

AGENDA

**Regular Meeting
 Tuesday, March 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 February 09, 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

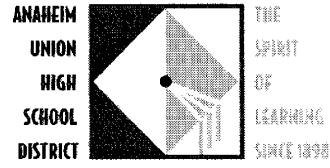
No Action Required

7.0 **CLASSIFICATION AND SALARY**

7.1 Reclassification study on Carlos Cruz, Equipment Operator

Exhibit c

Moved by _____
 Seconded _____
 Vote _____



AGENDA

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

- | | | | |
|-----|---|------------------|--|
| 7.2 | Approve the revised job classification of Educational Technology Supervisor, at salary range Mgmt/13 | Exhibit D | Moved by _____
Seconded _____
Vote _____ |
| 7.3 | Report to Commission on working out of class study for Jeff Schofield, Senior Graphic Arts Technician | | Moved by _____
Seconded _____
Vote _____ |

8.0 RULES AND REGULATIONS

- | | | | |
|-----|---|------------------|--|
| 8.1 | Approve Chapter 3 of the Personnel Commission Rules | Exhibit E | Moved by _____
Seconded _____
Vote _____ |
| 8.2 | Approve Chapter 16 of the Personnel Commission Rules | Exhibit F | Moved by _____
Seconded _____
Vote _____ |
| 8.3 | Approve Chapter 18 of the Personnel Commission Rules | Exhibit G | Moved by _____
Seconded _____
Vote _____ |
| 8.4 | Chapter 19 of the Personnel Commission Rules, First Reading | Exhibit H | No Action Required |
| 8.5 | Chapter 20 of the Personnel Commission Rules, First Reading | Exhibit I | No Action Required |
| 8.6 | Chapter 21 of the Personnel Commission Rules, First Reading | Exhibit J | No Action Required |

9.0 OTHER

- | | | | |
|-----|-------------------------|--|--------------------|
| 9.1 | Unfinished Business | | No Action Required |
| 9.2 | Commissioner's Comments | | No Action Required |

10.0 NEXT REGULAR MEETING

Date: April 13, 2010
Time: 4:15 p.m.
Location: Board Room-District Office

11.0 ADJOURNMENT: _____ p.m.

MINUTES

Regular Meeting
Tuesday, February 9, 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; and Victoria Wintering, Ph.D., Executive Director.
Absent: Ron Costello, Commissioner.

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. Jack Janec, AFSCME union steward, spoke regarding the reclassification study for Carlos Cruz, equipment operator.
2. Carlos Cruz, equipment operator, stated that he wants to be reclassified to a Senior Equipment Operator. He also voiced his concerns regarding rotation of jobs.

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. Castillo duly seconded and unanimously carried, the Personnel Commission approved the minutes of the regular meeting of January 12, 2010.
- 5.3 Communication

There was no communication at this time.

6.0 SELECTION PROCESS

- 6.1 List of Current Recruitments (Test Plan)
- 6.2 Certification/ratification of eligibility lists
 - 6.2.1 On the motion of Mr. Castillo, duly seconded and unanimously carried, the Personnel Commission certified the eligibility lists for Food Services Assistant I, Instructional Assistant Mathematics, Instructional Assistant Severely Handicapped, and Instructional Assistant Special Education.

MINUTES

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

7.0 RULES AND REGULATIONS

- 7.1 Classified Personnel Employees Handbook Chapter 3, First Reading.
- 7.2 Classified Personnel Employees Handbook Chapter 18, First Reading.

8.0 OTHER

- 8.1 Unfinished Business
- 8.2 Commissioner's Comments

9.0 NEXT REGULAR MEETING

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

10.0 ADJOURNMENT

The Personnel Commission adjourned the meeting at 4:32 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	8/28/2009	10/6/2009	10/26/2009	15	Open	11/17/2009	1/5/2010			2/9/2010		JS
Instructional Assistant-Severely Handicapped	8/28/2009	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	1/7/2010			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	3/9/2010	yes			MT

EDUCATIONAL TECHNOLOGY SUPERVISOR**DEFINITION:**

Under the direction of the ~~Coordinator of Library Programs and Instruction~~ **Director, Information Systems**, assign, schedule and coordinate the **educational technology** operations and activities of the Educational Technology department to support a broad range of technological needs of the students, teachers and staff; supervise and evaluate the performance of assigned staff.

ESSENTIAL DUTIES:

The classification specification does not describe all duties performed by all incumbents within the class. This summary provides examples of typical tasks performed in this classification.

PROJECT MANAGEMENT

Assign, schedule, oversee, **inspect** and coordinate the work of assigned staff involved in receiving, setting up, trouble shooting and repairing of **educational technology including, but not limited to**, microcomputers, **video printers, peripherals** and audio-visual equipment. ~~oversee and participate in the inspection, repair and processing of commercially or in-house produced films and other media utilized District wide.~~ **E** Coordinate **in the selection and/or creation of education technology media with instructional leaders.** and facilitate special equipment set-ups at the District office, school sites and various community and commercial venues. **E** Develop and implement procedures for the maintenance and repair of media-related equipment **educational technology.** **E** Research, recommend and order new **educational** technology equipment for school site and District needs. **E** Supervise and evaluate the performance of assigned staff; interview and select employees and recommend transfers, reassignment, termination and disciplinary actions. **E** Maintain instructional technology equipment inventory and service records. **E**

TECHNICAL SUPPORT

Provide a broad range of technical support to District and school site personnel; instruct school personnel in the operation of equipment and procedures for ordering and handling audio-visual **electronic** instructional materials. **E** Produce, ~~direct~~, record and edit in-house video production projects and District multi-media presentations. ~~E~~ **E** Make repairs to a wide variety of instructional **educational** technology equipment; order supplies, parts and tools that facilitate the service and repair function. **E**

MISCELLANEOUS

Communicate with District administrators, other departments and outside agencies to coordinate activities, exchange information and resolve issues. **E** Attend and participate in a variety of meetings related to assigned activities. **E** Operate a computer and assigned software programs to troubleshoot and evaluate technology equipment; utilize a variety of hand and power tools and electronic diagnostic and measuring tools. **E** Perform related duties as assigned.

MINIMUM QUALIFICATIONS:

Any combination of education, training and/or experience, which demonstrates that the applicant is likely to possess the required skills, knowledge's and abilities, may be considered.

~~E~~ **Essential Job Functions**

BOT Approved: 12/13/01

Revised: 3/9/10

Experience and Education:

Graduation from high school supplemented by college-level course work in ~~audio-visual~~ **educational** technology or a related field and five years of increasingly responsible experience in making complex repairs to a wide range of ~~audio-visual and computer~~ **educational** equipment.

EMPLOYMENT STANDARDS:

Knowledge Of:

Service and repair procedures used in the maintenance of computers, video and audio-visual equipment.

Operation of computers, video and audio-visual equipment.

Characteristics of various media devices and materials.

Current costs of replacing and repairing broken or damaged items.

Local vendors and sources of supply.

Principles and application of digital technologies.

Applications of technology in a diverse learning environment.

Record-keeping techniques.

Principles of training and supervision.

Principles of project management.

Interpersonal skills using tact, patience and courtesy.

Ability to:

Advise school administrators and media personnel on effective utilization of audio-visual equipment.

Train, supervise and evaluate assigned staff.

Operate, service and make repairs to assigned equipment.

Plan, coordinate and implement new technologies.

Plan and produce audio-visual presentations.

Maintain records related to work performed.

Understand and follow oral and written instructions.

Communicate effectively both orally and in writing.

Establish and maintain cooperative and effective working relationships with others.

Meet schedules and time lines.

PHYSICAL DEMANDS:

Employees in this classification drive a vehicle; should have dexterity of hands and fingers to operate a computer keyboard and assigned equipment; **be able to** hear and speak to exchange information in person and on the telephone; **may** sit or stand for extended periods of time; lift, carry, push and pull heavy objects weighing 50 pounds or more; bend at the waist, may kneel or crouch to service equipment and reach overhead, above the shoulders or horizontally to install equipment.

WORK ENVIRONMENT:

Employees in this classification, work inside, in an office environment, **have direct contact with other District staff, students and administration; work independently, in situations requiring a high degree of tact and diplomacy; with a high volume of work and stringent deadlines, with continuously changing priorities and intermittent diversions.**

BOT Approved: 12/13/01

Revised: 3/9/10

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, 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 Personnel Director in writing so that a review may be conducted to determine whether a pay differential is appropriate.**
 - A. **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 a submitted claim. A claim for**

differential working-out-of-class pay must contain a list of the assigned duties.

- B. The Personnel Director shall review the duties assigned to the position. The Personnel Director will determine if the assigned duties are either at a higher or lower level classification, and will present the findings, recommendation of approval or rejection of an appropriate pay differential to the Commission. 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: 10/14/08

RULE 16**LEAVES OF ABSENCE****16.1 GENERAL PROVISIONS****16.1.1 Definition of Leave of Absence**

A leave of absence is when a regular employee is absent from duty with or without pay for a specific period of time and approved by the District

16.1.2 Right to Position Upon Return

An employee granted a paid or unpaid leave of absence of six (6) months or less shall have the right to return to the position held at the time the leave was granted.

16.1.3 Right to Position for Leaves Over Six (6) Months

An employee granted a paid or unpaid leave of absence of more than six (6) months shall have the right to return to a position of equal hours, months and pay in the same classification held at the time the leave was granted.

16.1.4 Authorized Leave Is Not A Break In Service

Approved leaves that are paid shall not constitute a break in service.

16.1.5 Continuation of Benefits During Paid Leave

An employee on a paid leave of absence shall continue to accrue all benefits to which they are entitled as a regular employee.

16.1.6 Health Coverage During Leave

An employee, who is otherwise eligible for health insurance, shall continue to receive such benefits during all periods of paid leave. An employee absent on an approved unpaid leave may be allowed to maintain health coverage benefits through COBRA for a designated time period, by remitting monies to the District to cover the cost of such insurance.

16.1.7 Cancellation of Voluntary Leave

The Board of Trustees may cancel any discretionary leave of absence for good cause by giving the absent employee due notice. Due notice shall allow sufficient time for the employee to return to work, but shall not be less than five (5) working days.

16.1.8 **Failure to Report for Duty after a Leave Is Cancelled**

Failure to report for duty within three (3) working days after a leave has been canceled shall be considered abandonment of position and the employee may be terminated by the Board of Trustees. Termination for abandonment shall be for cause and treated as a disciplinary action.

16.1.9 **Licenses/Certificates Maintained**

Any employee required to hold a license or certificate at the time a leave is granted may not return to employment after the leave without a valid license or certificate.

16.1.10 **Employment While on Leave (60.500-8)**

An employee, while on leave of absence ~~other than vacation~~, may not accept other gainful employment with another employer, except ordered military service or Peace Corps service. ~~without express prior approval of the Board of Trustees.~~

16.1.11 **Absence Forms and Reports**

Reports and forms of absence required by the District shall be submitted with the employee's time report.

16.1.12 **Holidays During Paid Leave**

Authorized paid holidays which occur during a period in which an employee is on paid leave of absence shall be paid as holiday pay and shall not be deducted from any paid leave days being used or eligible to be used by the employee.

Reference: Education Code 45190, 45191, 45203

16.2 **Paid SICK LEAVE (60.400-2) Conditions of Leaves (60.500)**

16.2.1 **Definition of Sick Leave**

Sick leave is the authorized absence of an ~~an~~ regular employee when the absence is due to:

- A. **Physical or mental inability to perform the usual and customary duties of the position due to ~~because of~~ illness, ~~or~~ injury or legally established quarantine exposure to a contagious disease.**
- B. **A visit to a licensed physician, dentist, medical practitioner, psychologist or other therapist for examination, treatment, consultation or therapy related to illness, injury or legally established quarantine.**

16.2.2 Number of Sick Leave Days Earned

Regular classified employees shall earn:

- A. **One (1) day of sick leave for each month of paid service.**
- B. **A regular employee must be in paid status for one-half (1/2) or more of the working days in the month to earn sick leave for the month.**
- C. **Employees assigned to a work year of less than twelve (12) months or less than forty (40) hours per week shall accrue sick leave credit prorated in the proportion of the number of hours worked per week compared to forty (40).**
- D. Classified confidential and management employees (probationary and permanent) shall earn paid sick leave in accordance with the provisions of Education Code Section 45191.
- E. Sick leave for 12 month Classified Confidential and Management employees shall be earned, for salary computation purposes, at the rate of one and two-tenths (1.2) days for each full calendar month of **paid** service, with an annual maximum of fourteen and four-tenths (14.4) days. Classified Confidential and Management employees working less than 12 months are entitled to sick leave benefits on the following prorated basis:

11 month employees	11 days
10 month employees	10 days
9 month employees	9 days

Part-time employees shall earn sick leave pay on a prorated basis.

16.2.3 Pay Rate For Sick Leave

Pay for ~~any day~~ of sick leave shall be the same pay the employee would have received ~~if he/she had~~ **they** worked that day.

16.2.4 Sick Leave Carry-Over

~~Unused~~ Sick leave **accrued, but not used, shall carry over from one fiscal year to another** ~~may be accumulated~~ without limited accumulation.

16.2.5 Probationary Employees' Use of Sick Leave

~~Sick leave may be taken at any time for approved reasons, provided that employees with probationary status may use only~~ **Employees may not use more than six (6) days of paid sick leave during their initial probationary period. This rule shall not apply to permanent classified employees in probationary status.**

16.2.6 Sick Leave Advanced

At the beginning of each fiscal year, the sick leave "bank" **account** of the employee shall be increased by the number of days of paid sick leave which he/she would normally **be earned** in the ensuing fiscal year. An employee's **advanced** sick leave "bank" shall be adjusted **should** if a change of assignment alter the amount of sick leave **which the employee can** earnable.

16.2.7 Notification of Absence Request for Leave (~~60.500.1~~)

In order to receive compensation while ~~absent on~~ **for** sick leave, or for any other authorized absence that is not approved in advance, the **an** employee must personally notify the **District in accordance with procedures established by the employee's supervisor or the District. If no procedure has been established, the employee shall notify their** immediate supervisor or ~~designee~~ **prior to the start of their work day if possible, but not later than** of the absence within the first working hour of each day of **absence.** Swing shift personnel must personally notify the immediate supervisor or ~~designee~~ of the absence no later than 10:00 a.m. of each day absent. If conditions make notification impossible, the burden **establishing the impossibility of notification** of ~~proof of impossible conditions~~ shall be upon the employee.

All requests for leave, with or without pay, shall be made on forms provided by the ~~Personnel Director~~ **Human Resources** and shall state specifically the reasons for the request, the date desired to begin the leave, and the probable date of return. The request shall be submitted to the Personnel Director ~~as far~~ in advance of the requested starting date ~~is reasonably possible.~~

16.2.8 Notification of Return to Work ~~District (60.500.4)~~

In order to allow the District the opportunity to make arrangements for the return of an absent employee, ~~At least one day prior to his/her expected to work,~~ the employee shall notify his/her **their immediate supervisor of their pending return as soon as possible, but not later than 3:00 p.m. of the work day preceding the employee's return.** ~~in order that any substitute employee may be terminated.~~ If the **an** employee fails to notify his/her **their immediate** supervisor and both the employee and the **a substitute has been assigned to work the day the employee returns** report, the substitute is entitled to the assignment, and the

employee **may be sent home** shall ~~not receive pay~~ for that day **without pay**.

~~The classified Personnel Office will notify the employee who is on leave of absence, twenty five days before the expiration of such leave, that his/her position is being held pending notification of the employee's intent to return. Such notification shall be sent by U.S. Mail to the Employee's last known mailing address. In the event the employee fails to respond to the District notification fifteen days before the expiration of the leave indicating the employee's intention to return from leave, it is understood that the District may proceed to fill the employee's position. If a leave is granted for fewer than twenty five days or in the event of emergency conditions, the above procedures may be waived by the Personnel Director.~~

16.2.9 **Doctor's Note May Be Required** ~~Verification of absence~~

If the District has reason to question an employee's absence from duty, regardless of the duration of the absence, the District Board may require the employee to present a statement from a state-licensed physician or other source acceptable to the District, verifying the nature and/or duration of the illness by the end of the ensuing pay period.

An employee absent five (5) consecutive working days shall provide the District with a doctor's statement verifying medical necessity and duration of the illness, as well as the start date and expected return to work date. The medical certification should not include any confidential medical information. Failure to submit a medical certification for the period of sick leave may result in an unexcused leave without pay. ~~satisfactory proof of the nature, extent, and duration of the illness if it believes an employee to be abusing the use of sick leave. In the event that an investigation results in proof that abuse has taken place, the employee may be subject to loss of pay for the day (s) of the proven abuse and/or other appropriate disciplinary action.~~

16.2.10 **General Right to Require Medical Exam**

The District shall have the right to have an employee examined by a state-licensed physician, at District expense, whenever there is a reasonable question as to the employee's physical, mental or emotional ability to perform the duties of their position.

16.2.11 **No Sick Leave Payoff**

When an employee leaves employment with the District, however, no compensation may be received for unused accumulated sick leave **shall not be paid upon termination.**

~~Health or Quarantine Leave (60.400.7)~~

~~Employees of the district who are quarantined by order of the Orange County Health Department or higher authority shall be granted five days of quarantine leave without loss of pay; however, this quarantine leave shall be charged against sick leave. An official notice signed by the Orange County Health Department shall be presented to the District certifying the quarantine order.~~

16.2.12 Revocation of Leave (60.500.2)

A leave of absence may be revoked by the Personnel Director upon evidence that the cause for granting it was misrepresented or has ceased to exist; but before any revocation is ordered, the employee shall be so notified and shall have the right to request a hearing before the Personnel Commission.

Reference: Education Code 45122, 45136, 45137, 45191, 45196.5, 45190

16.3 **EXTENDED SICK LEAVE**

16.3.1 Extended Additional Sick Leave (60.400.3) ~~Illness Absences Policy for Classified Employees (60.400.14) (Education Code Section 45192)~~

All permanent classified employees who have exhausted all accrued and advanced ~~A confidential or management employee who is absent from duty because of illness or accident beyond his/her accumulated sick leave shall~~ **receive extended sick leave benefits** be paid at the rate of 50% of **their** his/her daily rate of pay **subject to the following conditions:** ~~for those days beyond his/her accumulated sick leave.~~

- A. **Extended** ~~This additional paid sick leave, when added to his/her accumulated sick leave, shall not exceed 100 working days in any one fiscal year.~~
- B. **When a regular classified employee has exhausted all accrued, advanced or** ~~It shall not be accumulative and shall be exclusive of any other paid leave, and continues to be~~ **unable to resume the duties of their position due to illness or injury, the employee will be placed on extended sick leave.**
- C. **Accrued and advanced sick leave, accrued** ~~authorized compensatory time off and accrued~~ **time off and accrued** ~~holidays, vacation days may be used before the employee can receive~~ **extended leave pay.** ~~or time to which the employer may be entitled. If the absence is due to non-industrial accident or illness, the leave shall run concurrently with sick leave. The extended sick leave described above shall be granted to all~~ **classified** ~~confidential and management employees on July 1 of each year.~~

16.3.2 **Extended Sick Leave and Next Fiscal Year**

When the entitlement to extended sick leave is not exhausted at the end of a fiscal year, and the employee continues to be sick or disabled, the employee shall be entitled to receive the regular and extended sick leave benefits available for the new fiscal year. Extended sick leave shall not accumulate from year to year.

16.3.3 **Verification of Illness**

All rules governing verification of illness and medical examination in these rules shall also apply to absences taken under this rule.

16.3.4 Termination of Sick Leave (~~60.400.4~~)

If at the conclusion of all sick leave and additional leave, paid or unpaid, granted under this rule the employee is still unable to assume **their** duties, ~~of his/her position, he/she~~ **they** will be placed on a reemployment list for a period of 39 months in the same manner as if he/she were laid off for lack of work or lack of funds.

In the event of an absence of a permanent classified employee because of personal illness, work incurred injury, or off-the job injury which occurs or continues after all entitled sick leave, vacation, and any other paid leave-of-absence benefits have been exhausted, the following policy shall apply:

- A. If the employee is not medically able to assume the duties of **their** ~~his/her~~ position, ~~he/she~~ **they** shall be placed on a reemployment list for a period of 39 months. When medically able during the 39 month period, **they** ~~he/she~~ shall be employed in a vacant position in the class of ~~his/her~~ **their** previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case **they** ~~he/she~~ shall be listed in accordance with appropriate seniority regulations.
- B. An employee who has been placed on a reemployment list, as provided herein, who has been medically released for return to duty and who fails to accept an appropriate assignment within a period of seven days after written notification shall be dismissed.
- C. An employee will be taken off the 39-month reemployment list if **they have** ~~he/she has~~ not been placed in a vacant position within 39 months.

Reference: Education Code 45136, 45190, 45191, 45195, 45196, 45196.5

16.4 **INDUSTRIAL ACCIDENT AND INDUSTRIAL /ILLNESS LEAVE**
(60-400.5)

16.4.1 **Sixty (60) Working Days of Full Paid Leave**

All **regular** classified employees (except temporary or substitute employee) Leaves resulting from an industrial accident or industrial illness shall be **entitled to this leave**, granted in accordance with provisions of Education Code Sections 44043 and 45192 and this rule. **A classified employee who is absent from duty for causes which are District related** because of resulting from an such as **an industrial** accident, illness or injury or condition incurred on duty, which qualified under Workers' compensation Insurance, shall be **entitled** granted to not more than exceed a total of sixty (60) working days for each **industrial injury, accident or illness. If the full sixty (60) working days overlap into the ensuing fiscal year, the employee shall be entitled only to the remainder of the sixty (60) working days not used. This leave is non-cumulative and may be taken only during those periods when the employee would normally have been in paid status.**—an occupational leave such provided that neither the number of days for one leave nor the total number of days allowed in one school year for more than one such leave does

An employee in the classified service, who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under provisions of the Workers' compensation Insurance Law, shall be granted paid industrial accident leave for each such accident or illness while receiving temporary disability benefits from Workers' Compensation provided that:

1. He/she has probationary or permanent status.
2. The Superintendent or his/her designated representative has determined that the illness or injury was directly related to the performance of his/her duties while in the employ of the Anaheim Union High School District.

16.4.2 **Reporting of Injury**

In the case of an industrial accident or injury, the employee must report the incident to their supervisor on the same day whenever possible. Injuries not reported the same day require justification for the delay. When an employee is absent from duty due to an industrial accident or illness, they shall notify their supervisor within the first day of absence that the injury is industrial.

16.4.3 **Leave Commences on First Day**

Occupational leave shall be granted from the **An industrial accident or illness leave shall commence on the** first day of **absence and** disability but shall not extend beyond the last day for

~~which temporary disability indemnity is received~~ **be reduced by one day for each day of authorized absence.** Only absences which are supported by a physician's certificate and have been verified to be the result of a duty connected illness or injury can be paid under the occupational leave policy. Any absence that cannot be so verified shall be charged against the employee's sick leave or other appropriate leave. An employee while receiving occupational leave benefits must remain within the State of California unless the Board of Trustees authorizes travel outside the state.

16.4.4 **Workers' Compensation Check Endorsed To District**

~~While an employee is on any~~ **During all** paid leaves resulting from an industrial accident or industrial illness, the employee's salary paid by the District shall **endorse to the District any** ~~not,~~ when added to a normal temporary disability **indemnity checks received on account of their industrial accident or illness.** allowance award without penalties granted the employee under State Workers' Compensation Insurance Laws, exceed the employee's regular salary. **The District shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary and/or leave benefits and shall deduct normal retirement and other authorized contributions.** A permanent employee's regular salary is computed on the basis of the number of hours and days in his/her basic daily assignment. An employee who is not permanent shall have his/her regular salary computed on the basis of the average number of hours worked each month in which the employee was in paid status during the preceding year. Final allowance for permanent industrial disability settlements shall not be subject to remittance to the district under this rule.

~~During any period an employee is receiving his/her regular salary from the District, he/she is required to endorse over to the District all temporary disability payments received in accordance with Section 44984 of the Education Code. Charges to the employee's leave balances shall be as follows:~~

1. ~~Occupational leave shall be reduced by one day for each day of authorized absence regardless of temporary disability payments paid, and~~

2. ~~Personal sick leave and/or vacation leave shall be reduced only by that amount necessary to provide a full day's wage or salary when added to temporary disability benefits. Any employee who is absent because of a work connected illness shall not be entitled to receive wages or salary from the District which, when added to temporary disability benefits, will exceed his/her full salary during the period of his/her absence. (See section 44043 Education Code).~~

16.4.5 **Use of Sick Leave After Exhaustion of Sixty (60) Days**

Upon exhaustion of industrial accident/ ~~Should the employee's absence due to an occupational injury or illness~~ **leave,** extend beyond sixty (60) consecutive working days, the employee shall be

~~entitled permitted to use accumulated personal-sick leave. If the employee continues to receive until—temporary disability indemnity, sick leave will be reduced only in the amount necessary to provide not more than the employee’s full salary. payments cease, until he/she returns to duty, or until personal illness credits have been used up, whichever is sooner.~~

16.4.6 **Use of Other Leaves After Exhaustion of Sick Leave**

After all accumulated sick leave has been exhausted, an employee will be paid accumulated compensatory time and accrued vacation, and then the employee will be placed on extended illness leave.

16.4.7 **Placement on Reemployment List/Exhaustion of Leave**

~~When all available paid or unpaid leaves have been exhausted, and the employee is unable to return to work, they of absence have been exhausted following an industrial accident or industrial illness, the employee’s name shall be placed on a the reemployment list for the class from which he/she was on leave for a period not to exceed thirty-nine (39) months. When the employee is medically able to~~

~~Upon return to work, service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee they shall be reemployed in a vacant position in the class according to their seniority on the list. assigned to a position in his/her former class ahead of any employee with a lesser amount of seniority. If no vacancy exists in his/her former class, he/she may displace the most recently appointed employee in the class with less seniority.~~

~~An employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the Education Code and Personnel Commission rules. An employee shall continue to receive seniority credit for all purposes while on such a paid or unpaid leave of absences.~~

~~An employee who fails to accept an appropriate assignment after being medically approved therefore shall be removed from the reemployment list. Appropriate assignment is defined as an assignment to the employee’s former class, in his/her former status and time basis, and in assignment areas in which the employee has made himself/herself available. Employees removed from a reemployment list under this Rule may appeal the removal to the Personnel Commission.~~

16.4.8 **Abolishment of Previous Classification**

If the employee’s class has an—former been abolished during their absence and ceased to exist, the employee has been released to return to work, may be reassigned or placed on a

~~suitable reemployment list~~ **the employee shall be placed in a vacant position in a comparable class for which the employee is qualified as determined by the Personnel Director and approved by the Commission.**

Reference: Education Code 44043, 45190, 45192

16.5 TRANSFER OF SICK LEAVE

16.5.1 Transfer of Sick Leave from another District

Any classified employee of another school district, county superintendent's office, community college, or other public school agency deemed a school district by California law who has been employed for one (1) calendar year or more who was not terminated for cause, who accepts employment with the other district shall be allowed to transfer their accumulated sick leave to this District. The newly hired employee shall request Human Resources to secure the sick leave information from the former district and submit it to payroll for inclusion in the employee's sick leave account. ~~was hired from another district prior to November 10, 1969, will not be credited with sick leave accumulated while in the employee of another district. If he/she was employed for one year or more in another school district and accepts employment in the Anaheim Union High School district within thirty days of his/her termination date in the other district, he/she may have noted in his/her file the number of unused day and may apply to the Board of Trustees for use of the time, if a need arises. An employee hired by the Anaheim Union High School district on or after November 10, 1969, will automatically qualify for the transfer of illness or injury leave accumulated under Education Code Section 45191 earned in other school districts and community colleges in California provided he/she was employed for one calendar year or more in the other school district and he/she accepts employment in the Anaheim Union High School District within one calendar year of his/her termination date in the other district.~~

16.6 UNPAID ILLNESS LEAVE

16.6.1 Six (6) Month Unpaid Leave

An employee, who has exhausted all paid leaves and who continues to be absent due to illness or injury, may be granted an additional six (6) month unpaid leave by the Board of Trustees.

16.6.2 Right to Return to Classification

Granting an unpaid leave under this Rule shall guarantee the employee the right to return to a position in their former class.

16.7 BEREAVEMENT LEAVE (60-400-6)

16.7.1 **Three (3) to Five (5) Days of Paid Leave**

In the event of the death of a member of the immediate family, an Every—classified—employee is shall be granted necessary leave of absence, not to exceed entitled to three (3) days, and an additional two (2) days for necessary one way travel beyond 300 miles of the District. of leave of absence for the death of any member of his/her immediate family, or five (5) days if out of state travel is required. Additional days of absence beyond those described herein may be provided under the terms of Personal Necessity Leave in these Rules. Employees granted bereavement leave under this Rule shall suffer no deduction from their salary, nor shall such leave be deducted from leave granted by other sections of these Rules or the Education Code.

16.7.2 **Immediate Family**

Members of the immediate family are:

Mother (Stepmother)	Sister (Step-Sister)
Mother-In-Law	Sister-In-Law
Father (Stepfather)	Brother (Step-Brother)
Father-In-Law	Brother-In-Law
Husband	Grandfather
Wife	Grandmother
Son (Stepson)	Son-In-Law of employee
Daughter (Stepdaughter)	Daughter-In-Law of employee
Grandchild of employee	Legal Guardian of relative in home
Aunt	Uncle
Niece	Nephew
Foster children	Domestic Partner

16.7.3 **Discretionary Bereavement Leave**

The Superintendent or their designee shall have the discretion to grant bereavement leave to an employee for persons other than immediate family when unusual circumstances exist. at his/her discretion is authorized to grant additional leave up to three days. No deduction shall be made from the salary of such employee on account of such leave of absence. "Member of the immediate family" as used in this section means the father, mother, father in law, mother in law, son in law, daughter in law, sister in law, brother in law, husband, wife, child grandmother, grandfather, grandchildren, brother, sister, aunt, uncle, niece, nephew of the employee, and the like relatives of spouse, or any relative living in the immediate household of the employee.

16.8 PERSONAL NECESSITY LEAVE (60-400-10)

16.8.1 Use Up To Seven (7) Days

An ~~classified~~ employee **may use, upon District approval, not more than** ~~at his/her election, may be granted a total of seven (7) days of personal necessity leave annually, to be charged against his/her accumulated sick leave, in a fiscal year, in~~ for the following **cases for personal necessity** reasons:

- A. Death of a member of his **the** immediate family **when additional time is needed beyond the bereavement allowance.** ~~“Member of the immediate family” as used in this section means the father, mother, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, husband, wife, child grandmother, grandfather, grandchildren, brother, sister, aunt, uncle, niece, nephew of the employee, and the like relatives of spouse, or any relative living in the immediate household of the employee.~~
- B. Accident involving **the employee’s** person or property, **or that of a member of their** ~~his/her~~ or person or property of his/her immediate family, **of such a nature that the immediate presence of the employee is required during their work hours.**
- C. **Any other situations of urgency acceptable to the District, for the purpose of conducting personal business which is impossible to transact other than during work hours. Such leave may not be used for seeking other employment, rendering paid services, for recreational activities or for withholding services.** ~~emergencies as determined and approved by the Superintendent. (A written explanation for each absence request shall be filed with the Superintendent). Court appearance as a litigant or as a witness under order, and~~
- D. A classified employee shall be allowed to use two of the seven days of personal necessity absence without loss of pay in accordance with the following:

~~A written statement shall be filed with the Board Of Trustees or its delegated authority explaining the day’s absence and reasons therefore, and~~

The two days shall not be charged against a classified employee’s accumulated sick leave; however, if a classified employee uses this personal necessity absence, he/she will have a remainder of only five (5) days personal necessity absence, which if used, shall be deducted from his/her accumulated sick leave.

16.8.2 Notification of Leave Usage

Classified employees shall make a request to their immediate supervisor or site administrator and file the "Employee Absence Report" form. Requests shall be made in advance of the anticipated absence, except in emergencies or unexpected situations. In such cases the employee shall request leave as soon as possible.

16.8.3 Personal Necessity Not Cumulative

Personal necessity leave is non-cumulative and shall not exceed seven (7) days in a fiscal year.

16.8.4 Tragedy Personal Necessity Leave

A long term personal necessity leave of absence not to exceed ninety (90) days, may be provided to an employee who experiences a serious tragedy (**life threatening illness/accident**) within his/her immediate family. For purposes of this section, "immediate family" **has been previously defined in 16.7.** ~~shall be defined to include parent, sibling, spouse, dependent child, or any relative living in the immediate household of the unit member.~~ An employee's compensation during such leave shall be equivalent to the employee's regular salary and fringe benefits minus the amount necessary to pay a substitute whether or not a substitute is employed to replace the unit member while on leave.

16.9 MATERNITY LEAVE

16.9.1 Entitlement to Sick Leave

~~Regular~~ classified Maternity leave ~~is provided~~ female employees who ~~choose to be~~ **must be** absent from their duties because of pregnancy or convalescence following childbirth **shall be entitled to utilize all regular and extended sick leave benefits to which they may be entitled.** ~~Confidential and Management Personnel Leave for maternity purposes may be taken in one of the following three ways:~~

Whichever option is chosen by the employee the following rules shall apply:

- a. A leave of absence for maternity purposes (~~Maternity~~ **Pregnancy Disability** Leave).
- b. Sick leave for maternity purposes.
- c. Combining maternity leave and sick leave for maternity purposes.

16.9.2 Medically Certified Absence

Paid leave, including regular and extended sick leave, may be used for the period of absence medically certified by the employee's attending ~~The employee shall give notice of pregnancy to her school principal and/or the district office, together with the expected due date, and a physician's certificate verifying~~

~~the pregnancy. This shall be done as soon as possible and approved by the District.~~

16.9.3 Last Day Able To Work

~~An~~ The employee requesting maternity leave shall submit a physician's statement and a request for leave form to their immediate supervisor or site administrator. The request for leave and physician's statement should be submitted, if possible, thirty (30) days prior to the anticipated leave. ~~at the earliest date possible, in no event later than four weeks prior to the actual commencement of maternity leave, advise her school principal and/or the district office of the date on which she will commence maternity leave. She shall not continue to work beyond such date. She may commence maternity leave at an earlier date only if she becomes physically incapable of performing her duties, when certified by her physician.~~

16.9.4 Return To Work

~~Prior to returning to work, the~~ An employee who has commenced maternity leave shall not return to her duties until after her delivery or the pregnancy is otherwise terminated. She shall submit to the District, a release notice of intent to return to work from the treating ~~four weeks prior to resuming her position, request an extension of leave, or submit a resignation if not returning. She may return to her duties as soon after delivery or termination of pregnancy as she can provide a written statement signed by her physician.~~ **The release must be provided at least three (3) calendar days prior to the expiration of the leave** certifying that **they are** she is physically and mentally medically released to work able to return to full-time employment. Maternity leave for a prior pregnancy shall not be resumed after having returned to full-time employment.

~~The maternity leave shall not exceed one year.~~

~~Maternity leave shall be with or without pay if the employee has paid leave to utilize.~~

~~Sick leave may not be taken during the period of time an employee is on maternity leave, unless the sick leave is due to the condition of pregnancy, a sickness arising out of pregnancy, or the recovery from childbirth.~~

~~Use of Sick Leave for Maternity Purposes~~

~~An employee may apply for paid sick leave due to pregnancy when:~~

~~a. verified by a physician that she is no longer able to work due to the condition of pregnancy or the recovery from childbirth;~~

~~b. that at the time of her release by the physician she shall return to her normal duties.~~

~~Should the length of sick leave exceed her accrued number of sick leave days, she will not be entitled to extra days of sick leave, except as provided in the Education Code for reduced pay sick leave. Sick leave for maternity purposes shall be gin at the date the physician decides that continued fulfillment of her duties would be detrimental to her health and shall terminate on the date her~~

~~physician advises the district she can return to her normal job responsibilities.~~

~~Combining maternity leave and Sick Leave for maternity Purposes
Nothing in the maternity leave policy shall prevent an employee from combining maternity leave and sick leave for maternity purposes for the same pregnancy. The employee shall designate, prior to the first day of either type of leave, which days of absence shall be taken as maternity leave and which days shall be taken as sick leave.~~

Reference: Education Code 45193

16.10 UNPAID CHILD CARE LEAVE

16.10.1 Eligibility and Time Lines for Leave

A regular classified employee who is the natural or adoptive parent of a child may be granted an unpaid child rearing leave, when medical disability is not a factor. The leave shall be limited to one (1) year from the time the employee is medically released to return to work or the completion of the adoption procedures.

16.10.2 Beginning and Ending Dates

The employee shall establish a beginning and ending date for the child care leave as far in advance as possible of the start of the leave. The employee shall file a written request for leave of absence with the site administrator or division/department head using a District leave of absence form. The request form will be forwarded to Human Resources for review, recommended action, and presentation to the Superintendent and Board of Trustees.

16.10.3 Employee May Return Earlier

An employee must make a written request at least three (3) calendar days prior to the expiration of the leave and that they will be returning to active service. At the discretion of the Personnel Director this time may be reduced.

16.11 JURY DUTY LEAVE (60-400-8)

16.11.1 Leave for Jury Duty

~~When an **Regular classified** employees who **are** is called to serve on a for jury duty, he/she will **shall be entitled to be absent from duty without loss of pay for the period of the jury service.** be paid at his/her regular rate during his/her court services. Upon termination of jury duty, he/she will then submit the court warrant for his/her services to the District Payroll Office for abatement to the general fund. Mileage payment is excluded. When the juror's fees exceed the regular earnings of the employee,~~

~~the District may grant a leave of absence without pay, and the employee is entitled to retain all of his/her juror's fees.~~

16.11.2 Notification of Jury Leave

A request for jury duty leave shall be made by presenting the court summons to the site Administrator or division/department head. A copy of the court summons shall be attached to the employee's time report and verification of their time served from the court.

16.11.3 Return from Jury Leave

An employee shall return to work from jury duty if they can complete at least one-half (1/2) of their regular assignment. At no time shall an employee be expected to put in more time, when combining jury duty hours and regular work hours than the employee's regular assignment or eight (8) hours. An employee whose regular assignment commences at 2:00 p.m. or after, and who has served all or any part of the day on jury duty shall be relieved from work with pay for that day.

16.12 WITNESS COURT LEAVE (60.400.9)

16.12.1 Witness Leave of Absence

A leave of absence to serve as a witness in a court case, administrative hearing or tribunal, or to respond to an official order from another governmental jurisdiction for reasons not brought about by the employee being the defendant or plaintiff, shall be granted to all regular classified employees without loss of pay.

~~An employee who is summoned to appear to any action in which he/she is not a litigant will be given three (3) days of leave without loss of pay.~~

16.12.2 Notification of Witness Leave

A request for witness leave shall be made to the site administrator or division/departmental head by presenting the summons, subpoena or official orders. A copy record of the official summons, subpoena or official order shall will be filed attached to the employee's time report with the District Office.

16.12.3 Return from Witness Leave

An employee shall return to work from witness leave if they can complete at least one-half (1/2) of their regular assignment. At no time shall an employee be expected to put in more time, when combining witness hours and regular work hours, than the employee's regular assignment or eight (8) hours. An employee whose regular assignment

commences at 2:00 p.m. or after, or who has served all or part of the day on witness leave shall be released from work with pay for that day.

16.13 ABSENCE FOR EXAMINATION/INTERVIEW (60.400.11)

16.13.1 Absence for Examination

Any classified Every employee in the classified service shall be permitted **release time** to be absent from his/her duties during working hours in order to take any examination **given by the Commission during their regular working hours** for promotion in the District without deduction of pay or other penalty. **The employee shall** provided that he/she gives **at least two (2) working** days notice to his/her **their** immediate supervisor.

16.13.2 Absence for Interview

Any classified employee shall be permitted release time to attend an interview for promotion or transfer in the District during regular working hours without deduction of pay or other penalty. The employee shall provide at least two (2) working days notice to their immediate supervisor.

16.13.3 Attendance at Commission Meeting

Any classified employee shall be permitted release time to attend a Commission meeting at which a recommendation affecting the employee's classification, position, salary or status is being presented. Release time shall be without deduction of pay or other penalty provided the employee has given his immediate supervisor at least twenty-four (24) hours notice and returns to work after the meeting.

16.14 MILITARY LEAVE SERVICE (60.600)

16.14.1 Military Leave Granted Duration of Leave (60.600.1)

Regular classified employees under official orders, in accordance with the provisions of the Military and Veterans' Code of the State of California a temporary leave of absence who are called to active duty in the Armed Services of the United States of America, including the Coast Guard, shall be granted military leave of absence for the period of service consistent with federal and state law to any classified employee who is a member of the Reserve of any branch of the armed services of the United States or of the national Guard or naval Militia, for a period not to exceed 180 calendar days during any fiscal year.

Military Replacements (60.600.3)

Substitute replacements, appointed to positions which have become vacant because of required military service of incumbents, shall be

~~deemed duration positions. Any person subsequently appointed to the class will be considered to have less credit for years of service than the person who left the position to enter military service.~~

~~Re-enlistment (60.600.4)~~

~~Voluntary extension of military service for more than twelve (12) months after the official termination of the original military leave of absence shall constitute automatic resignation from district service.~~

16.14.2 **Reserve Service Military Reserve Training (60.400.12)**

Regular classified employees who are members of an authorized reserve corps, and who must be temporarily absent due to active duty training or exercises shall be granted a temporary military leave of absence. A temporary military leave shall not exceed six (6) months.

~~Military leaves of absence shall be terminated ninety (90) days from the date of release from active service or within six (6) months after any rehabilitation afforded by the United States or of the State of California following such military service. Upon presentation of photo static or certified copies of discharge papers or official documents showing the date of entry and date of release from active service, such employees shall be reinstated in their former position.~~

16.14.3 **Thirty (30) Days Leave with Pay Effects on Benefits (60.600.2)**

Regular classified employees shall be granted full pay and other benefits for the first thirty (30) calendar days of military leave. Employees on military leave shall be granted salary advancement and shall continue to accrue seniority for purposes of layoff. No other benefits shall be provided during any unpaid portion of the leave.

~~Any such employee who has been employed by the District not less than one year,, or who has a combination of school district service and recognized military service of not less than one year immediately prior to the day on which the absence begins, shall be entitled to receive his/her full district salary or compensation as such classified employee for the first 30 calendar days of such absence: provided, however, such salary or compensation is limited to only thirty (30) calendar days of pay for military leave of absence during any one fiscal year.~~

~~2. Military: Any classified employee serving in a regular or probationary position (does not include temporary or substitute) who enlists or is drafted in the recognized Armed Forces of the United States shall be granted a leave of absence for such military service. The rights, privileges, benefits and obligations of such employees shall be governed by the Military and Veterans' Code (395.02).~~

16.14.4 Official Orders

In order for a paid or unpaid military leave of absence to be granted, the employee must submit to Human Resources official orders to active or reserve duty, stating the date to report.

16.14.5 Return from Military Leave

Upon return from military leave, the employee shall be reinstated to their same regular position or an equivalent position in the same class ~~in accordance with Section 60.600.1 of these rules, shall be entitled to benefits in accordance with the following rules and regulations.~~

~~Sick Leave: Any Sick leave credits accumulated prior to entry into military service shall be immediately available to reinstated employees. Sick leave credits shall not be accumulated during the period of military service.~~

~~Vacation: Any classified employee who has been employed not less than six (6) months immediately preceding the date of entry into military service shall be entitled to a lump sum payment for any earned vacation in accordance with the provision of Section 60.400.1 of these rules. Employees reinstated from military leave of absence shall be governed by the provisions of Section 60.400.1 of these rules for purpose of determining vacation eligibility.~~

~~Salary Increments: Time spent in military service will be counted in granting an employee his/her annual salary increases and he/she shall be eligible to receive all salary increases or special salary adjustments granted during his/her absence. upon reinstatement in accordance with these rules.~~

~~Seniority: Time spent in military service will be counted in computing seniority rights for lay off purposes of such employee if properly reinstated in accordance with these rules.~~

~~Probationary Period: A probationary period employee who enters military service before completion of his/her **their** probationary period shall be required, upon his/her **their** return to school district service following release form military service, to complete the six (6) month probationary period. provided, however that upon completion of this probationary period he/she will be granted seniority and employment rights dating from his/her probationary appointment previous to entering military service.~~

16.14.6 Peace Corps

A regular classified employee who has completed three full years of service in the District may be granted a leave-of-absence for Peace Corps service. The leave will be granted for one full school year with

the provision that it will be extended for a second year if the employee continues in Peace Corps service. When such a leave is granted, the employee will be transferred to an unassigned status wherever possible, and upon return will be entitled to a position in the classification he/she held upon leaving, but not necessarily the same position. Year-for-year salary credit will be granted for such experience if it is properly verified to be primarily a job classification similar to that which the employee returns.

References: California Military and Veterans Code:
389, 395, 395.01 to 395.06, 395.1 to 395.4

16.15 LEAVE TO SERVE IN EXEMPT/TEMPORARY/LIMITED TERM POSITION (~~60.400.15~~)

16.15.1 **Exempt/Temporary/Limited Term Leave**

Any **regular** permanent classified employee who accepts an assignment within the District to an exempt, temporary, or limited-term position shall, during such assignment, be considered ~~for status purposes~~ as serving in **their** his/her regular position, and such assignment shall not be considered separation from service.

16.15.2 **Return to Regular Position**

The employee may, with the approval of the appointing authority, voluntarily return to **their** his/her position or a position in the class of **their** his/her permanent status prior to the completion of service in an exempt, temporary or limited-term position. Failure to complete the required service, unless approved as specified herein, will constitute abandonment of position and may be grounds for disciplinary action ~~by the appointing authority~~.

16.16 LEAVE of Absence WITHOUT PAY (~~60.400.13~~)

16.16.1 **When Granted**

~~Members of the classified service~~ **Leaves of absence** may be granted ~~special leaves of absence~~ **to a classified employee upon written request of the employee,** without pay provided such leaves are not detrimental to the best interests of the District, and ~~are recommended by~~ **and the approval of the Superintendent or their designee, subject to the provisions of this Rule.** ~~and approved by the Board of Trustees.~~ ~~Leaves of absence without pay may be granted for any of the following reasons:~~

16.16.2 **Length of Leave**

Leave of absence without pay may be granted for any period not exceeding six (6) months, but may be extended for six (6) additional months with the approval of the District.

16.16.3 **Reasons**

A leave of absence without pay may be granted to an employee provided they meet the requirements set forth in this Rule, and for:

A. An employee who desires to attend an educational institution or to enter training to improve quality of service.

~~Improvement: A leave without pay may be granted, at the discretion of the Board, to a regular classified employee for a period not to exceed twelve (12) months in duration, to participate in educational or specialized course of study if such participation is determined by the Personnel Director and the Superintendent to be in the best interests of the school district. Such leave shall require official documentation regarding the nature and scope of the proposed education and/or training project; and based upon these facts, a determination shall be made that the granting of the leave will increase the efficiency and usefulness of the knowledge, skills and abilities of the employee upon his/her return to the service of the District.~~

B. Reasons enumerated in this Rule.

C. Reasons deemed satisfactory to the District.

16.16.4 **Right to Return Reinstatement from Leave (60.500.3)**

Granting a leave of absence without pay gives the employee the right to return to their position at the end of their leave of absence. Leave without pay is granted only to employees who desire to return to the District. Upon the expiration of a leave of absence, an employee shall be reinstated in **their** his/her former position if such position still exists.

16.16.5 **Cancellation of Leave Without Pay**

The district may, for good cause, cancel an approved leave of absence by giving the employee due notice.

16.16.6 **Vacancy Due to Leave Without Pay**

When a leave without pay is granted, the vacancy thus caused may be filled for the duration of the leave only. The position must be held open for the employee on leave.

16.16.7 **Notice of Return**

Notice of the ~~A regular employee's granted a leave under this rule must sign an agreement on forms available in the office of the Personnel Director, stating particularly that the Board will be given written notice no less than thirty (30) days before the expiration of the date of the leave, of his/her intention to return to work at or before the expiration of a leave without pay shall be made, to~~

Human Resources, prior to the return of the employee the District service. The Board may approve or reject the request. Human Resources will notify the employee, who has been filling the position temporarily, of the end of the assignment. Failure to give such notice will be considered as notice that the employee will not return and that his/her position is vacant.

16.16.8 ~~Failure to Return from Leave (60.500.5)~~

Failure to report for duty within three (3) working days after the date to return from a leave shall be considered abandonment of position. ~~of absence has been revoked or canceled shall constitute automatic dismissal from District service, unless The employee is subject to disciplinary action up to and including termination. so dismissed shall satisfactorily show that such failure was excusable, in which case the employee shall be reinstated~~

16.16.9 **Unpaid Leave of Five (5) Days or Less**

An unpaid leave without pay may be granted by Human Resources for a period of five (5) working days or less. The unpaid leave must be reported on the employee's time report.

16.16.10 **Unpaid Illness Leave**

~~Health: A regular classified employee at the discretion of the Board, may be granted an unpaid leave of absence without pay for health reasons. The employee must present a doctor's medical certificate. If granted, this leave will be not longer for specified periods of time, but usually not less than six (6) calendar months. If, at the conclusion of six (6) months, the employee is unable to return to duty, they may be granted one (1) additional six (6) calendar month leave. If the employee is still unable to return to duty after these leaves they will be asked to resign in order to be protected for the thirty-nine (39) month reinstatement period. Failure to resign will result in termination and loss of reinstatement rights. three (3) months, or more than twelve (12) months. Upon approval of the Superintendent, the leave may be extended at the discretion of the Board. A regular employee, while on an unpaid leave of absence granted by the Board of Trustees, shall maintain any sick leave credits which were accumulated prior to such leave but shall not accumulate any additional sick leave credit during the period of such leave.~~

~~Benefits While On Leave (60.500.6)~~

~~Time elapsed while on leave of absence without pay shall not be counted toward compensation, sick leave or vacation privileges, except an employee absent on Peace Corps service shall include such time toward qualifying for advancement to the next higher step in the salary range, and an employee absent on military leave shall be accorded all the rights and privileges granted by the Education code and the Military and Veteran's Code.~~

16.16.11 Health/Welfare Benefits While on Leave ~~(60.500.7)~~

An employee on a Board approved leave of absence without pay, may **continue their benefits through the provisions of Consolidated Omnibus Budget Reconciliation Act (COBRA)**. ~~participate in the District's medical dental and life insurance benefit program at the employee's own expense.~~

~~Prior to the effective date of the Board approved leave of absence, the employee shall submit a written request to the Business Office to continue or discontinue the medical, dental and life insurance program. A decision to discontinue the program is irrevocable during the period of the leave.~~

~~The employee who elects to maintain the medical, dental and life insurance benefit program shall submit a check or money order to the Business Office for the exact amount of premium on or before the 25th days of each preceding month. Failure to comply with this payment provision will result in loss of insurance benefits during the entire period of the leave of absence.~~

16.16.12 Act of God or Other Catastrophe **Event** ~~(60.400.16)~~

In the event ~~that~~ a school district facility to which a classified employee has been assigned for duty is closed on a day on which the employee would otherwise have been required to perform assigned duties due to ~~a~~ **an Act of God or other catastrophe** and the employee is thus prevented from performing **their** ~~his/her~~ assigned duties at the location, **they** ~~he/she~~ may be reassigned to perform duties at another location during the emergency and shall be paid **their** ~~his/her~~ full pay unless **they** ~~he/she~~ fail or refuse to perform **their** ~~his/her~~ duties at the new location.

16.17 **FAMILY SCHOOL PARTNERSHIP LEAVE**

16.17.1 **Length of Leave**

A regular classified employee shall be permitted, with district approval, to take up to forty (40) hours off each fiscal year, not to exceed eight (8) hours in a calendar month, to participate in their child's school activities.

- A. The employee must be a parent, guardian or grandparent with custody of the child.**
- B. The child must be enrolled in kindergarten through grade twelve (12) or attending a licensed child day care facility.**
- C. Employees shall utilize vacation, personal necessity, compensatory time or time off without pay. Absences shall be taken in units of at least two (2) hours.**

D. An employee shall give reasonable advance notice to their immediate supervisor and complete the appropriate leave forms.

Reference: Labor Code 230.8

16.18 FAMILY MEDICAL LEAVE

16.18.1 Family Medical Leave

All regular classified employees are entitled to leave in compliance with state and federal law regarding family and medical care leaves.

~~Serious Illness within the Immediate Family: A leave without pay shall be granted, by the Board of Trustees, to a permanent classified employee for a period not to exceed 12 weeks in duration for a serious illness in his immediate family. "member of the immediate family" as used in this section means the spouse, father, mother, child, or like relative of spouse, or any relative living in the immediate household of the employee. A letter from a medical doctor substantiating the cause for leave shall accompany the request for leave. Health benefits shall be paid for up to a maximum of twelve (12) weeks. Family **Medical Illness** Leave shall run concurrently with all other **applicable** leaves. ~~except maternity leave.~~~~

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 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. Incompetence 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 supplied to or 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 has 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 an 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 inability of an employee to drive a District vehicle due to lack of insurance 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 severe 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 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 suspend by the DMV or California Highway Patrol (CHP) and the license or certificate is required for 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 Personnel Director. 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:

- A. **The nature of the proposed discipline, such as suspension, demotion or dismissal.**
- B. **The sections of these Rules that the employee is alleged to have violated.**
- C. **The specific charges against the employee, which should include dates, locations and a description of the chargeable acts or omissions, when ascertainable.**
- D. **The proposed effective dates of the disciplinary action.**
- E. **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.**
- F. **The employee's right to representation.**
- G. **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.**
- H. **The employee's right to respond to the charges either orally or in writing.**

18.2.3 **Notice in Clear, Understandable Language**

The charges **made in the Notice of Intent to Discipline must be written** so ~~that the employee must be clear that the employee will know exact~~ **will understand** the complaint(s) and **charge(s) against them 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 to the Governing Board.

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 to Employee**

Notice of Intent to Discipline shall be in writing and served to the employee in person or by certified mail with a 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.~~

RULE 19**APPEALS AND HEARINGS****19.1 Appeals and Hearings****19.1.1 Authority to Conduct Hearings and Appeals**

The Commission may conduct hearings, subpoena witnesses, require the production of records or information pertinent to an investigation and may administer oaths. The Commission may, at will, inspect any records of the Board that may be necessary to ensure the Rules and procedures established by the Commission have been complied with. Upon request of a disciplined permanent employee, the Commission shall conduct a hearing. Hearings may be held on any subject to which the Commission's authority may extend.

Reference: Education Code 45305, 45306, 45311

19.1.2 Notice of Right to Appeal

A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within **fourteen (14)** calendar days after **receipt** ~~having been furnished with of~~ a copy of the written charges **from the Personnel Director** by filing a written answer to **the** such charges.

~~A permanent employee who has not served the full~~ **completed a subsequent** probationary period for the class and who is **may be** demoted to the class from which promoted may request an investigation by the Commission within 14 calendar days after the receipt of the copy of written charges. ~~The request for the investigation shall be based only on one or more of the four grounds provided above for appeals. The commission shall conduct an investigation confined to the grounds set forth in the charges and in the request for the investigation, but shall not be required to follow the procedures for appeals and hearings set forth in these rules. The Commission shall notify the Governing Board and the employee in writing of its findings. If the commission's investigation and findings, however, indicate any discriminatory action, the Commission may order a formal hearing. The decision of the commission shall be binding on the governing Board.~~ **without right to an appeal or hearing by the Commission except when the demotion results in separation from the permanent classified service.**

19.1.3 Employee Response to Charges

An employee's request for hearing and response to the charges must be in writing and upon one or more of ~~appeal can be made only on~~ the following grounds:

- A. **The charges made do not constitute sufficient cause for the action taken.**
- B. The action taken was not in accord with the facts.
- C. ~~That The removal was made because of affiliations~~ **action taken was due to sexual harassment, race, color, national origin, age, marital status, gender, sex sexual orientation, handicapping condition, ancestry, organizational membership, religious or political acts or opinions beliefs or any unlawful basis.**
- D. The notice of appeal must be signed by the employee being disciplined and include a current address where the employee may be contacted. If the employee is represented, the notice of appeal shall also include the name and contact information for the representative.
- E. **Failure on the part of the employee to file an appeal within the fourteen (14) calendar day period shall be considered an admission of the truth of the charges against them and the action by the Board is final.**

Reference: Education Code 45305 and 45306.

19.1.4 **Appointment of Hearing Officer Procedure**

The Personnel Commission may ~~conduct hearings of appeals or may~~ appoint a hearing officer to conduct **any the hearing or investigation it is authorized to conduct. A hearing officer appointed by the Commission may administer oaths, subpoenas, and require the attendance of witnesses and the production of records and cause the deposition of witnesses to be taken as prescribed for civil cases in the Superior Court. The Commission may instruct the and report findings and recommendations to the Commission. A hearing officer so appointed to present shall report his findings and recommendations. The Commission may accept, sustain or reject or amend the findings or recommendations of the hearing officer any or all of the charges filed against the employee. It may sustain, reject, or modify the disciplinary action invoked against the employee. It may not provide for discipline more stringent than that invoked by the Board. in writing to the Commission within 30 days of the conclusion of the hearing unless for good cause he/she has extended the time to make his/her report. Any rejection or amendment of findings or recommendations shall be based on a review of the transcript of the hearing or upon the results of a supplementary hearing or investigation the Commission may order.**

Reference: Education Code 45312

19.1.5 **Time and Place of Hearing**

Upon receipt of an appeal, the Commission shall determine the date, time and place for the hearing. The hearing shall be held within the geographic boundaries of the District and in a place that is conducive to the conduct of a hearing. Disciplinary hearing shall be held in closed session unless an open hearing is requested by the appellant. An appellant that fails to appear at a hearing scheduled by the Commission shall be deemed to have withdrawn the appeal and the action of the Board shall be final.

19.1.6 **Hearings to be Recorded**

All hearings authorized under these rules shall be electronically recorded in a manner that will allow a written transcript to be produced. Either party to the hearing may request that the hearing be recorded by a Court Reporter. The party making such request shall bear the cost. If both parties request a Court reporter the cost shall be shared equally.

19.1.7 **Hearings to Determine Truth**

Hearings shall be conducted in a manner most conducive to determining the truth **in the matter at hearing.** and Neither the Commission nor its **an appointed** hearing officer shall be bound by technical rules of evidence **and the decision made by of the** Commission shall not be invalidated by any informality in **any of** the proceedings.

19.1.8 **Oral Evidence**

Oral evidence shall be taken only on oath or affirmation.

19.1.9 **Examination of Evidence**

Each party shall have the right to examination of witnesses and evidence as follows:

- A. **To call and examine witnesses.**
- B. **To introduce exhibits.**
- C. **To cross examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in direct examination.**
- D. **To attempt to impeach, a witness regardless of which party first called the witness to testify.**
- E. **To rebut all evidence presented by the opposing party.**

19.1.10 **Appellant Testimony**

An appellant that does not elect to testify on their own behalf may be called to testify and be cross examined as an adverse witness.

19.1.11 **Admission of Evidence**

The hearing need not be conducted according to the technical rules relating to evidence and the examination of witnesses. Relevant evidence shall be admitted if it is the type of evidence that a responsible person would rely on in the conduct of serious business.

Hearsay evidence may be admitted for the purpose of explaining or providing supplemental evidence but shall not be sufficient in and of itself to support a finding by the Commission or a hearing officer.

The rules of privilege shall be effective to the extent that they are required by statute. Irrelevant or unduly repetitious evidence may be excluded.

19.1.12 **Representation**

~~Both The Board and the employee will~~ appellant shall be allowed to be represented **representation by legal counsel or other designated representatives.**

19.1.13 **Continuances**

The Commission or hearing officer may grant a continuance prior to or during a hearing for reasons important to reaching a fair resolution.

19.1.14 **Objections**

The Commission or hearing officer shall rule on all objections.

19.1.15 **Burden of Proof**

The burden of proof shall be on the District. In cases of alleged discrimination the charging party must make a prima fascia case to the Commission or hearing officer before the hearing proceeds on that matter.

19.1.16 **Findings and Recommendation**

The ~~Personnel~~ Commission or hearing officer shall determine the relevancy, weight and credibility of the evidence and testimony presented. The findings and recommendation of the Commission or hearing officer ~~it~~ shall be based on a preponderance of the evidence.

19.1.17 Order of Presentation

Each side will be permitted an opening statement with the Board going first and closing arguments (employee first). **The appellant may make an opening statement following the Board or wait until the presentation of their case in chief.** The Board shall present **their case** first its witnesses and evidence to sustain its charges and **followed by the appellant. Closing statements shall be the Board first and appellant last** the employee will then present his/her witnesses and evidence in defense.

19.1.18 Witnesses

Each side will shall be allowed to examine and cross examine witnesses. **The Commission or hearing officer may exclude witnesses not under examination except the appellant.**

19.1.19 Subpoena of Witnesses or Evidence

Upon request, the Commission or hearing officer may and shall if requested by the Board or the employee, **issue** subpoenas for witnesses and/or require the production of records, **documents** or other material evidence. **The Personnel Director shall issue the subpoenas on behalf of the Commission or hearing officer. Subpoenas shall be delivered to the requesting party for service.**

19.1.20 Witness List

A list of witnesses to be called by each party that are employees of the District shall be submitted to the Personnel Director at least three (3) working days prior to the date of the hearing. The Personnel Director will secure release time for employee witnesses to provide testimony.

19.1.21 Sworn Affidavits

Witnesses give testimony orally at the hearings. If the Commission or hearing officer determines that a witness has good and sufficient reason to not be present at the hearing, written testimony will be acceptable as follows:

- A. **Written testimony must be by sworn affidavit.**
- B. **The affidavit shall be confined to a statement of facts bearing on the case and within the knowledge of the witness.**
- C. **The affidavit shall not contain conclusions of the witness, except when the Commission or hearing officer determines that the witness qualifies as an expert within the subject area. Then, the witness may express an opinion based on the facts presented.**

- D. **Copies of all affidavits must be filed with the Personnel Director or hearing officer at least three (3) working days prior to the date of the hearing. Copies of affidavits filed will be forwarded to the other party for review.**
- E. **The Commission or hearing officer may reject an affidavit that fails to comply with the foregoing.**

19.1.22 Findings and Recommendations of Hearing Officer

The hearing officer shall consider all evidence presented at hearing.

The hearing officer shall submit their report including findings of fact and recommendations, to the Personnel Director within thirty (30) days following the conclusion of the hearing.

The Personnel Director shall place on the agenda a time for the Commission to deliberate the findings of fact and recommendations.

19.1.23 Commission Deliberations

~~Whether the hearing is held in a public or closed session The Commission after it concludes the hearing, may~~ **shall** deliberate its decision in closed session. **Legal counsel to No persons other than members of the Commission and the Personnel Director may be included in deliberations** and its staff shall be permitted to participate in the deliberations.. If The Personnel Director or any staff is not serving full time for the commission and/or was a witness in the proceedings, he/she shall also be barred from the Commission's final deliberations. **shall be excluded from the deliberations if they were a party to the disciplinary action.**

Reference: Education Code 45266

19.1.24 Commission Action

The Commission may sustain or reject any or all of the charges against the employee. The Commission may sustain, modify or reject the disciplinary action taken against the employee. The Commission shall not invoke a more stringent discipline against the employee than that taken by the Board.

19.1.25 Decision of the Commission

~~The Commission shall render its judgment as soon after the decision within thirty (30) days after conclusion of the hearing as possible and in no event later than 14 days or the receipt of findings of fact and recommendations from the hearing officer. The decision of the Commission~~ **Its decision shall be in writing and set forth which changes if any are sustained and the reasons therefore. If, however, a hearing officer has heard the**

~~matter for the Commission, the Commission shall render its decision within 14 calendar days of the receipt of the hearing officer's written findings and recommendations, or within 14 calendar days of receipt of a transcript of the proceedings, whichever later occurs.~~

The Commission's decision shall contain findings of fact, determinations of the issues presented and any penalty imposed.

If all or any part of the disciplinary action is not sustained the Commission ~~shall~~ **of judgment will be filed with the Governing Board and the charged employee and will set forth its findings and decision. If a dismissal is not sustained, its order shall** ~~and~~ **set forth the effective date and any restoration or is to be reinstatement to the employee's position and/or status. The date reinstated, which may be any time of restoration or reinstatement may be set at any time on or after the discipline of disciplinary action was invoked.**

A true copy of the Commission's decision shall be delivered personally or by other agreed upon means to all parties to the hearing.

Reference: Education Code 45306, 45307

19.1.26 Consideration of Just Settlement

Upon conclusion of the hearing and determination of the facts and findings relative to the disciplinary action taken against the employee, the Commission shall consider such matters as it deems necessary and proper to effect a just settlement of the appeal. These matters may include but are not limited to:

- A. All or part of full compensation from the date of discipline.**
- B. Reinstatement to status with the district upon such terms and conditions determined appropriate by the Commission.**
- C. Compensation for all or part of the legitimate expenses incurred in pursuit of the appeal.**
- D. Seniority credit as deemed appropriate.**
- E. Transfer or change of location.**
- F. Expunge from the employee's personnel record of disciplinary action, causes and/or charges not sustained by the Commission.**

19.1.27 Compliance with Commission Decision

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

Reference: Education Code 45307

19.1.28 Hearing Transcript

Any party to a hearing may obtain a transcript under the following conditions:

The cost of the transcript shall be borne by the party making the request.

The request shall be in writing and include a cash deposit in an amount determined by the Personnel Director prior to preparation.

The final cost of the transcript shall be the actual cost of preparation plus the cost of copies as determined by the Personnel Director.

The transcript shall only be released upon payment in full. If the deposit made is greater than the actual cost of the document, the remainder shall be refunded.

~~A transcript may be requested at any time prior to a decision by the Commission. If a transcript has been requested and satisfactory provisions made for payment for same by the requesting party, the transcript shall be provided by the reporter within 30 days of the request unless for good cause the Personnel Commission has extended the time to make the transcript available.~~

19.1.29 Counsel for the Commission

The Commission may seek and appoint legal counsel as part of its appeal and investigatory hearing responsibility. Legal counsel shall not be the same counsel nor within the same legal firm representing the Board or employee. Reasonable costs associated with the use of such legal counsel by the Commission in a hearing or investigation shall constitute a legal charge against the District, whether or not the funds for legal services appear in the Commission budget.

Reference: Education Code 45313

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

RULE 20**LAYOFF AND REEMPLOYMENT PROCEDURES**20.1 Layoff Procedures (~~Procedure Regarding Layoff 60.700.1~~)20.1.1 **Reason for Layoff**

Layoff of ~~When~~ classified employees **shall be** ~~are laid off~~ for lack of work or lack of funds.

Layoff shall be made in inverse order of seniority in the class in which the layoff occurs.

Reference: Education Code 45308

20.1.2 Order of Layoff

Length of service is the only criteria used to determine the order of layoff within a class. The employee who has been employed the shortest time in the class, plus **equal or** higher classes, ~~shall be considered to have the least seniority and, therefore, shall be laid off first.~~ Seniority shall include the total of the previous service in the equal or lower class plus service in the class from which the layoff occurs and in higher classes. Seniority is defined as hire date within each classification plus higher classifications (Revised 5/13/03).

A. **For the purpose of the Rule, length of service is defined as all the time in a paid status in a class, whether during the school year, a holiday, recess or during any period that a school is in session or closed, but excludes any hours compensated solely on an overtime basis, or service performed prior to entering into probationary or permanent status in the classified service, except service in a "restricted" position.**

B. **If two or more employees subject to layoff have equal seniority the determination of who shall be laid off shall be made by lot.**

Reference: Education Code 45101, 45308

20.1.3 **Displacement**

A classified employee who is laid off from a class and has achieved permanency in an equal or lower class shall have the right to displace a less senior employee in the equal or lower class.

Reference: Education Code 45308

20.1.4 Voluntary Demotion or Transfer

A permanent classified employee who will suffer a layoff for lack of work or funds despite the exercising of bumping rights in order to avoid layoff may accept a voluntary demotion to a vacant position in a lower class or transfer to an equal class, provided that he/she is qualified to perform the duties thereof and provided further that the appointing authority approves the voluntary demotion (See ~~also Rule 60.200.3-C~~)

20.1.5 **Substitute or Limited-Term Assignment Positions (60.700.2)**

No regular employee shall be laid off from any position while employees serving under limited-term appointment are retained in positions of the same class in the same organizational unit unless the regular employee declines the limited-term position.

A limited-term employee may be laid off at the completion of his/her assignment without regard to the procedure set forth in this rule.

An employee who has been laid off and placed on a reemployment list may be employed as a substitute or limited term employee in any class for which they are qualified and such employment shall in no way affect their status or eligibility for reemployment.

20.1.6 **Refusal of Substitute or Limited Term Employment**

Refusal of substitute or limited term employment shall in no way affect the status of an employee on a reemployment list.

20.1.7 **Notice of Layoff**

The District shall notify affected classified employees in writing a minimum of forty-five (45) calendar days prior to the date of any layoff for lack of work or lack of funds. The notice to the employee shall specify the effective date of the layoff and inform the employee of their reemployment rights and displacement rights, if any. Notification shall be made by personal delivery or by certified mail to the last known address of the employee on file in the Human Resources. Failure of the employee to retrieve delivered mail or respond to notifications by the U.S. Postal Service of attempted delivery shall not be grounds for voiding notice or staying the timeliness for layoff. For purpose of this

Rule, when a notice is mailed, the fifth (5th) working day following the mailing date is considered the date of receipt.

~~If specially funded programs expire at any other time during the school year or if the layoffs are due to the elimination or reduction of services because of a lack of work or funds, affected employee must be notified at least 45 days in advance of the effective date of layoffs (Revised 12/9/03) (Education Code 45177).~~

20.2 Reemployment Procedures

20.2.1 Reemployment List

The names of **classified** permanent and probationary employees thus laid off shall be placed upon the **on a** reemployment list for the **classification** class from which they were laid off. Names on a reemployment list shall be in the relative order of seniority **in the class.**

Reference: Education Code 45298

20.2.2 Equal Seniority

If two or more employees subject to reemployment have equal class seniority, reemployment shall be by lot.

20.2.3 Reemployment for 39 Months

Laid off employees are eligible for reemployment for thirty-nine (39) months. Reemployment shall be in the reverse order of layoff. Reemployment shall take precedence over employment of new candidates. Employees placed on reemployment lists shall have the right to compete in promotional examinations while on reemployment lists.

Reference: Education Code 45298

20.2.4 Additional 24 Months Reemployment

Classified employees who accept a voluntary demotion or reduction in assignment in lieu of layoff shall be granted an additional twenty-four (24) months of reemployment eligibility.

Reference: Education Code 45298

20.2.5 Establishment and Maintenance of Reemployment List

The Human Resources Department shall establish and maintain the reemployment lists.

20.2.6 Reemployment and Acceptance

Offers of reemployment are made by the Human Resources Department.

- A. A person offered an assignment equivalent or greater than the one held at the time of layoff may accept or refuse the offer. If the person refuses this offer of reemployment, their name is removed from the reemployment list.**
- B. A person offered an assignment with fewer hours or months than the one held at the time of layoff, may accept or refuse the offer. If the person refuses the offer of reemployment they shall remain on the reemployment list until the offer meets the requirement above.**
- C. Offers of reemployment are to fill vacant positions and may be at a different work location than the one from which the employee was laid off.**

~~Rights of Employees Laid Off For Lack Of Work or Funds (60.700.4)~~

~~In addition to the procedure and rights prescribed in Rule 60.700.1 permanent employees in the classified service shall have the following rights: (Bargaining unit members refer to your contract for procedures related to layoff and bumping rights).~~

Bumping

~~A permanent employee in the classified service who is laid off from a class shall have the right to bump the incumbent in a position with an equal assigned work time (month, days, hours) who has the least seniority in that class, provided the employee laid off has greater seniority.~~

~~If no such option is available, the employee being laid off may bump the employee with the least seniority in his/her class among those employees occupying positions of less time and most nearly comparable in total assigned working time (hours for the fiscal year) to their original position, providing the employee has greater seniority.~~

~~An employee unable to bump in his/her present class shall have the same option in a lower class in which he/she has seniority.~~

~~An employee unable to bump in his/her present class shall have the same option in a lower class in which he/she has seniority. Seniority shall include the total of the previous service in the equal or lower class plus service in the class from which the layoff occurs and in higher classes.~~

RULE 21

RESIGNATIONS

21.1 Resignation **Procedures** (60.700.3)21.1.1 **Resignation During Probation**

An employee who resigns while in good standing during a probationary period may, upon request, be returned to their original place on the eligibility list by the Personnel Director with ratification by the Commission.

Reference: Education Code 45308

21.1.2 **Resignation and Effect on Eligibility Lists**

Upon resignation, the person's name shall be removed from all promotional only eligibility lists. Upon the person's reinstatement, they may request reinstatement to the promotional eligibility lists. A resignation relates only to the specific position from which the employee resigns and does not impair his/her rights to other positions which he/she may hold on eligibility lists.

21.1.3 **Procedure for Resignation**

Resignations shall be presented in writing and should indicate the last day of paid service.

21.1.4 **Notice of Resignation**

Classified employees are requested to provide the District with at least a two (2) week notice.

21.1.5 **Acceptance of Resignation**

When an employee desires to resign from **their** his/her position, he/she **they** shall present **their** his/her resignation in writing to their **supervisor** appointing power, **who** and a copy of such resignation shall immediately be **then send the written resignation to the Human Resources office.** filed by the appointing power with the Personnel Director