_  
 Seconded \_\_\_\_\_  
 Vote \_\_\_\_\_

5.3 Communication      No Action Required

6.0 **SELECTION PROCESS**

6.1 List of Current Recruitments (Test Plan)      **Exhibit B**      No Action Required

6.2 Certification/ratification of eligibility lists      **Exhibit C**      Moved by \_\_\_\_\_  
 Seconded \_\_\_\_\_  
 Vote \_\_\_\_\_

6.2.1 Food Services Assistant I

## AGENDA

**Regular Meeting**  
**Tuesday, February 9, 2010 – 4:15 p.m.**  
**Board Room – District Office**

- 6.2.2 Instructional Assistant Mathematics
- 6.2.3 Instructional Assistant Severely Handicapped
- 6.2.4 Instructional Assistant Special Education

### 7.0 **RULES AND REGULATIONS**

- 7.1 Chapter 3 of the Personnel Commission Rules, First Reading **Exhibit D** No Action Required
- 7.2 Chapter 18 of the Personnel Commission Rules, First Reading **Exhibit E** No Action Required

### 8.0 **OTHER**

- 8.1 Unfinished Business No Action Required
- 8.2 Commissioner's Comments No Action Required

### 9.0 **NEXT REGULAR MEETING**

Date: March 09, 2010  
Time: 4:15 p.m.  
Location Board Room-District Office

10.0 **ADJOURNMENT:** \_\_\_\_\_ **p.m.**

## MINUTES

Regular Meeting  
Tuesday, January 12, 2010 – 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; Speed Castillo, Vice Chairperson; Ron Costello, Commissioner; and Victoria Wintering, Ph.D., 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

There were no public comments.

### 5.0 GENERAL FUNCTIONS

5.1 On the motion of Mr. Castillo 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 December 15, 2009.

5.3 Communication

There was no communication at this time.

### 6.0 SELECTION PROCESS

6.1 List of Current Recruitments (Test Plan)

### 7.0 RULES AND REGULATIONS

7.1 On the motion of Mr. Castillo, duly seconded and unanimously carried, the Personnel Commission approved Chapter 17 of the Personnel Commission Rules.

### 8.0 OTHER

8.1 Unfinished Business

8.2 Commissioner's Comments

## MINUTES

**Regular Meeting**  
**Tuesday, January 12, 2010 – 4:15 p.m.**  
**Board Room – District Office**

### 11.0 NEXT REGULAR MEETING

Date: **Tuesday, February 09, 2010**  
Time: 4:15 p.m.  
Location Board Room

### 12.0 ADJOURNMENT

The Personnel Commission adjourned the meeting at 4:23 p.m.

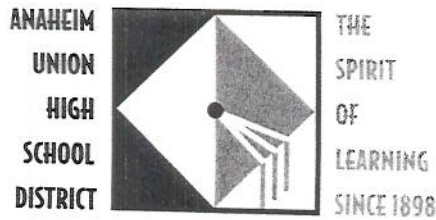
---

Audrey Cherep, Chairperson

Personnel Commission  
2009-2010

CURRENT 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
Sign Language Interpreter 2nd posting		11/17/2009	12/14/2009	15	Open	None						CJ
Instructional Assistant-Special Education		10/6/2009	10/26/2009	15	Open	11/17/2009	1/5/2010			2/9/2010		JS
Instructional Assistant-Severely Handicapped		10/6/2009	10/26/2009	15	Open	11/17/2009	1/11/2010			2/9/2010		JS
Instructional Assistant-Bilingual (Spanish)	8/28/2009	10/6/2009	10/27/2009	16	Open	11/17/2009	1/14/2010		yes			CJ
Instructional Assistant-Mathematics	9/11/2009	10/6/2009	11/6/2009	17	Open	11/17/2009	1/17/2010			2/9/2010		CJ
Instructional Assistant - Bilingual (Arabic)	11/10/2009	11/16/2009	12/11/2009	15	Open	1/13/2010	1/13/2010		yes			MT
Food Service Assistant I	11/11/2009	11/16/2009	12/11/2009	15	Open	None	1/8/2010			2/9/2010		MT



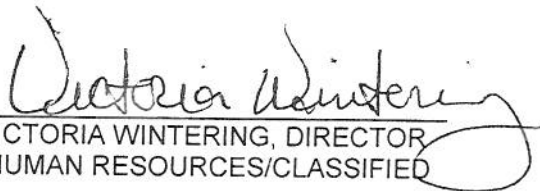
ANAHEIM UNION HIGH SCHOOL DISTRICT  
PERSONNEL COMMISSION  
ELIGIBILITY LIST NO. F02-09

POSITION: **FOOD SERVICE ASSISTANT I  
OPEN**

DATE ADVERTISED: 11/16/09 – 12/14/09

---

NUMBER OF APPLICATIONS RECEIVED:	252
NUMBER OF APPLICANTS ADMITTED TO EXAM:	235
DATE OF WRITTEN EXAM: 01/08/10	
NUMBER OF APPLICANTS PARTICIPATING IN EXAM:	175
NUMBER OF APPLICANTS PASSING EXAM:	141
<b>NUMBER CERTIFIED ON CURRENT ELIGIBILITY LIST:</b>	<b>141</b>

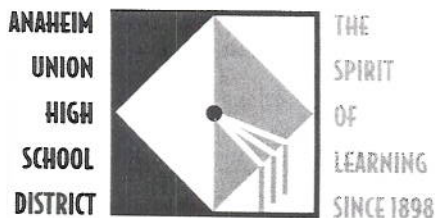
  
VICTORIA WINTERING, DIRECTOR  
HUMAN RESOURCES/CLASSIFIED

CERTIFIED: February 11, 2010

EXTENDED:

EXPIRED:

Human Resources • Personnel Commission  
501 Crescent Way • Post Office Box 3520  
Anaheim • California 92803•3544  
Tel: 714•999•3548 Fax: 714•520•9752  
We are an Equal Opportunity District



**ANAHEIM UNION HIGH SCHOOL DISTRICT  
PERSONNEL COMMISSION  
ELIGIBILITY LIST NO. 64E01-01-10**

POSITION: INSTRUCTIONAL ASSISTANT - MATHEMATICS  
OPEN

DATE ADVERTISED: 10/06/09 - 10/27/09

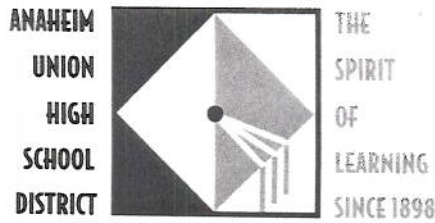
<b>NUMBER OF APPLICATIONS RECEIVED:</b>	151
NUMBER OF APPLICANTS ADMITTED TO EXAM	89
<b>DATE OF NCLB COMPETENCY EXAMS: 11/17/09</b>	
NUMBER OF APPLICANTS PARTICIPATING IN EXAM	5
NUMBER OF APPLICANTS PASSING EXAM	2
<b>DATE OF ABILITY TO ASSIST EXAM: 01/07/10</b>	
NUMBER OF APPLICANTS PARTICIPATING IN EXAM	76
NUMBER OF APPLICANTS PASSING EXAM	46
<b>DATE OF WRITTEN JOB RELATED EXAM: 01/07/10</b>	
NUMBER OF APPLICANTS PARTICIPATING IN EXAM	60
NUMBER OF APPLICANTS PASSING EXAM	27

<b>TOTAL NUMBER CERTIFIED ON ELIGIBILITY LIST:</b>	<b>27</b>
--	-----------

Victoria Wintering, Ph.D.  
Executive Director, Human Resources Classified

CERTIFIED: February 9, 2010  
EXTENDED:  
EXPIRED:

Human Resources • Personnel Commission  
501 Crescent Way • Post Office Box 3520  
Anaheim • California 92803•3544  
Tel: 714•999•3548 Fax: 714•520•9752  
We are an Equal Opportunity District



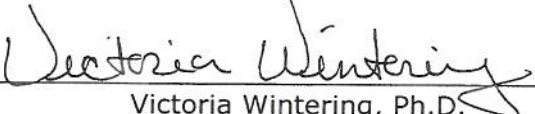
**ANAHEIM UNION HIGH SCHOOL DISTRICT**  
**PERSONNEL COMMISSION**  
**ELIGIBILITY LIST NO. E03-01-10**

POSITION: INSTRUCTIONAL ASSISTANT - SEVERELY HANDICAPPED  
OPEN

DATE ADVERTISED: 10/06/09 - 10/26/09

<b>NUMBER OF APPLICATIONS RECEIVED:</b>	155
NUMBER OF APPLICANTS ADMITTED TO EXAM	117
<b>DATE OF NCLB COMPETENCY EXAMS: 11/17/09</b>	
NUMBER OF APPLICANTS PARTICIPATING IN EXAM	27
NUMBER OF APPLICANTS PASSING EXAM	11
<b>DATE OF ABILITY TO ASSIST EXAM: 01/11/10</b>	
NUMBER OF APPLICANTS PARTICIPATING IN EXAM	128
NUMBER OF APPLICANTS PASSING EXAM	80
<b>DATE OF WRITTEN JOB RELATED EXAM: 01/11/10</b>	
NUMBER OF APPLICANTS PARTICIPATING IN EXAM	87
NUMBER OF APPLICANTS PASSING EXAM	69

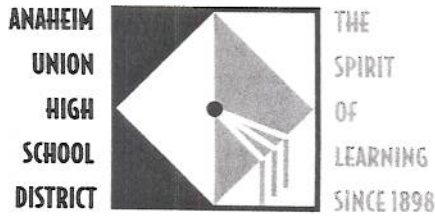
<b>TOTAL NUMBER CERTIFIED ON ELIGIBILITY LIST:</b>	<b>69</b>
--	-----------

  
 \_\_\_\_\_  
 Victoria Wintering, Ph.D.  
 Executive Director, Human Resources Classified

CERTIFIED: February 9, 2010  
 EXTENDED:  
 EXPIRED:

Human Resources • Personnel Commission  
 501 Crescent Way • Post Office Box 3520  
 Anaheim • California 92803-3544  
 Tel: 714-999-3548 Fax: 714-520-9752  
*We are an Equal Opportunity District*





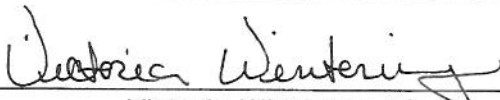
**ANAHEIM UNION HIGH SCHOOL DISTRICT**  
**PERSONNEL COMMISSION**  
**ELIGIBILITY LIST NO. E04-01-10**

POSITION: INSTRUCTIONAL ASSISTANT – SPECIAL EDUCATION  
OPEN

DATE ADVERTISED: 10/06/09 – 10/26/09

<b>NUMBER OF APPLICATIONS RECEIVED:</b>	184
NUMBER OF APPLICANTS ADMITTED TO EXAM	121
<b>DATE OF NCLB COMPETENCY EXAMS: 11/17/09</b>	
NUMBER OF APPLICANTS PARTICIPATING IN EXAM	45
NUMBER OF APPLICANTS PASSING EXAM	19
<b>DATE OF ABILITY TO ASSIST EXAM: 01/05/10</b>	
NUMBER OF APPLICANTS PARTICIPATING IN EXAM	141
NUMBER OF APPLICANTS PASSING EXAM	77
<b>DATE OF WRITTEN JOB RELATED EXAM: 01/05/10</b>	
NUMBER OF APPLICANTS PARTICIPATING IN EXAM	82
NUMBER OF APPLICANTS PASSING EXAM	57

<b>TOTAL NUMBER CERTIFIED ON ELIGIBILITY LIST:</b>	<b>57</b>
--	-----------

  
 \_\_\_\_\_  
 Victoria Wintering, Ph.D.  
 Executive Director, Human Resources Classified

CERTIFIED: February 9, 2010  
 EXTENDED:  
 EXPIRED:

**Human Resources • Personnel Commission**  
**501 Crescent Way • Post Office Box 3520**  
**Anaheim • California 92803•3544**  
**Tel: 714•999•3548 Fax: 714•520•9752**  
*We are an Equal Opportunity District*

## RULE 3

### THE CLASSIFIED SERVICE

#### 3.1 THE CLASSIFIED SERVICE

##### 3.1.1 Positions Included

- A. All positions established by the Governing Board which are not exempt from the classified service by law, shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the classified service.
- B. No person whose contribution consists solely in the rendition of individual personal service and whose employment does not come within the scope of the exemptions established in the law shall be employed outside the classified service.
- C. Nothing in this Rule shall be construed to prohibit the employment of a person possessing certification qualifications in a classified position nor shall certification qualifications be grounds for disqualification for employment. However, a person with certification qualifications hired into a classified position shall be a member of the classified service.

REFERENCE: Education Codes 44065, 44066, 44069, 45104-45106, 45108, 45256, 45256.5, 45258, 45259

##### 3.1.2 Exemption from the Classified Service

- A. Positions required by law to have certification qualifications, part-time playground positions, full-time day students employed part-time, apprentices, part-time students employed part-time in any college work-study program or in a work experience education program conducted by a community college district, and professional experts employed on a temporary basis for a specific project by the Governing Board or by the commission when so designated by the commission, shall be exempt from the classified service.
- B. The board may create the positions of staff assistant and field representative to directly assist the Governing Board of Trustees. Such positions, if created are exempt from the provisions of these rules insofar as they relate to the position classification, recruitment, employment, and salary setting. Persons employed in such positions shall be members of the classified service for all purposes except that they may not achieve permanency in the classified service as a result of this service. Staff assistants shall serve the Governing Board of Trustees. A field representative may also serve an individual board member. If a permanent classified employee is appointed to serve in such an exempt position, they shall retain status as a permanent employee. If they are

terminated from the exempt position, they shall have bumping rights in their former class in the same manner as if they had been laid off for lack of work or lack of funds.

REFERENCE: Education Codes 44065, 44066, 44068, 44069, 45103, 45106, 45108, 45112, 45204, 45205, 45205.1, 45256, 45256.5, 45257, 45258, 45259, 51760, 51760.3, 51764

### 3.1.3 Effect of Exemption

Any position or employee lawfully exempted from the classified service, shall be excluded from the benefits and burdens imposed by these rules, except as provided by law, the Board of Trustees or commission, for the employees.

REFERENCE: Education Codes 44065, 45105, 45106, 45256, 45258, 45260

### 3.1.4 Professional Expert Assignments

- A. When a professional expert assignment is to be made, the administration shall submit to the Personnel Director a description of the project, its duration, and the duties to be performed. Professional expert assignment shall not be made to avoid payment of overtime to the assigned employee, nor shall a limited-term position be filled by a professional expert assignment if the duties and responsibilities fit an existing class for which a reemployment or eligibility list exists.
- B. When the person is known who is to be appointed as a professional expert, his/her name and data relative to his/her qualifications shall be submitted to the Personnel Director. In order to be exempted from the classified service as a professional expert, an individual must be recognized as such by reputable members of his/her own profession. Evidence of professional qualifications must be presented to the commission prior to employment for approval. Authorization for service as a professional expert shall not exceed more than ninety (90) working days or a total of 720 hours, in a fiscal year. Additional required service shall be submitted to the Commission for approval.

REFERENCE: Education Codes 45256, 45258

### 3.1.5 Senior Management

- A. The Board of Trustees may designate certain positions as Senior Management of the classified service. The decision of the Board of Trustees to designate a position Senior Management is not negotiable but is subject to review by the Public Employment Relations Board (PERB). Employees whose positions are designated Senior Management are a part of the classified service and shall be afforded all rights, benefits and burdens of the classified service, except they shall not attain permanent status.

- B. Positions in the Senior Management service shall be filled from an unranked list of eligibles who have been found qualified as specified by the superintendent and determined by the commission.
- C. Notice of reassignment or dismissal shall be in accordance with Education Code 35031. When the Board of Trustees determines that a member of the Senior Management Service is not to be reelected upon expiration of their term of employment, the employee shall be duly notified as provided. If the Senior Manager has prior permanent status in the classified service and the decision is not to reelect, displacement rights shall be provided to the employee.

REFERENCE: Education Codes 35031, 45108.5, 45256.5

#### 3.1.6 Part Time Defined

A part-time position, for the purpose of exemption, is one for which the assigned time, when computed on an hourly, weekly or monthly basis is less than 87-1/2 percent of the normally assigned time of the majority of employees in the classified service.

REFERENCE: Education Code 45256, 45260

#### 3.1.7 Restricted Positions and Employees

- A. Employment may be restricted to persons in low income groups, from designated impoverished areas, or any other criteria which precludes employment through the normal competitive process, in which case the position shall, in addition to the assigned title, be designated as Restricted.
- B. Persons employed in Restricted positions shall be considered classified employees for all purposes except: 1) they shall not attain permanent status; 2) they shall not be accorded seniority rights; 3) they shall not be given provisional appointments concurrent with status in a restricted position, and 4) they are not eligible to compete in promotional examinations in the regular classified service.
- C. At anytime after six (6) months of satisfactory service in a restricted position, a person serving in a restricted position shall be given the opportunity to take such qualifying examination as required for all persons serving in regular positions in the class. If the restricted employee satisfactorily completes the examination and is placed on the eligibility list, regardless of score or standing on the list, the employee shall be considered a part of the regular classified service, even when such employee continues to serve in a restricted position. Employees who have attained regular permanent status under the provisions of this rule shall be accorded all rights, benefits and burdens as a regular permanent

classified employee, including seniority from the employee's initial date of employment in the restricted position.

REFERENCE: Education Code 45105

### 3.2 GENERAL CLASSIFICATION RULES

#### 3.2.1 Assignment of Duties

The Board of Trustees shall prescribe the duties and responsibilities for all positions in the classified service except those of the commission staff. When the Personnel Director of human resources finds the duties being performed by an employee are inconsistent with the duties officially assigned to a position, he/she shall take appropriate action (s) under these Rules. Appropriate action may include, but is not limited to, reporting the matter to district administration, processing a working-out-class claim, or beginning a reclassification study.

REFERENCE: Education Codes 45104, 45109, 45241, 45256, 45264, 45266

#### 3.2.2 Classification Plan

The Personnel Commission shall classify all employees and positions within the jurisdiction of the Board of Trustee and the commission, except those positions which the commission determines are exempt from the classified service pursuant to the law and these Rules.

To classify shall include but not be limited to allocating positions to appropriate classes, arranging classes into job families (occupational hierarchies), determining reasonable percentage relationships between classes within job families and between the job families and preparing written class specifications.

The Personnel Commission shall establish and maintain a classification plan for all positions in the classified service. Classes will be organized in groups according to general occupational nature and, within groups, shall be listed in series by specific occupation. The plan shall indicate the classes in each series, which are usually filled through an open competitive examination. The commission shall determine whether the examination shall be open, promotional, or a combination thereof. The list of classes shall include the approved salary rate or range applicable to each class.

REFERENCE: Education Codes 45100, 45104, 45105, 45105.1, 45109, 45241, 45256

#### 3.2.3 Class Specifications

For each class established or approved by the commission, there shall be established and maintained a class specification, which shall include:

- A. The class title.
- B. A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme.
- C. A statement of essential and other related duties to be performed by persons holding positions allocated to the class.
- D. A statement of employment standards for service in the class. The employment standards may include education, experience, knowledge's, skills, abilities, and personal and physical traits and characteristics;
- E. A statement about any license, certificate or other special requirements for employment or service in the class;
- F. Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of their qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.
- G. Employment standards shall not require a teaching, administrative or other credential, nor shall they require experiences which would restrict applicants to credential holders. Titles shall not be assigned that would restrict competition to credential holders.
- H. The title of the class shall be used as the title of all positions in the class on payrolls audited by the personnel director and in the records and correspondence of the Board of Trustees and the commission.

REFERENCE: Education Codes 45256, 45260, 45276, 45277

#### 3.2.4 Interpretation of Class Specifications

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

- A. The definition and essential duties are descriptive and explanatory only and not restrictive. The classes indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position. The use of a particular expression or illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission or the personnel director of human resources-classified.
- B. In determining the class to which any position shall be allocated, the specification for each class is considered as a whole.

Consideration is given, not to isolated clauses, phrases, or words, apart from their context and from illustrative information in other parts of the specifications, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording clear distinctions of the positions that the class includes.

- C. Each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper relationship in the series in which the class is located and proper differentiation within the group of classes.
- D. Qualifications required of all incumbents such as the ability to perform the essential duties of the position, honesty, sobriety, dependability, good judgment and the ability to assume the responsibilities and conditions of the position, even though not specifically mentioned in the specifications, are implied in the qualification requirements.
- E. The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement and preparation of tests and in the evaluation of the qualification of candidates seeking appointment, but does not require a particular form or content of test or testing procedure.

REFERENCE: Education Codes 45256, 45261, 45273, 45276, 45277, 45285, 45285.5

### 3.2.5 Allocation of Positions to Classes

The commission shall allocate all positions which have substantially similar job duties, responsibilities and qualifications to the same class.

REFERENCE: Education Codes 45256, 45261, 45273, 45276, 45277, 45285, 45285.5

### 3.2.6 Working Out of Classification

- A. Each classified employee shall be required to perform the duties approved by the Board of Trustees and classified by the commission for the class to which the employee is assigned. Classified employees shall not be required to perform duties and responsibilities inconsistent with their normal assigned duties for a period exceeding five (5) working days, within a fifteen (15) calendar day period except as provided by this Rule. If a classified employee is working out of class, the information needs to be reported to the Personnel Director, who shall investigate and report to the Personnel Commission and the administration.
- B. When a regular employee is assigned to perform work inconsistent with those stated in the definition or duties of the class for more than five (5) working days, within a fifteen (15) calendar day period, the employee's pay shall be adjusted upward for the entire period of working out of class as follows:

1. If the assignment is to perform the duties of an existing class, the employee shall be placed on the salary range of the existing higher class and shall receive at least a four (4) percent salary increase, but not less than the first step of the range. If the increase is less than four (4) percent then the employee shall be placed on the next higher step but not higher than the highest step on that range.
2. **If an employee is required to perform duties which are not allocated to an existing class or there is a dispute over whether higher level duties are being performed, the assignment shall be reported to the Human Resources Director in writing so that a review may be conducted to determine whether a pay differential is appropriate.**
  - a. **Requests for differential working-out-of-class pay shall be submitted to the Human Resources Director within ten (10) working days of the beginning of the assignment. Such differential pay shall be limited to ninety (90) working days in a fiscal year and be subject to reclassification.**
  - b. **A claim for differential working-out-of-class pay may be submitted by an employee, the supervisor or an administrator. The Human Resources Director will notify the district upon receipt of an employee submitted claim. A claim for differential working-out-of-class pay must contain a list of the assigned duties.**
  - c. **The Human Resources Director shall review the duties assigned to the position. If the Human Resources Director determines that the assigned duties are at a higher level, they shall recommend an appropriate pay differential to the Commission for approval. If the Human Resources Director determines that the assigned duties are not at a higher level, they shall recommend that the Commission reject the pay differential. Before the commission approves or rejects a pay differential, it shall give reasonable notice of its proposed action to the District and the exclusive bargaining representative, and allow them an opportunity to respond. All hours worked out of class, except overtime, shall be credited as seniority in the regular classification of the employee.**

REFERENCE: Education Codes 45110, 45256, 45260, 45285.5



### 3.2.7 Review of Positions

The Personnel Director shall review the duties and responsibilities of positions as necessary to determine their proper classification and shall cause all positions to be reviewed as needed. If the director finds that a position or positions should be reclassified, the administration shall be advised of the findings. If the duties of the position are verified, or the duties are not revised to fit within the current classification, the director shall report findings and recommendations to the commission for appropriate action. Cases shall also be reported to the commission where review indicates no change of classification.

### 3.2.8 Creation and Abolishment of Positions

- A. When the Board of Trustees creates a new position, the duties and responsibilities to be performed shall be submitted to the Personnel Director, in writing, prior to filling the position. The Board of Trustees may recommend minimum educational and work experience requirements for new classes. The director shall place the new position in an existing class or if a determination is made a new class is needed, the director shall present recommendations to the Commission for action. The Personnel Commission shall:
1. Classify the position. The director shall set forth a proposed class specification setting out the title, duties as established by the Board of Trustees, qualifications and other requirements of a class specification. The qualifications approved by the Commission must reasonably relate to the duties assigned to the position by the Board of Trustees.
  2. The Commission shall designate the salary placement and internal alignment on the classified salary schedule.
  3. The Personnel Director of Human Resources, Classified shall report Commission's decisions to the Board of Trustees.
- B. When all positions in a classification have been vacant a full fiscal year, the Commission shall notify the Superintendent of its intent to abolish the classification. If the administration does not express intent to refill at least one position in the classification during the following fiscal year, the Commission shall abolish the classification at that time. A classification shall be abolished when no position has been filled for two (2) consecutive fiscal years.

REFERENCE: Education Codes 45104, 45105, 45109, 45241, 45256

### 3.2.9 Positions Requiring Multiple Languages

- A. The Board of Trustees may, with the approval of the commission, designate positions within a class which require the incumbent of the position to speak, read, or write a language in addition to English. The Board of Trustees must clearly set forth valid reasons for the language requirements.

- B. The commission may establish a classification exclusively for positions which require the use of a second language in addition to English. The commission shall designate the salary placement and internal alignment on the classified salary schedule.
- C. If a request from the Board of Trustees to designate a position with a language requirement is challenged, the commission shall cause an investigation to be made within ninety (90) days and shall consider the findings and other pertinent data prior to taking action.

REFERENCE: Education Codes 45104, 45105, 45109, 45241, 45256, 45277

### 3.3 RECLASSIFICATION

#### 3.3.1 Reclassification of Positions

- A. The only basis for reclassification of a position shall be the gradual accretion or growth of duties. Recommendation as to gradual accretion will be made by the personnel director of human resources, Classified. The commission shall be the final approving authority. Positions which are created by the board or commission and classified by the commission under Rule 3.2.9 shall be ineligible for reclassification for a period of two (2) calendar years from the date of the commission classification action.
- B. Requests for a reclassification study by an employee of an existing position shall be presented, on the form provided by the commission, to the administration then sent to the Personnel Director of Human Resources, Classified. The request for reclassification shall include a statement of the reasons and shall be presented to the director requesting the study. Requests for a reclassification of a position may also be initiated by the administration, with the approval of the superintendent, or by employees, or employee organizations. Requests initiated by the administration shall be accompanied by a statement of the current authorized duties of the position(s) and any prospective changes.
- C. This rule applies to positions which are occupied at the time of reclassification. If a vacant position is reclassified, it shall be filled through a selection process.
- D. When the Personnel Director has completed a study, the findings shall be reported to the commission, the administration, employee organization and affected employees. In the event that the administration or an affected employee does not agree with the findings, additional information may be presented to the commission. The commission's decision shall be final and binding.

#### 3.3.2 Effective Date of Reclassification

Reclassification of a position shall become effective on the date prescribed by the commission and shall not have retroactive effect. Changes in classification and salary resulting from reclassification shall be effective as follows:

- A. The day following Commission approval, provided the incumbent is reclassified with the position; or

The day following the date on which the incumbent becomes fully qualified by successfully completing all parts of the selection process; or

- B. On the date specified by the Commission.

REFERENCE: Education Codes 45256, 45260, 45268, 45285, 45285.5.

### 3.3.3 Effects on Incumbents

- A. In order for an employee to be reclassified upward with their position, the reclassification must have been occasioned by a gradual accretion of duties and not be a sudden change resulting from reorganization or change of duties by the governing board. Whenever a position is reclassified, the rights of the incumbent will be determined by these rules. The reclassification of positions in a class to a higher salary range shall have the following effect on incumbents:

1. When any or all of the positions in a class are reclassified upward, an incumbent who has a record of two (2) or more years in the position may be reclassified with the position and without examination.
2. When any or all of the positions in a class are reclassified upward and the incumbents have been in the position less than two (2) years, the incumbent will be granted status in the higher class upon passing a promotional only examination for the class. The promotional examination shall be held in accordance with these Rules and be held as soon as practicable.
3. An employee who has been reclassified upward shall be ineligible to again be reclassified upward until two (2) years have elapsed.

- B. The reclassification of positions in a class to a lower salary range shall have the following effect on incumbents:

1. The incumbent shall be transferred to any vacant position at his/her current salary level if the employee is otherwise qualified for the position. If no vacancy exists, the employee may elect to remain in the position and be demoted. The employee may be laid off for lack of work if the above are rejected.

2. When a regular classified employee is demoted to a position at a lower salary range due to reclassification, the employee's salary shall be Y-rated. Y-rating freezes the dollar amount of salary. The y-rate is terminated when the incumbent's Y-rated salary falls within the salary range of the class to which the incumbent was reclassified. The incumbent will then be placed on the step of the salary schedule which is next above the Y-rated amount.
- C. When a position is reclassified to a position in a class with the same salary range, the incumbents' salary shall remain the same.
- D. The provisions of these Rules shall not be construed to permit the Board to demote or dismiss an employee due to the reclassification of a position or class of positions unless otherwise authorized by law or these Rules.

### 3.4 CLASSIFICATION CHANGE AND SENIORITY

#### 3.4.1 Seniority on upward Reclassification

When a position is reclassified to a class with a higher salary range, incumbents reclassified with their positions shall have their seniority begin with the effective date of the reclassification.

When a position is reclassified to a class with a higher salary range, incumbents reclassified with their positions, shall be credited with all hours in paid service from their prior class, providing the prior class is concurrently abolished.

When a position is reclassified to a class with a higher salary range, incumbents who must pass a promotional examination shall be reclassified effective the day after passing the examination and their seniority shall begin on that date.

REFERENCE: Education Codes 45256, 45260, 45268, 45285, 45285.1

#### 3.4.2 Seniority on Downward Reclassification

When a position is reclassified to a class with a lower salary range, incumbents accepting demotion shall have their hours in paid service credit to the lower class.

#### 3.4.3 Effect of Classification Changes

If a position is reclassified or has its title changed as a result of reorganization, and no change in compensation occurs as a result, incumbents affected shall be credited with all hours in paid service in the previous classification.

REFERENCE: Education Codes 45256, 45260, 45268, 45285, 45285.1

3.4.4 Reemployment List for Displaced Incumbents

Any displacement of a permanent employee resulting from a reclassification shall be considered a layoff for lack of work, and an appropriate reemployment list will be established.

3.4.5 Effect of Reclassification on Reemployment and Eligibility Lists

When all positions in a class are reclassified, the personnel director shall determine whether current reemployment lists and eligibility lists are also to be reclassified. Salary reallocation of a class shall have no effect on lists.

REFERENCE: Education Code 45256, 45260, 45268, 45285, 45285.1

Personnel Commission Approved: 10/14/0

## RULE 18

### PROCEDURES FOR DISCIPLINARY ACTION AND APPEAL (60-800)

#### 18.1 General Provisions For Disciplinary Action

##### 18.1.1 Disciplinary Action only Pursuant To This Rule

A permanent classified employee shall be subject to disciplinary action only for cause as prescribed by these Rules.

Reference: Education Code 45261

##### 18.1.2 Time Limits on Disciplinary Action

Disciplinary action generally will not be taken against any permanent classified employee for any cause which arose prior to the employee becoming permanent, nor for any cause which was more than two (2) years prior to the date of the notice of intent to discipline. Exceptions to this general rule include situations in which the cause was a concealed, not disclosed by the employee, or otherwise unknown to the District, the facts illustrate a history of similar misconduct, or a pattern of misconduct, and/or prior attempts at remediation that extend beyond the two-year period or other reasonable cause. When the District relies on charges for discipline beyond the two-year period the finder of fact shall exercise discretion in determining the weight that should be accorded to evidence of such misconduct.

##### 18.1.3. Definition of Discipline

Disciplinary action includes any action whereby a permanent employee is deprived of any classification or any incident of any classification in which he has permanence, including dismissal, suspension, demotion, or any reassignment without his voluntary consent.

##### 18.1.4. Causes for ~~Suspension, Demotion, Dismissal~~ Disciplinary Action (60-800.1)

Persons employed in the classified service may be suspended, demoted, or dismissed for any of the following causes:

- A. Incompetency or inefficiency related to the performance of duties of the position.
- B. Inattention to or dereliction of duty, insubordination, discourteous treatment of the public or of fellow employees, or any other willful failure of good conduct tending to injure the public services.
- C. Any persistent violation of the provisions of the Education code or of policies, regulations, or procedures adopted by the Board of Trustees or the Personnel Commission provided that specific instances must be set forth as to any of the causes listed under this heading.
- D. Dishonesty, theft, or stealing of property belonging to visitors, employees, or the organization.
- E. **Falsifying** information and ~~other false or misleading~~ **withholding any material** information **from the District including, but not**

**limited to**, information on application forms or examination and employment records concerning information that would affect the employment decisions.

- F. Possession of, **use of, public display of an alcoholic beverage or being intoxicated on District property.**
- G. **The use, possession or being under the influence of any controlled substance while** on district property or during **working** hours ~~drugs any alcoholic beverage or in school before, during, or after hours, or reporting to work under the influence of alcohol or drugs, habitual drunkenness or addition to alcohol or drugs and dealing in drugs for purposes of furnishing or selling drugs or drug paraphernalia~~ **other than prescribed by a licensed physician and used in accordance with such prescription. Being under the influence of and/or abuse of prescription drugs while on district property or during working hours are also grounds for discipline.**
- H. **Arrest and/or being formally charged with a sex offense as defined in Education code Section 44010. Conviction of such offense shall result in automatic dismissal without the procedures required herein, including the right to appeal** ~~lewd or immoral conduct or behavior involving employees or students in the school district, immoral or lewd conduct outside of work that adversely affects the ability of the employee to perform duties of position, sexual harassment of employees or students in the school district.~~
- I. **Arrest and/or being formally charged with a controlled substance offense as defined in Education Code Section 44011. Conviction of such offense shall result in automatic dismissal without the procedures required herein, including the right to appeal.**
- J. Conviction of a **violent or serious** felony ~~by a court of law. A violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal code.~~ **Conviction of a violent or serious felony shall result in automatic dismissal without the procedures required herein, including the right to appeal.**
- K. ~~Threatening, intimidating, coercing or interfering with other~~ **abusive, demeaning and/or hostile verbal conduct toward a student, member of the public or another District employee** ~~any act detrimental to the welfare of the school and the pupils thereof, which as the purpose of effect of negatively impacting the individual's academic or work performance, interferes with the individual's ability to participate or receive the benefits of public programs or services, or may contribute toward creation of an intimidating, hostile or offensive work or educational environment.~~
- L. Assault, battery **or other unjustified use of force or violence against a student, member of the public or another District employee.**
- M. **Conviction of a crime involving moral turpitude or** a record of more than one misdemeanor ~~convictions minor offense which indicating that the person is a~~ **poor employment risk or unfit to associate with children.**
- N. **Repeated** ~~frequent~~ **excused or unexcused absence or tardiness, absences with/without reasonable cause and with/. Failure to observe established break and lunch periods** ~~abuse of leave privileges or absence~~ without notification.

- O. **Engaging in political or personal activities** ~~or other than organizational business engaged in by employee during his/her~~ **during** assigned hours of employment ~~duty~~.
- P. Abandonment of position. **Abandonment is a absence of three (3) consecutive work days without authorization and/or failure to notify the district of a valid or acceptable reason for the absence.**
- Q. ~~Failure absence from duty without leave, leaving work area or work assignment without to return to work following a recess or authorized leave without approval of the district, except in the case of dire emergency. Stopping work or making preparations to leave work, such as washing up or changing clothes before quitting time except when released by supervisor.~~
- R. **The uninsurability of an employee to drive a District vehicle when such is a requirement of the employee's position. In lieu of demotion or dismissal the District may, with the commission's approval, reassign the employee to a vacant position in a related class not requiring operation of a motor vehicle.**
- S. **The suspension, cancellation or revocation of a certificate or license required for a position or the failure to maintain a valid certificate or license.**
- T. **Dishonesty, theft, willful misuse, deliberate destruction or mishandling of waste of school district or another employee's or students property materials or equipment that belongs to the District, employees, students or the public.**
- U. **Conduct which constitutes, or contributes to, unlawful harassment or discrimination in the work setting.**
- V. **Failure to obey a subpoena issued by the commission and duly served or any refusal to furnish testimony or documents at or for a hearing or investigation before the Board or Commission.**
- W. **Knowing membership in the communist party or advocacy to overthrow the federal, state or local government of the United States or the State of California by force, violence or other unlawful means.**
- X. **Offering anything of value or offering any services in exchange for special treatment in connection with an employee's job or employment or accepting anything of value or any service in exchange for granting any special treatment to an employee or member of the public.**
- Y. Failure to report for a review of criminal records or for a health examination after due notice.
- Z. **Failure to submit to involuntary Positive testing for drug or alcohol testing at a level determined to be in violation of federal standards for Class A and B drivers or positive drug test results after a confirming second drug test for positions designated safety sensitive by PL 102-143.**
- AA. **Any action or behavior which is a clear and present danger to the health or disregard of accepted and/or posted safety procedures of the employee, students, fellow employees or District property.**



- BB. **Failure to obtain any job related license or certificate or complete required job related training after employment or evident unfitness for service-duty.**
- CC. **Any other cause deemed appropriate by the Board or Commission.**
- DD. Misuse or removal from school district premises, without proper authorization, any organizational records or release or sharing of confidential information except on a need to know basis, falsification of personnel, student or other records and the unauthorized release of any district record information

~~Failure to pay just debts or to make reasonable provision for their future payment, whereby repeated complaints are made to District officials and the public image of the District might be damaged by such failure.~~

~~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, with reasonable accommodation.~~

~~Failure to perform a job assignment within a reasonable standard of time and where a lack of concerted effort has been observed by the supervisor or failure to perform the job with acceptable accuracy.~~

Reference: Education Code 212.5, 230, 44010, 44011, 45302, 45303, 45304.  
 Government Code 1028.  
 Penal Code 261, 667.5, 1192.7  
 Health & Safety, 11054, 11056, 11357-11361, 11363 -11364, 11377-11382.

#### **18.1.5 Progressive Discipline Procedures for Disciplinary Action (60.800.2)**

**The Commission recognizes the value of a system of progressive discipline for correcting employee performance or conduct problems. Progressive discipline is recognized as a system using the least sever form of discipline necessary to correct employee performance or conduct. Progressive discipline often begins with a verbal warning, which may be followed by a written warning if the performance or conduct does not improve. Written warnings or reprimands should state the rule, policy, procedure or behavioral violation and offer a performance improvement plan and reasonable time period during which the employee’s performance we will be reviewed for improvement or attainment of goals. Written warnings or reprimands may be followed by demotion, suspension or dismissal depending on the seriousness of the offense. There is no inflexible rule that all steps of progressive discipline must be followed before demoting, suspending or dismissing an employee. The circumstances of each case and the Board or Commission’s judgment as to the action that is necessary to correct the performance or conduct will help determine which step to use or whether immediate demotion, suspension or dismissal is appropriate. Progressive discipline, or the absence thereof, may be considered by the commission at hearing when determining whether cause for disciplinary action exists.**

#### **18.1.6 Immediate Suspension Without Pay**

**The Superintendent or his designee may suspend an employee without pay and without pre-disciplinary notice for the following causes:**

- A. **An employee shall be immediately suspended without pay if charged with the commission of any sex offense, controlled substance offense or a violent or serious felony as defined by Education Code 44010,**

44011, 45122.1 or 45304. Such suspension shall continue for not more than ten (10) working days after the date of the court judgment.

- B.** Any employee suspended under this Rule shall continue to be paid his regular salary during the period of suspension provided they furnish the District a suitable bond or other security acceptable to the Board, as a guarantee that the employee will repay the District the amount of salary and benefits paid during the suspension in the event the employee is convicted of the charges or does not return to service after the suspension. If the judgment determines that the employee is not guilty of the charges, or if the complaint, information or indictment is dismissed, the District shall reimburse the employee for the cost of the bond.
- C.** Notwithstanding the procedures set forth in this Rule, the Superintendent or his designee may suspend, without pay, an employee required to maintain a license or certificate issued by the Department of Motor Vehicles (DMV) to perform assigned duties when the license or certificate is suspended by the DMV or California Highway Patrol (CHP) and the license or certificate is required by the employee's position. The duration of the suspension without pay shall not be greater than the number of days the license or certificate is suspended. The suspension without pay may begin on the first working day the license or certificate is suspended and shall conclude on the last working day of the suspension. If the suspension of the license or certificate is rescinded by the DMV or CHP the employee shall be immediately returned to work status and paid all compensation lost during the suspension. If an employee is suspended under this Rule the Superintendent or his designee shall immediately notify the employee and the Human Resources Director – Classified. The Superintendent or his designee shall then comply with the due process disciplinary procedures.
- D** Notwithstanding the procedures set forth in this Rule, the Superintendent or his designee may suspend an employee without pre-disciplinary notice in the event of emergency or under extraordinary circumstances when it is necessary to remove an employee from district property. If an employee is suspended in this manner, the District shall provide a written notice to the Personnel Director of the circumstances which justified its action and shall meet with the employee to explain its actions and to provide an opportunity for the employee to respond before the Board ratifies the suspension. The Personnel Director may act in the same manner regarding employees of the commission. When the Board or Commission may be asked to consider dismissal, the suspension may be extended until the Board or Commission considers such disciplinary recommendation.

References: Education Code Sections 44010, 44011, 44940, 44940.5, 45122.1, 45123, 45124, 45302, 45304.

### **18.1.7 Dismissal of Substitute/Limited-Term/Provisional/Probationary Employees**

A substitute, limited-term, provisional or other temporary or probationary employee may be released without cause and without regard to the procedures in these Rules at any time during an assignment. Probationary employees must be released prior to completion of the probationary period.

### **18.1.8 Removal From Employment Lists**

Dismissal shall be cause for removing the employee's name from all employment lists.

## **18.2 Notice of Intent to Discipline**

### **18.2.1 Notice of Intent**

**A permanent classified employee may be subject to discipline after receipt of a Notice of Intent to Discipline and the employee has had an opportunity to respond to the charges.**

### **18.2.2 Contents of Notice of Intent**

**The Notice of Intent to Discipline shall contain the following:**

**The nature of the proposed discipline, such as, suspension, demotion or dismissal.**

**The sections of these Rules that the employee is alleged to have violated.**

**The specific charges against the employee, which should include dates, locations and a description of the chargeable acts or omissions, when ascertainable.**

**The proposed effective dates of the disciplinary action.**

**The employee's right to a pre-disciplinary conference with the Superintendent or designee, which may be scheduled in the Notice of Intent to Discipline.**

**The employee's right to representation.**

**The employee's right to see and obtain copies of all evidence and documentation of a derogatory nature which the District intends to introduce at hearing in its case against the employee.**

**The employee's right to respond to the charges either orally or in writing.**

### **18.2.3 Notice in Readily Understood Language**

**The charges made in the Notice of Intent to Discipline must be written so that the employee will understand the complaint(s) and charge(s) against him and may be expected to respond to them. Causes or grounds for disciplinary action stated solely in the language of the rule, regulation or statute is deemed insufficient notice.** When a regular employee is to be suspended, demoted, or dismissed specific written charges shall be prepared and presented for approval of the Governing Board. The charges must be so clear that the employee will know the exact complaints and may be expected to respond to them.

### **18.2.4 Notice to Personnel Director**

**A copy of the Notice of Intent to Discipline shall be delivered to the Commission Office.** When formal disciplinary action has been approved by the Governing Board, the action and the charges shall be reported to the Personnel Director, who shall immediately notify the employee and shall report the action to the commission at its next regular meeting.

### 18.2.5 Notice In Writing and Served on Employee

**Notice of Intent to Discipline shall be in writing and served to the employee in person or by certified mail, return receipt requested. This requirement is deemed to have been met if the Notice of Intent to Discipline is sent certified mail to the last known address on file with the District. Failure of the employee to retrieve mail. Or respond to notices by the U.S. Postal Service of attempted delivery shall not be grounds for voiding notice or staying the time lines in these Rules. Keeping the District informed of a current home address is the responsibility of the employee. When a notice is mailed, the second working day following the mailing date shall be considered the date of receipt.**

~~No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his/her affiliations, political or religious acts or opinions, race, color, sex, disability, ethnicity, or marital status, subject to the provisions of Paragraph A.3 Rule 60.800.1.~~

~~Notice to the employee shall include a copy of the charges and a statement of his/her right to appeal, if any, together with a copy of Rule 60.800.3.~~

~~Notwithstanding the procedures prescribed above, an employee may be suspended prior to Board approval at the discretion of the Superintendent, or his/her designee, with or without pay, subject to later ratification by the Board at its next regular meeting. Requirements in regard to charges and notifications must be met when the Board ratifies the administrative action.~~

~~A regular employee charged with the commission of any sex offense as defined in Section 44010 of the Education Code by complaint, information, or indictment filed in a court or competent jurisdiction may be suspended as provided for in Section 45304 of the Education Code. Such a suspension will be processed as an involuntary personal leave in accordance with the provisions of the 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 days.~~

~~Failure to appeal, as provided below, shall make the action of the Governing Board final and conclusive.~~