

******* PLEASE POST *******

ANAHEIM UNION HIGH SCHOOL DISTRICT
PERSONNEL COMMISSION
501 Crescent Way
Anaheim, California 92803-3520

Personnel Commission Meeting

Tuesday, September 9, 2008

4:15 p.m.

Board Room -- District Office

******* PLEASE POST *******



AGENDA

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

AGENDA POSTED: September 5, 2008 – Personnel Commission Office Window

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

2.0 **ROLL CALL**

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

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**

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

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

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

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

5.0 **GENERAL FUNCTIONS**

Reference

Action

5.1 Approve the agenda as submitted or amended.

Moved by _____
 Seconded _____
 Vote _____

5.2 Approve minutes of the regular meeting of August 12, 2008.

Exhibit A

Moved by _____
 Seconded _____
 Vote _____

AGENDA

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

- 5.3 Approve minutes of the special meeting of August 12, 2008. **Exhibit B** Moved by _____
Seconded _____
Vote _____
- 5.4 Communication **No Action Required**
- Campus Safety Aide Flyer
 - Instructional Assistant, Severely Handicapped Flyer
 - Instructional Assistant, Special Education Flyer
 - School Safety and Security Manager Flyer
- 6.0 **SELECTION PROCESS**
- 6.1 List of Current Recruitments (Test Plan) **Exhibit C** **No Action Required**
- 6.2 Certification/ratification of eligibility lists **Exhibit D** Moved by _____
Seconded _____
Vote _____
- Credentials Technician
Maintenance Carpenter
- 7.0 **RECLASSIFICATION**
- 7.1 Reclassify the position of John Adams, from Auditorium Operations Technician, at AFSCME Salary Range 59, to Auditorium Operations Supervisor, Management Salary Range 03, effective September 10, 2008. **Exhibit E** Moved by _____
Seconded _____
Vote _____
- 8.0 **RULES AND REGULATIONS**
- 8.1 Classified Personnel Employees Handbook Chapter 1 **Exhibit F** Moved by _____
Seconded _____
Vote _____
- 8.2 Classified Personnel Employees Handbook Chapters 2 and 3, First Reading **Exhibit G** **No Action Required**
- 9.0 **CHARGES AND HEARINGS**
None
- 10.0 **OTHER**
- 10.1 Unfinished Business **No Action Required**
- 10.2 Commissioner's Comments **No Action Required**



AGENDA

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

11.0 CLOSED SESSION

11.1 Adjourn to Closed Session

No Action Required

To consider matters pursuant to Government Code Section 54957: Public Employee Performance Evaluation – Executive Director.

Adjourned to Closed Session _____ p.m.

Reconvened to regular Meeting _____ p.m.

12.0 NEXT REGULAR MEETING

Date: **Tuesday, October 14, 2008**
Time: 4:15 p.m.
Location Board Room

13.0 ADJOURNMENT: _____ p.m.

Moved _____
Seconded _____
Vote _____

MINUTES

Regular Meeting
Tuesday, August 12, 2008 – 4:15 p.m.
Board Room – District Office

1.0 CALL TO ORDER

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

2.0 ROLL CALL

Present: Audrey Cherep, chairperson, Ron Costello, vice chairperson, Speed Castillo, commissioner, and Victoria Wintering, executive director.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 PUBLIC COMMENTS

Pete Schnauffer, AFSCME representative, requested information regarding the job study on the Maintenance Service Worker position. Ms. Wintering discussed the job study summary.

Mr. Schnauffer requested that Ms. Wintering meet with both associations to read the changes being made in the Personnel Commission Rules. He would like to sit down and review the rules line by line.

He also requested that we stop the process of filling out the Request to Speak form prior to the start of the Personnel Commission meeting.

Jack Janec, 1155 W. South Street, Anaheim, discussed items on the job study summary.

5.0 GENERAL FUNCTIONS

5.1 Staff amended item 8.0 RULES AND REGULATIONS to read, Classified Personnel Handbook, Chapter 1, First Reading.

Staff also removed item 11.0 CLOSED SESSION, from the agenda.

On the motion of Mr. Castillo, duly seconded and unanimously carried, the Personnel Commission adopted the agenda as amended.

5.2 On the motion of Mr. Castillo, duly seconded and unanimously carried, the Personnel Commission approved the July 8, 2008 minutes.

5.3 On the motion of Mr. Castillo, duly seconded and unanimously carried, the Personnel Commission approved the July 23, 2008 minutes.

MINUTES

Regular Meeting
Tuesday, August 12, 2008 – 4:15 p.m.
Board Room – District Office

5.4 Communication

- Review of classification studies in progress
- Board of Trustees Agenda, and Classified Exhibit, July 24, 2008
- Board of Trustees Agenda, and Classified Exhibit, August 7, 2008
- Recruitment Flyer, Maintenance Carpenter
- CODESP and PCASC Invoices
- School News Magazine

6.0 **SELECTION PROCESS**

- 6.1 List of Current Recruitments (Test Plan)

7.0 **CLASSIFICATION AND SALARY**

- 7.1 On the motion of Ron Costello, duly seconded and unanimously carried, the Personnel Commission approved the reclassification of Bobbie Wragg, from Payroll Technician, at salary range 57, to Senior Payroll Technician, at Salary Range 59, effective August 13, 2008.
- 7.2 On the motion of Speed Castillo, duly seconded and unanimously carried, following discussion, the Personnel Commission approved the job classification of Procurement Contract Specialist, at salary range 63 – CSEA.
- 7.3 On the motion of Ron Costello, duly seconded and unanimously carried, the Personnel Commission approved the reallocation of Jennifer Ellmore from Buyer to Procurement Contract Specialist. Salary range remains the same, at her current range and step, effective August 13, 2008.

8.0 **RULES AND REGULATIONS**

Classified Personnel Handbook, Chapters 1 and 2, First Reading

A short discussion ensued regarding the changes to Chapter 1.

9.0 **CHARGES AND HEARINGS**

None

10.0 **OTHER**

- 10.1 There was no unfinished business.
- 10.2 There were no commissioner's comments.

MINUTES

Regular Meeting
Tuesday, August 12, 2008 – 4:15 p.m.
Board Room – District Office

11.0 NEXT REGULAR MEETING

Date: **Tuesday, September 9, 2008**
Time: 4:15 p.m.
Location Board Room

12.0 ADJOURNMENT

The Personnel Commission adjourned the meeting at 4:43 p.m.

Audrey Cherep, Chairperson

MINUTES

Special Meeting Tuesday, August 12, 2008 Centralia 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 4:45 p.m.

2.0 PLEDGE OF ALLEGIANCE

Present: Audrey Cherep, chairperson, Ron Costello, vice chairperson, Speed Castillo, commissioner, and Victoria Wintering, executive director.

3.0 ROLL CALL

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

4.0 PUBLIC COMMENTS

There were no requests to speak.

5.0 CLOSED SESSION

The Personnel Commission entered closed session at 4:47 p.m.

The Personnel Commission returned to open session at 5:00 p.m. and reported the following actions:

5.1 The Personnel Commission approved the eligibility list for Web Master.

5.2 No action taken regarding Government Code Section 54957: Public Employee Performance Evaluation – Executive Director, Human Resources, Classified.

6.0 ADJOURNMENT

The Personnel Commission adjourned the meeting at 5:10 p.m.

Audrey Cherep, Chairperson

TEST PLAN

Classification	Req to test rec'd	Posted	Closed	Days Posted	Field of Competition	NCLB Test	Written Test	Oral/Perf Test	Bilingual Certification	List Established	Bus. Days from Closing Recruiter
Webmaster	5/2/2008	6/9/2008	7/21/08 extended	15	Dual	None	n/a	8/1/2008	n/a	8/1/2008	MT
Credentials Technician	6/27/2008	6/30/2008	7/22/2008	15	Dual	None	8/6/2008	8/22/2008	n/a	8/22/2008	24 MR
Maintenance Carpenter		7/14/2008	8/1/2008	15	Dual	None	8/15/2008	8/26/2008	n/a	8/26/2008	ME
Translator - Spanish		7/17/2008	8/7/2008	15	Dual	None	8/27/2008	9/19/2008	Bil		MT
Senior Budget Technician	8/1/2008	8/4/2008	8/22/2008	15	Dual	None	9/5/2008	9/18/2008	n/a		MT
School Safety and Security Manager		8/19/2008	9/9/2008	15	Dual	None	n/a	9/23/2008	n/a		MT
Instructional Assistant - SE	8/22/2008		9/15/2008	15	Dual			n/a	n/a		MT
Instructional Assistant - SH	8/22/2008		9/15/2008	15	Dual			n/a	n/a		MT
Campus Safety Aide		8/19/2008	9/9/2008	15	Dual	None	09/22/2008-PDC				ME

ANAHEIM UNION HIGH SCHOOL DISTRICT

PERSONNEL COMMISSION

ELIGIBILITY LIST NO. P01-01-08

POSITION: CREDENTIALS TECHNICIAN – DUAL CERTIFICATION

DATE ADVERTISED: JUNE 30, 2008 THROUGH JULY 22, 2008

NUMBER OF APPLICATIONS RECEIVED: 123

NUMBER ADMITTED TO EXAM: 20

DATE OF WRITTEN EXAM: 08/06/2008

NUMBER TAKING EXAM: 12

NUMBER PASSING EXAM: 09

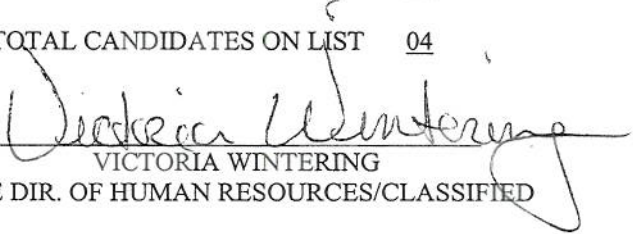
DATE OF ORAL EXAM: 08/22/2008

NUMBER TAKING ORAL EXAM: 07

NUMBER PASSING ORAL EXAM: 04

NUMBER CERTIFIED ON CURRENT ELIGIBILITY LIST: 04

TOTAL CANDIDATES ON LIST 04


VICTORIA WINTERING
EXECUTIVE DIR. OF HUMAN RESOURCES/CLASSIFIED

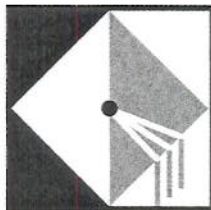
CERTIFIED: SEPTEMBER 9, 2008

EXTENDED: _____

EXPIRED: _____

Raters: Cheryl Hallam, Credentials Technician, Downey Unified School District
Michele Nygard, Former Credentials Technician, Garden Grove Unified School District

ANAHEIM
UNION
HIGH
SCHOOL
DISTRICT



THE
SPIRIT
OF
LEARNING
SINCE 1898

ANAHEIM UNION HIGH SCHOOL DISTRICT

PERSONNEL COMMISSION

ELIGIBILITY LIST NO. M07-01-08

POSITION: **MAINTENANCE CARPENTER
DUAL CERTIFICATION**

DATE ADVERTISED: 07/14/08 – 08/01/08

NUMBER OF APPLICATIONS RECEIVED: 39

NUMBER OF APPLICANTS ADMITTED TO EXAM: 25

DATE OF WRITTEN EXAM: 08/15/08

NUMBER OF APPLICANTS PARTICIPATING IN EXAM: 20

NUMBER OF APPLICANTS PASSING EXAM: 13

DATE OF ORAL EXAMINATION: 08/26/08

NUMBER OF APPLICANTS PARTICIPATING IN ORAL EXAM: 12

NUMBER OF APPLICANTS PASSING ORAL EXAM: 6

NUMBER CERTIFIED ON CURRENT ELIGIBILITY LIST:	6
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RATERS:

Bill Daw – Long Beach Unified School District

Wojciech Dondalski – Downey Unified School District

Gary Alls – Garden Grove Unified School District

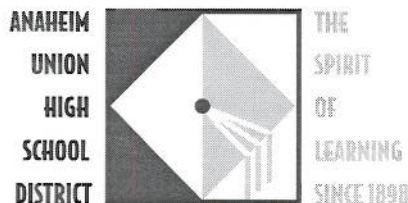
VICTORIA WINTERING, DIRECTOR
HUMAN RESOURCES/CLASSIFIED

CERTIFIED: September 9, 2008

EXTENDED:

EXPIRED:

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



Human Resources • Personnel Commission

Memorandum

DATE: August 4, 2008
TO: Personnel Commissioners
FROM: Victoria Wintering, Executive Director, Classified HR
Marie Ragazzo, HR Analyst
SUBJECT: New Classification: Auditorium Operations Supervisor

Background:

In April of 2008, John Adams, who is currently in the position of Auditorium Operations Technician requested a reclassification study. The reclassification study was reviewed by Tim Holcomb, Deputy Superintendent, and Ben Sanchez, Principal. A job analysis was completed and Tim Holcomb, Deputy Superintendent reviewed the recommendation.

History:

Originally, the job of Auditorium Operations Technician was classified as a Stage Manager. In 2001, Ewing and Company, a consulting firm, conducted a district wide job analysis survey and allocated the positions to the classification specification of Auditorium Operations Technician. Currently, there are two Auditorium Operations Technician positions within the District. One, of which, is solely assigned to the operation and maintenance of Western High School's auditorium, under the direction of the site administrator. The second position is assigned primarily to the Anaheim High School auditorium as well as other comprehensive high school auditoriums and receives direct supervision from the site administrator; primarily under the supervision of Ben Sanchez.

In 2007, the facilities department restructured the organizational hierarchy of the Maintenance and Operations departments and assigned the Auditorium Operations Technician positions to receive direct supervision from the Operations Supervisor, Marty Skubic. Both positions were reassigned accordingly. The purpose for the restructure was to enable the Operations department, to work in conjunction with the Facilities department in the use of the district's auditoriums.

The position assigned to Anaheim, and other comprehensive high school sites, other than Western High School, is also assigned duties relative to supervising and providing technical support to all theatrical operations. This position serves as the district's theatrical and technical advisor and plans, coordinates, directs and maintains services for the district's auditoriums. Those duties also include participating in the development,

coordination and maintenance of the district's even master calendar; participating and reviewing policies and regulations related to auditorium use; participating in the preparation of budgetary records related to auditorium operations; and selecting, training and supervising stage employees such as Auditorium Operations Assistants, custodial support staff, and student workers. All of the duties listed above were allocated to the current position of Auditorium Operations Technician assigned primarily to the Anaheim High School auditorium and other comprehensive high school sites, such as Kennedy Performing Arts Center, and Savanna High School auditorium.

Job Analysis:

During the job analysis, it was clear that the scope and complexity of the work performed in the current position of Auditorium Operations Technician, held by the incumbent, John Adams, is more closely aligned with that of an Auditorium Operations Supervisor. The position performs a variety of supervisory/management duties in support of District auditorium operations such as accounting for and reporting all expenditures for the community service budget; reviewing contracts for use of auditoriums to assure compliance with school and District policy; submitting plans for use of auditorium to assure compliance with school and District policy; adapting plans to serve intended purposes, or to conform to budget or fabrication restrictions; directing and coordinating the activities of stage employees such as Auditorium Operations Assistants; compiling and approving payroll hours, vacation time, and overtime of assigned staff. In contrast, the Auditorium Operations Technician position, assigned to Western High School's auditorium, will be responsible for technical duties involving the operation and use of a comprehensive high school auditorium and theater and supervises student help.

The position requires a high school diploma or equivalent, and an associate's degree from an accredited college or university in theater arts, performing arts, or a closely related field is preferred, and three years experience in the operation of a professionally equipped auditorium, including at least one year as a supervisor. Based on the analysis, a new classification was created called Auditorium Operations Supervisor.

Recommendation:

It is recommended that the Personnel Commission approve the new job classification of Auditorium Operations Supervisor on the MGMT salary schedule, range 03. It is also recommended that John Adams be reclassified to the position of Auditorium Operations Supervisor.

Auditorium Operations Supervisor

DEFINITION:

Under the direction of the Deputy Superintendent, supervises and provides technical support to all theatrical operations, serves as the district's theatrical and technical advisor to organizations authorized to use the auditoriums; plans, coordinates, directs, and maintains services for the district's auditoriums; and performs related work as required.

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.

Designs, drafts, and oversees proper lighting, sound, rigging and staging for a wide variety of performances; may make minor repairs and/or construction to sets, scenery and props; monitors the cleanliness and general appearance of the auditoriums.

Selects, trains, and supervises auditorium operations employees, custodial support staff, and student workers performing a wide variety of tasks related to the proper cleaning, repair, operation, and storage of sound, lighting, and staging equipment; oversees and provides technical training, advice and support to users regarding theatrical lighting, sound, and staging applications observe and evaluate assigned workers; compile and approve payroll hours, vacation time, and overtime of assigned staff.

Participates in the development, coordination and maintenance of the district's event master calendar to ensure staffing and equipment availability; participates in developing specifications of new equipment and supplies; participates in review of policies and regulations related to auditorium use and recommends modifications, as appropriate;; serves as a technical resource for the district in development/selection of specifications for theatrical lighting, sound, and staging equipment.

Develop and maintain ongoing safety and operations standards and stage material handling procedures; inspect auditoriums and communicate with local fire department to assure compliance with fire regulations; prepare written reports; interpret and enforce district rules, regulations and policies for auditorium usage; review contracts for the use of auditorium to assure compliance with school and District policy.

Participates in the preparation of budgetary records related to auditorium operations; prepare event or production billings; estimates set or event related costs including, materials, construction, and rental of props or locations; maintains a variety of records including an appropriate inventory of production items and stock; performs 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.

Education & Training

High school diploma or equivalent. An associate's degree from an accredited college or university in theater arts, performing arts, or a closely related field is preferred.

Experience:

Three years of experience in the operation of a professionally equipped auditorium, including at least one year as a supervisor.

Licenses and Other Requirements:

Possession of a valid, appropriate California driver's license at time of appointment, and throughout employment in a position in this classification. Proof of current California auto liability insurance at time of appointment, and throughout employment in a position in this classification. Subject to evening, weekend, and/or holiday duty as required by scheduled and unscheduled district and public events.

EMPLOYMENT STANDARDS:

Knowledge of:

Effective stage management, including theatrical preparation and production techniques for scheduling, obtaining, constructing, disassembling, and returning or storing a wide variety of scenic properties, performance apparatus, and equipment.

Effective use of lighting consoles and spot light equipment and techniques.

Sound systems and techniques.

Fire and safety ordinances and regulations, as well as related building codes.

Tools, materials, and techniques used in theatrical equipment maintenance and operation.

Effective operation of a wide variety of auditorium and stage equipment.

Basic computer usage.

Wage and hour laws, particularly those related to student workers.

Ability to:

Work independently with minimal supervision.

Select, train, and supervise stage and lighting hands, including student workers.

Establish and maintain effective working relationships with district personnel and the public.

Communicate, cooperate, and coordinate with district personnel, as well as civic and private organizations.

Operate a computer, keep accurate records, including costs and payroll information, and prepare reports.

Operate computerized, electrical, hydraulic and manual lighting, sound, set, scenery, and stage equipment.

PHYSICAL DEMANDS:

Employees in this classification stand, sit, walk, lift and carry up to 50 lbs or more with assistance, carry, crawl, stoop, bend and twist or apply pressure repeatedly, use fingers, wrists or hands repetitively, climb and use both arms and legs simultaneously, push, pull hand over hand, maintain balance, stoop/bend, kneel, reach over head, climb stairs, have rapid mental/muscular coordination, speak clearly, hear normal voice conversation, see small details, long distances, distinguish shades, have depth perception, operate mobile motorized equipment, drive a vehicle, and use a computer and telephone.

WORK ENVIRONMENT:

Employees in this classification work outside and inside, with dangerous machinery and sharp objects, with poor ventilation, in confined spaces with inadequate lighting; may be exposed to heat over 90° and temperature changes, minor contagious illnesses, heights, loud noises, fumes, vibration, dust, chemicals, and electrical hazards; employees may work with machinery with moving parts, and moving vehicles; may use eye protection, gloves, and work on ladders/scaffolding; employees work in direct contact with the public, students, and other District staff, with high volume of work and tight deadlines, with continuously changing priorities and interruptions, may work alone without guidance from supervisor and may work over 40 hours a week, and/or a flexible schedule which may include evenings, weekends and/or holidays.

RULE-MAKING AUTHORITY AND DEFINITIONS**1.1 APPLICATION OF RULES****1.1.1 STATUTORY AUTHORITY FOR THESE RULES**

The rules contained herein are established pursuant to the authority of the Personnel Commission under ~~Education Code Sections 45260-45261~~ **Article 6** (Merit System) in Chapter 5 of Part 25 in Division 3 of the California Education Code (**commencing with Section 45240**) of the Education Code and other provisions governing the Merit System Act in the Education Code.

~~It shall be the policy of the commission to submit all new rules or amendments or deletion of existing rules to the Governing Board when:~~

- ~~A. The rule obviously requires Board approval, and~~
- ~~B. It is difficult to define the division of Commission and Board authority regarding the rule in question.~~

**REFERENCE: Education Codes 45240, 45241, 45260
Government Codes 3543.2**

1.1.2 SUBJECT OF RULES

These Rules shall provide for the procedures to be followed by the Board of Education as they pertain to the classified service regarding such matters as:

- a) Applications
- b) Examinations
- c) Eligibility
- d) Appointments
- e) Promotions
- f) Demotions
- g) Transfers
- h) Dismissals
- i) Resignations
- j) Layoffs
- k) Reemployment
- l) Vacations
- m) Leaves of absence, work hours and overtime
- n) Compensation within classifications
- o) Job analysis and classifications
- p) Performance evaluations
- q) Public advertisement of examinations
- r) Rejection of unfit applicants without competition
- s) Any other matters deemed necessary by the Commission to ensure the efficiency of the classified service and the selection and retention of employees based on merit and fitness.

REFERENCE: Education Codes 45260, 45261

1.1.3 INTERPRETATION AND APPLICATION OF THESE RULES

The commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These Rules are to be applied with consideration of their intent; however, specific and applicable provisions of the Rules shall not be waived, ignored, or superseded because of the ~~the~~ **unless the commission determines that there are** special circumstances of ~~in a~~ particular cases. The commission is open to responsible suggestions to amend the rules with prospective application; however, ~~no rule amendment or new rule shall have retroactive applicability~~ **unless by specific authority of the Personnel Commission, after a determination by the Personnel Director, no amendment or new rule shall be applied retroactively.** ~~In such cases, the rule in question will not become effective until it has been approved by the Governing Board.~~

REFERENCE: Education Code 45260

1.1.4 GENERIC TERMINOLOGY

As used in these rules, the term "his" refers to the feminine as well as the masculine **present tense includes the past and future tenses, and the future, the present. The masculine gender includes the feminine. Shall is mandatory and may is permissive.** Singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular.

REFERENCE: Education Code 45260

1.1.4 JUDICIAL REVIEW:

If a judicial review or a change in law invalidates any portion of these rules, such finding or amendment shall not affect the validity or the enforceability of the other rules or provisions.

REFERENCE: Education Code 45260

1.1.5 IMPLEMENTATION OF RULES:

Since the implementation of new rules or amendments to existing rules can impact the board, administration, and classified employees. Copies of all proposed new rules and amendments will be submitted to the district and exclusive representative of the employees prior to adoption by the Personnel Commission. If the subject matter of a Rule is within the scope of representation, as defined in Government Code 3543.2, and there is contract language on that subject, the Rule shall not apply to employees in the bargaining unit.

1.2 DEFINITIONS, GENERAL

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

ABANDONMENT OF POSITION: The absence from a probationary or permanent position without proper or authorized permission for three (3) consecutive workdays.

ACT or THE ACT: The Act shall mean those sections of the Education Code of the State of California applying to the "Merit System" ~~to~~ **for** classified employees in certain school districts **that have adopted the Merit System**. It shall include all of the provisions of Article 6, Chapter 5, Part 25, division 3, and applicable provisions of article 1 and 2, chapter 1 and 5, division 1 and article 1 to 5, chapter 5, part 25, division 3. **as well as the provisions of Chapter 1 and Articles 1 to 4 of Chapter 5 in Part 25.**

ALLOCATION: The official placing of a position in a given class and the assignment of the class **to a range on a salary schedule** ~~title to the position.~~

ANNIVERSARY DATE: ~~this is the first day of the pay period next following completion of the required period of service.~~ The date upon which an employee is first granted an earned salary increment, **and the first day of the next month following completion of the required period of service for step advancement.**

APPEAL: **A request for review by an employee relative to an administrative decision of suspension, demotion or dismissal.**

APPLICANT: A person who has filed a district application to ~~take a merit system examination~~ **participate or compete in the district's selection process.**

APPOINTING AUTHORITY OR POWER: The Board of Trustees or its designees, or the Personnel Commission when referring to commission employees and positions.

APPOINTMENT: The official act of the appointing authority in approving the employment of a person in a specific position.

ASSIGNMENT: **Placement of an appointee into a position. Also refers to the position in which the employee is appointed including hours and months assigned.**

ASSIGNMENT BASIS: The portion of the year for which employment is authorized for a specific position or class.

BENCHMARK: **A common, easily identifiable job category for which salary data is obtained. Salaries for other jobs in the particular occupational group are set according to the relationship of each class to the benchmark.**

BEREAVEMENT LEAVE: **A paid leave of limited duration granted to an employee upon the death of a member of the employee's immediate family or household (See Relative.).**

BOARD OF TRUSTEES: **Governing Board of the Anaheim Union High School District.**

BUMPING: **The process whereby one employee displaces another employee with less seniority in the class.**

CANDIDATE: A person who has **successfully** competed in one or more portions of a ~~merit system examination~~ **the district's selection/examination process.**

CAUSE: **The grounds for disciplinary action against an employee as provided by law, written policy or the Rules of the Commission.**

CERTIFICATED SERVICE: All positions and employees required by law to possess credentials issued by the ~~Commission on Teacher Credentialing~~ **State Department of Education for the State of California.**

CERTIFICATION: The submission of names by the ~~commission~~ **Personnel Director, certified by the Personnel Commission,** of the names of eligibles from an appropriate eligibility list or from some other source of eligibility, to the appointing power or to the department head authorized to make selections subject to the approval of the appointing power.

CLASS: A group of positions **whose duties and responsibilities are** sufficiently similar ~~in duties and responsibilities so~~ that the same descriptive title may be used to designate each position; ~~allocated to the class;~~ substantially the same requirements of education, experience, knowledge, and ability are demanded of incumbents; substantially the same tests of **merit and** fitness may be used ~~in choosing to select~~ **qualified appointees candidates;** and the same **schedule of compensation** salary range may be applied with equity.

CLASSIFICATION: **The process of sorting positions by kinds of work into job categories and then ranking them according to level of difficulty and responsibility. Further, classify means to allocate positions to appropriate classes to determine reasonable relationships within families and to prepare written class specifications.**

CLASSIFIED SERVICE: All positions in the district's service ~~to~~ which **are not exempted** ~~the act applies and which are not expected by the~~ **Education Code Act.** See Rule 30.100.

CLASS SPECIFICATION: **An official source document that: 1) describes the** ~~A formal statement of~~ **duties/tasks, and the responsibility levels, the employee evaluation variables and performance standards, and the organizational and supervisory relationships that are representative of the positions assigned to the class, and which distinguish the class from other classes; 2) delineates the proficiencies that an appointee must possess at time of hiring and that are representative of the full-working-level for the class** ~~responsibilities of the position(s) in the class, illustrated by examples of typical tasks, as well as the qualification requirements for employment in the position(s) in the class.~~

CONTINUOUS EXAMINATION(S): **A procedure or procedures authorized by the Personnel Commission for the frequent testing of applicants in certain specified classifications.**

CLASSIFICATION PLAN: **All classes that have been established for an organization and the procedures for plan and specification maintenance as described by the Personnel Commission.**

COMMISSION: The Personnel Commission, established pursuant to the Act for the Anaheim Union High School District.

COMPENSATION STUDY: The collection of current wage and salary data for the purpose of determining the prevailing wage for certain types of work. The data is usually secured from other public agencies and from private sector businesses in the labor market area. The term also includes the written report containing the data collected.

COMPETITIVE EXAMINATION: The process of identifying the most qualified candidates by impartial testing methods. Qualified candidates are then ranked in order of relative merit on an eligibility list.

DAY: A working day on which the district administrative offices are open.

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class that **which** is allocated to a lower maximum salary rate **or status**. Demotion could occur due to a layoff, disciplinary action, or because of a voluntary written request.

DIFFERENTIAL or DIFFERENTIAL PAY: A salary allowance in addition to the basic salary rate or schedule, based upon additional skills, responsibilities, or specifically scheduled working hours. It also relates to the size of the interval(s) between steps on a salary range and/or the salary rates (ranges) of related classes.

DISCHARGE or DISMISSAL: Separation from **the classified** service for cause in accordance with the Rules and Regulations of the Personnel Commission.

DISCIPLINARY ACTION: An action by the Board of Trustees or commission to deprive a regular employee of their position and/or salary without their consent. Includes suspension, demotion, salary reduction and dismissal.

DISTRICT: The Anaheim Union High School District.

DUAL CERTIFICATION: A special procedure **authorized by the Personnel Commission** which provides for **simultaneous** certification in ~~specified cases,~~ **under certain specific conditions,** from an open **eligibility** list ~~while~~ **and** a promotional eligibility list exists in accordance with the examination scores attained by the candidates.

DUTIES STATEMENT: A listing of the specific duties assigned to an individual position. It is sometimes referred to as a "position description."

ELIGIBILITY LIST: A **rank order** list of names of persons who have qualified **on all parts of** ~~in a~~ **the** competitive examination **process**.

ELIGIBLE: Adjective: legally qualified to be appointed to a position. Noun: A person whose name appears on an eligibility list.

EMERGENCY APPOINTMENT: The appointment **of an individual to a regular classified position** for a period of time, not to exceed fifteen (15) working days, to prevent the stoppage of public business when persons on **an** eligibility list are not immediately available.

EMPLOYEE: A person who is legally an incumbent of a position or who is on **an** authorized leave of absence.

EMPLOYEE ORGANIZATION: Any organization which includes employees of a public school employer and which has as one of its primary purposes representing such employees in their relations with that public school employer, as defined in Government Code Sections 3500 - 3540.

EMPLOYMENT LIST: A list of names from which certification(s) may be made. Includes eligibility lists, reemployment lists, and lists of persons **individuals** who wish to transfer, demote, be reinstated or reemployed after resignation, or be restored after voluntary demotion or reduction to limited-term status.

EMPLOYMENT STATUS: An employee's present appointment indicating whether employee is probationary, permanent, emergency or temporary (includes limited term and provisional).

EXAMINATION: The process of testing and evaluating the fitness and qualifications of applicants.

FIELD OF COMPETITION: Those categories of persons (either from within or outside of the District that have been identified by the Personnel Commission or its designated representative as possessing the necessary qualifications to participate in the District's selection process.

FULL-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is equal to or greater than eighty-seven and a half percent (87.5%) of the normally assigned time of the majority of employees in the classified service of the District.

GOVERNING BOARD: The Board of Trustees of the Anaheim Union High School District (~~Synonymous with appointing authority or power~~).

GRIEVANCE: The procedure through which regular employees may seek adjustment of complaints arriving out of alleged violations of Commission Rules.

GROUP: A number of classes related in duties and responsibilities as set forth in the list of classes established by the Personnel Commission.

HEARING: A formal review of evidence before the Personnel Commission or its designated representative, in the presence of the parties involved in connection with an action affecting an employee and concerning an appeal filed by the employee.

HIRE DATE: Date of original or most recent employment with the District.

INCUMBENT: An employee assigned to a particular position within a class.

INVOLUNTARY LEAVE: Leaves of absence resulting from a disciplinary action; a suspension.

JOB ANALYSIS: The technical process by which positions are studied to define the tasks required to be performed and to determine the knowledge, skills, abilities, other traits and behaviors required to be successful on the job. Used as a basis for classifying positions and developing selection plans.

JOB TITLE: The title assigned to a classification by the Personnel Commission.

LATERAL TRANSFER: The transfer of an employee to a position in a similar or related class with the same salary range.

LAYOFF: Separation from a permanent position because of the lack of work, or lack of funds, or because the position has been abolished or reclassified, or because an employee has exhausted all leave privileges after illness or injury.

LEAVE OF ABSENCE: An approved absence from duty, with or without pay, for a prescribed period of time.

LIMITED-TERM: A term used in the Education Code to designate employment for periods not to exceed six **(6) calendar** months; or employment of a temporary employee during the authorized absence of a **probationary or permanent** employee. (Synonymous with "temporary")

LIMITED-TERM EMPLOYEE: An employee who is serving in a provisional appointment, or as a substitute for a regular employee, or in a position established for a limited **and specified** period of **time of** less than six (6) months.

MAY: A verb indicating that an action is permissive, not required.

MERGING: The act of combining two or more eligibility lists, which were established not more than a year apart, in the rank order of the scores of the eligibles. Even though the eligibility lists have been merged, each list individually expires no later than one (1) year following the date on which it was established by the Personnel Commission; not following the date on which they were merged.

MERIT SYSTEM: A personnel management system in which merit and fitness govern an individual's selection and progress as an employee.

OPEN EXAMINATION: A competitive examination in which any qualified person may participate.

PART-TIME PLAYGROUND POSITIONS: Positions that are hired for less than three (3) hours per day to monitor and supervise a playground or play area during a lunch or recess period.

PART-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than eighty-seven and a half percent (87.5%) of the normally assigned time of the majority of employees in the classified service.

PERFORMANCE EVALUATION: A formal written statement of the quantity and/or quality of the work performed by a person employed in the District's classified service.

PERMANENT EMPLOYEE: ~~In reference to District employment status,~~ An employee who has completed an initial probationary period in **any classification with the District** ~~the classified service~~ ~~In reference to employment status in a specific class,~~ an employee who has completed a probationary period for that classification.

PERMANENT POSITION: A position established for a continuing and indefinite or unlimited period of time, or for a fixed period of time, in excess of six **(6)** months.

PERSONAL NECESSITY LEAVE: A leave of absence with pay for a limited duration which may be taken for reasons of personal need as specified in the Education Code, Collective Bargaining Agreement, and the Rules and Regulations of the Personnel Commission. Such leave is charged against the employee's earned cumulative sick leave, and is limited to a maximum of seven (7) days per school year.

PERSONNEL COMMISSION: A three-member committee established pursuant to the requirements of "The Merit System Act" to administer the Merit System in the Anaheim Union High School District. Also referred to as the "Commission."

PERSONNEL DIRECTOR: As used in these Rules, the term refers to the person appointed by the Personnel Commission to act as its designated representative in administering the Merit System under the provisions of law and the Rules and Regulations established by the Personnel Commission. Also referred to as the Director of Human Resources – Classified.

PERSONNEL COMMISSION STAFF: Those persons appointed by the Personnel Commission to carry out the day-to-day operations of the Personnel Commission.

POSITION: A group of duties and responsibilities assigned by competent authority **which requires either** requiring the full or part-time employment of one person on a permanent or limited-term basis. A position can only be established by action of the Board of Trustees, **or by the Personnel Commission for a member of its own staff.**

POSITION CLASSIFICATION: The process of categorizing jobs by occupational group, series, class, and grade, according to similarities and differences in duties, responsibilities and qualification requirements.

POSITION TRANSFER: The relocation of an employee between job sites within the same classification.

PRIVILEGE: A benefit that is discretionary (which may or may not be granted); in contrast to a right (which must be granted).

PROBATIONARY PERIOD: A trial period of ~~six months or one year~~ **one hundred and thirty (130) days, or two hundred sixty (260) days for executive, administrative, and supervisory employees, of paid service (excluding days absent for illness or injury)** following an ~~original or promotional~~ appointment to a permanent position from an appropriate eligibility list.

PROMOTION: A change in the assignment of an employee from a position in one class to a position in another class with a higher maximum salary rate.

PROMOTIONAL LIST: An eligibility list resulting from a promotional examination limited to qualified employees of the District.

PROVISIONAL APPOINTMENT: A temporary appointment of a person to a permanent or limited-term position **which is** made in the absence of an appropriate eligibility list, **for a period of time** not to exceed **ninety (90) working days or 126 working days in any one fiscal year** except in ~~specified circumstances~~ when no one is available on an appropriate eligibility list.

PROVISIONAL EMPLOYEE: A person employed while the examination process is being conducted to fill the position for less than 90 consecutive days or 126 days per fiscal year.

REALLOCATION: Movement of an entire class from one salary schedule range or hourly rate to another salary schedule range or hourly rate.

RECLASSIFICATION: The removal of a position or positions from one class and placement into another as a result of a gradual change in class assignment as a result of a change in duties.

REEMPLOYMENT: Reassignment ~~The return to duty of an a permanent employee in a class who has been laid off or reassignment of a former employee within thirty-nine (39) months. in a lower class than that from which he had resigned or in a limited term status. An additional twenty-four (24) months is added to the thirty-nine (39) months, if the laid-off employee has accepted a lesser position in lieu of lay off. Also applies to former employees of the District who are returned to employment for a limited period of time following their retirement(s).~~

REEMPLOYMENT LIST: A list of names **by classification, in rank order of seniority**, of persons ~~who have been laid off from permanent positions by reason of a for lack of work, lack of funds, abolishment or reclassification of positions, exhaustion of illness or accident leave privileges, or other reasons specified in these Rules. and who are eligible for reemployment without examination in their former class arranged in order of their right to reemployment.~~

REGULAR EMPLOYEE: An employee who has probationary or permanent status **with the district.**

REGULAR STATUS: Probationary or permanent status in the classified service of the district.

REHIRE DATE: The date of most recent regular employment with the district.

REINSTATEMENT: A reappointment without examination, after resignation, to a position in the employee's former class **within 39 months.**

RELATIVE: Means a member of the immediate family which is:

Mother (Stepmother)	Brother-in-law
Mother-in-law	Brother
Father (Stepfather)	Sister
Father-in-law	Grandmother
Husband	Grandfather
Wife	Son-in-law of employee
Son (Stepson)	Daughter-in-law of employee
Grandchild of employee	Legal Guardian of employee
or spouse	Domestic Partner
Sister-in-law	Foster children

RESIGNATION: A voluntary written or oral statement from an employee requesting to be terminated from employment

RESTORATION: Includes "reemployment" (see above). ~~Also The reassignment to duty of an employee to the same class and status that he held when he resigned. Also, the reassignment of an employee who had has demoted to his/her former class. or to a related class or, after reduction to limited term status, to permanent status.~~

RESTRICTED EMPLOYEE: An employee hired into a position which is limited to persons from low-income groups or from designated geographical reason or to those who meet other specified criteria. Restricted employees are not entitled to permanent status, seniority, promotional opportunities or to appeal rights in the event of disciplinary action.

RULE OF THREE: The applicant choice available to an appointing power from a ranked eligibility list; selection may be made only from those eligibles in the first three ranks, who are ready and willing to accept appointment to the specific position.

SALARY RANGE: A series of consecutive salary steps that comprise the rates of pay for a classification.

SALARY RATE: A specific amount of money **authorized to be** paid for specified period of service, i.e., ~~dollars per hour or month.~~ **on a hourly, daily, weekly, monthly, or annual basis for a particular classification, assignment or contract.**

SALARY SCHEDULE: The complete list of ranges, steps, and rates of pay for the classified service. (often referred to as the salary matrix).

SALARY STEP: A specific rate in a salary range. ~~One of the consecutive rates that comprise a monthly or hourly salary range.~~

SENIOR MANAGEMENT: A classified employee in the highest position in a principal program area with responsibility for formulating policy or administering the program or is the fiscal advisor to the superintendent. Senior management positions are part of the classified service, are afforded all rights, benefits and burdens of the classified service, except they are exempt from permanent status in the senior management position.

SENIORITY: Status secured by length of service in a classification for determining the order of layoff when positions within a classification are eliminated. In addition, seniority is used to calculate the extra points for employees taking promotional examinations.

SEPARATION: ~~The termination from employment of an employee~~ Leaving a position; includes resignation, dismissal, layoff and retirement etc.

SERIES: A number of classes closely related ~~in~~ **into an** occupational hierarchy and arranged in a list in order to indicate occupational levels in a group.

STATUS: ~~Tenure which is acquired in a classification by reason of examination, certification from eligibility lists, election or appointment by the appointing power, and the successful completion of the probationary period.~~ **The employee's present standing in the classified service, e.g. full-time, part-time, probationary, limited-term or permanent.**

STEP ADVANCEMENT: Movement to a higher step on the salary range for the class as a result of having served the required number of months in that class during the preceding twelve months until the maximum step has been achieved.

SUBSTITUTE EMPLOYEE: ~~An employee~~ **A person who is temporarily** occupying a regular position during the absence of the incumbent.

SUSPENSION: An enforced absence of an employee with or without pay for disciplinary purposes, or pending **the outcome of an** investigation of charges made that have been filed against the **an** employee, **pursuant to Education Code 45304.**

TEMPORARY: Employment on the basis of other than permanent or probationary **status**, e.g. limited-term or provisional status.

TRANSFER: The reassignment of an employee without examination from one position to another position in the same class, or to a position in a similar or related class with the same salary range. **See lateral or position transfer.**

UNCLASSIFIED SERVICE: All positions and employees not in the classified or certificated service; i.e., those exempted by laws. See Rule 30.100.

WAIVER: The voluntary relinquishment by an eligible of any right to be considered for appointment from an eligibility list.

1.3 VIOLATION OF MERIT SYSTEM LAWS

1.3.1 **VIOLATION SHALL BE CRIMINAL ACT:** Any person who willfully or through culpable negligence violates any of the provisions of Article 6, commencing with Section 45240 of the Education Code is guilty of a misdemeanor.

REFERENCE: Education Code Section 45317

1.3.2 **OTHER UNLAWFUL ACTS:** In addition to the prohibition on unlawful acts outlined in Rule 1.3.1, it is also unlawful for any person:

1.3.2.1 Willfully, either alone or in cooperation with another person, to defeat, deceive, or obstruct any person with respect to any right of examination, application, or employment under the Merit System laws of the Education Code or the Rules and Regulations of the Personnel Commission.

1.3.2.2 Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under the Merit System laws of the Education Code or the Rules and Regulations of the Personnel Commission, or to aid in doing, or make any false representation concerning the same of the person examined.

REFERENCE: Education Code Sections 45103, 45127, 45194, 45256, 45260, 45261, 45262, 45269, 45270, 45275, 45285, 45286, 45287, 45290, 45292, 45294, 45296, 45298, 45301, 45302, 45305, 45307, 45309, 45317

Chapter 2

THE PERSONNEL COMMISSION

2.1 ORGANIZATION OF COMMISSION2.1.1 Terms of Office and General Selection Procedures

The Personnel Commission is composed of three individuals who must be registered voters, reside in the Anaheim Union High School District, and be a known adherent to the principle of the merit system. One member of the commission is appointed by the Board of Trustees, one member is appointed by the classified employee organization which represents the largest number of the district's classified employees, and the third member is appointed by those two (2) members.

- A. No member of the governing board of any school district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the commission. During a commissioner's term of office, a member of the Personnel Commission shall not be an employee of the Anaheim Union High School District.**
- B. As used in this chapter, known adherent to the principle of the merit system, with respect to a new appointee, shall mean a person who by the nature of his/her prior public or private service has given evidence that he/she supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. As used in this chapter, know adherent to the principle of merit system, with respond to a candidate for reappointment, shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he/she does, in fact, support the merit system and its operation.**
- C. ~~By law,~~ The term of **office for each of the commissioners** is for a three year **period** and expires at noon, **on** December 1 **of the third year**. The term of one commissioner expires each year.**

REFERENCE: Education Code 45244, 45245, 45246, 45247

2.1.2 Appointment Procedures

On or about September 1 of each year, the Personnel Director shall notify the Governing Board of the name and home address of the commissioner whose term will expire and whether or not ~~he~~ **that commissioner** will accept re-appointment **for another three year term**. The notification shall also ~~list~~ **provide the name of** the appointing authority and **the procedures to be followed in filling the upcoming vacancy**. ~~indicate that the board must follow the provisions of Education Code Section 45216.~~

A. Board's Appointment

By September 30, the board shall publicly announce the name of the person it intends to appoint or reappoint. At a board meeting to be held after 30 days and within 45 days of the date the board publicly announced its candidate, the board shall hold a public hearing to provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of the person recommended. The Board at that time may make its appointment without further notification or public hearing.

B. Classified Employees' Appointment

The classified employees shall submit the name of its nominee to the board at least thirty (30) days prior to the date the vacancy will occur. The board shall appoint that nominee effective the date the vacancy occurs. If the classified employees voluntarily withdraw the name of their nominee and submit the name of a new nominee, the board shall then appoint that new nominee. It is the responsibility of the classified employees to ensure that their nominee is a known adherent to the principal of the merit system.

C. Commissioners' Appointment

By September 30, the appointee of the board and appointee of the classified employees shall publicly announce the name of the person they intend to appoint or reappoint. At the next regularly scheduled commission meeting to be held after thirty (30) days of the date the commission publicly announced its candidate, the commission shall hold a public hearing to provide the public employees and employee organizations the opportunity to express their views on the qualifications of the person recommended by the commission. The commission at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

A commissioner whose term has expired may continue to discharge the duties of the office until a successor is appointed, but for no more than ninety (90) calendar days.

REFERENCE: Education Codes 45244-45248
Government Code 13102

2.1.3 Filling Vacancies During Term of Office

A. Board's Appointment

Within thirty (30) days of notification of the vacancy, the board shall publicly announce the name of the person nominated to fill the unexpired term. The requirements of Rule 2.1.2A shall then be followed.

B. Classified Employees' Appointment

Within thirty (30) days of notification of the vacancy, the classified employees shall publicly submit the name of its nominee to the board. The requirements of Rule 2.1.2B shall then be followed.

C. Commissioners' Appointment

Within thirty (30) days of notification of the vacancy, the commissioners shall publicly announce the name of the person they intend to appoint. The requirement of Rule 2.1.2C shall then be followed.

REFERENCE: Education Code 45244-45248, 45260.

2.1.4 Emergency Appointment of Commissioners

If there are two vacancies on the commission, the board, at the request of the Personnel Director, shall declare that an emergency exists and shall make one interim appointment to fill a vacancy to insure the continuance of the functions of the Personnel Commission. The interim appointment shall terminate on the date the notification of a permanent appointment is received by the appointee. An interim appointee must meet the requirements of the Education Code and Rule 2.1.1

REFERENCE: Education Code 45244, 45248, 45260, 45261

2.1.5 Officers

At its first regular scheduled meeting on/or after following December 1 of each year, the commission shall elect one of its members as to serve as the Chairman, and another of its members to serve as Vice Chairman, to serve a term of for a period of one year or until their successors are duly elected.

**REFERENCE: Education Codes 45260, 45261
Government Code 1302**

2.1.6 Quorum and Majority

Two members of the commission shall constitute a quorum for any regular or special meeting of the commission. The affirmative vote of two (2) members is required to carry any motion or shall be necessary to approve any action. A commissioner shall abstain from the vote if they he/she has, or may have, a personal pecuniary interest or gain.

**REFERENCE: Education Codes 45260, 45261
Government Code 54952.6**

2.1.7 Compensation of Commission Members

The board has authorized payment to the members of the commission at the rate of fifty dollars (\$50) per meeting. The board has authorized the members of the commission to receive the health insurance plans of the district as provided members of the board.

REFERENCE: Education Codes 45250, 45260

2.2 MEETINGS

2.2.1 Regular Meetings

Subject to cancellation or proper **approved** change, the commission shall meet on the second Tuesday of each month in the **Board Room of the Anaheim Union High School District at 501 Crescent Way, Anaheim, California Education Center**. When the regular meeting date falls on a holiday, the commission shall meet on the next succeeding business day, unless at a prior regular meeting it designates some other day for its meeting. **If necessary, meetings may be held** ~~In cases of emergency, the commission may meet at some other time and/or place within the boundaries of the school district, provided that at least 48~~ **24** hours notice is given to employee and administration representatives and posted on the commission's official bulletin board.

**REFERENCE: Education Code 45260
Government Codes 54952-54952.3, 54956.5**

2.2.2 Adjourned Regular Meetings

The commission may adjourn any regular or adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes. When an order of adjournment of a regular or adjourned meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour designated for regular meetings.

2.2.3 Special Meetings

Special meetings may be called at any time by the **Chair chairman and shall be called upon the or by** written request of any two members, **or a special meeting may be requested by the Personnel Director**. Written notice **of a special meeting** shall be delivered personally or by mail to each member of the commission. **Written notice must also be given to each of the following who have filed written requests for such notice; each local newspaper of general circulation, radio or television station, and shall also be provided to the district, recognized employee or other organizations and others as required.** Such notice **shall must** be delivered personally or by mail at least 24 hours before the time of such meetings as specified in the notice. A copy of the notice shall be posted on the commission's official bulletin board. The ~~order~~ **notice** shall specify the time and place of the special meeting and the business to be transacted. ~~No other~~ **Only those items of business listed on the agenda** shall be considered at ~~such the~~ **special** meeting ~~by the~~ commission.

2.2.4 Public Meetings

All regular and special meetings of the commission shall be open **to the** ~~and~~ public, and all persons shall be permitted to attend any meetings of the commission, except as provided in Rule 20.200.5 **2.2.5**. ~~This rule shall not be construed as permitting employees to be absent from duty to attend commission meetings.~~

2.2.5 Closed Sessions

- A. A closed session may be conducted only during a regular or special meeting of the commission that has been called with proper notice. Prior to holding a closed session, the commission shall state the reasons for the closed session and cite the statutory or legal authority for the closed session. Only those matters identified may be considered in closed session.**
- B. When a matter is considered at a closed session which will require commission action, the final action may be taken in a public or closed session; however, the result of such action, if taken in closed session, must be announced by the presiding officer, and the result of such action shall be recorded in the minutes of the commission.**

~~The commission may hold closed sessions to consider the employment or dismissal of any employee or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The commission shall not consider any matter in closed session relating to any employee unless the employee has been notified of his right to a public hearing, at least 48 hours in advance, and has declined the public hearing or properly failed to request same. The commission may hold closed sessions also to consider administrative matters relative to its own staff and to consider examination materials as provided in these rules.~~

REFERENCE: Government Code 54952, et.Seq.

2.2.6 Agenda and Supporting Data

- A. Insofar as possible, at least 48 **seventy-two (72)** hours prior to every regular or **twenty-four (24)** hours prior to every special commission meeting, the agenda shall be provided to the **commission, and to the** designated representative of all employee organizations representing district classified employees. When practical, supporting data will be furnished in advance. The agenda will also be posted on the commission's official bulleting board and distributed to ~~news-media~~ **others who** which have requested it.**
- B. Individual employees, employee organizations and other interested parties may submit their written views on any matter before the commission, except those matters listed in Rule 20.200.5 **2.2.5**, and will be provided reasonable opportunity to present their views orally **during the commission meeting**. The commission will consider ~~their~~ **these** comments and recommendations prior to arriving at a ~~course of~~ action **decision****

- C. It shall be the policy of the Personnel Commission to provide opportunity to all persons who wish to be heard at commission meetings. Persons who wish to speak concerning items not on the agenda will be granted five minutes for their presentations. Each person wishing to speak to an agenda item will be granted not more than five minutes, unless this time is extended by the **Chair** Chairman of the commission. ~~Persons using abusive, insulting, threatening, or profane language shall be declared of order by the Chairman of the commission, and shall not be permitted to speak until they can deport themselves in an appropriate manner.~~

2.2.7 Amendment, Deletion, or Addition to Rules

- A. All proposals from any source, to amend, delete, or add to these rules will be considered a "first reading" at the meeting in which they are first presented to the commission. They will not, unless a critical emergency exists, be acted upon at that meeting.
- B. At the "first meeting", the commission will set a date for commission action on the proposal, which **will normally be** ~~date shall not be less than~~ the next regularly **scheduled** meeting of the Personnel Commission. ~~It shall also instruct~~ The Personnel Director **will then** ~~to~~ refer the proposal **proposed rule change** to interested persons or organizations **in order to provide them an opportunity to submit** ~~for comments and/or~~ recommendations.
- C. Insofar as possible, interested parties shall submit their reactions **or recommendations** to proposals **proposed rule changes** in writing on or before the stipulated **commission** agenda deadline date. **Those wishing to speak to the item will be given the opportunity** ~~and shall have the right to present reactions to the commission orally at the appropriate commission meeting.~~

REFERENCE: Education Code 45260

2.2.8 Minutes

The Personnel Director **or their designee** shall record in the minutes the time and place of each **commission** meeting, the names of the commissioners present, all official acts of the commission, and the votes of the commissioners. ~~When requested by him/her, a Commissioner's, dissent or approval his/her reasons shall be recorded.~~ The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes or a true copy thereof shall be open to public inspection. Copies of the official minutes shall be distributed to recognized employee organization representative who have requested them.

2.3 COMMISSION EMPLOYEES

2.3.1 Status of Commission Employees

The Personnel Director and other persons required to carry out the responsibilities of the commission, shall be employees of the Personnel Commission. **The commission shall determine how these employees will be utilized and determine the assigned time of their employees. Employees of the commission** ~~However, they shall be~~

considered part of the classified service, and ~~the rules, procedures~~ **be accorded all rights**, benefits, and burdens pertinent to the classified service ~~shall apply to commission employees~~, except as the commission may specifically direct.

REFERENCE: Education Codes 45260, 45264

2.3.2 General Duties of the Personnel Director

- A. The Personnel Director shall perform all of the duties and carry out all of the functions imposed upon him/her by law and these rules. ~~He/She~~ **The Director** shall act as secretary to the commission and shall issue and receive all notifications on its behalf. ~~He/She~~ **The Director** shall direct and supervise the employees of the commission and conduct administrative transactions consistent with the law and ~~necessary to~~ the proper functioning of the office and staff of the commission.
- B. The Personnel Director shall **be responsible for** conducting classification, salary, and rules studies; **planning and administering examinations; monitoring the selection, assignment and transfer of employees by the board; conducting** ~~and shall make such other investigations~~ **of protests and other matters as** directed by the commission; **and for investigating such other matters as** he/she deems **deemed** necessary to his/her **fulfill the responsibilities of the department.**
- C. In cases where two or more rules appear to be in conflict, or when no rules provides a clear-cut answer to a problem, the matter shall be decided by the Personnel Director, subject to ~~appeal~~ **review by** ~~to~~ the commission.

REFERENCE: Education Codes 45260, 45261, 45266

2.4 MISCELLANEOUS PROVISIONS

2.4.1 Communications

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

2.4.2 Personnel Commission Budget

The Personnel Director shall prepare and submit to the commission, a proposed operating budget for the commission for the next ~~ensuring~~ fiscal year. The **proposed** budget shall be submitted **to the** ~~not later than the first commission~~ **in April for review and discussion.** ~~meeting in May.~~ ~~After approval by the Commission, the budget shall be submitted to the County Superintendent of Schools.~~

A. Public Hearing

The commission shall designate a meeting in May at which a public hearing on its proposed budget will be held. The commission shall forward a copy of its proposed budget to the Board of Trustees indicating the time, date and place for the public hearing of the budget and shall invite board and district administration representatives to attend and present their views.

B. Budget Forwarded to County Superintendent

The Commission shall adopt a proposed budget by May 30. The Commission shall forward its proposed budget to the County Superintendent of Schools for action.

REFERENCE: Education Codes 45253, 45260

2.4.3 Annual Report

A. The Personnel Director shall prepare as required by Education code Section 45266, an annual report of commission activities. When approved by the commission, the annual report shall be submitted to the Board of Trustees.

B. The report shall be prepared for commission approval as soon after each fiscal year as possible and no later than a meeting in November. The report shall cover commission activities for the preceding fiscal year.

REFERENCE: Education Code 45266

2.5 POWER TO CONDUCT HEARINGS

2.5.1 Hearings

Pursuant to applicable provisions of the Education Code, the commission may conduct hearings, subpoena witnesses, require the production of records or information pertinent to investigation, and may administer oaths. It may, at will, inspect any records of the governing board that may be necessary to satisfy itself that the procedures prescribed by the commission have been complied with. Hearings may be held by the commission on any subject to which its authority may extend as described in the Education Code.

REFERENCE: Education Code 45311

2.6 LEGAL COUNSEL FOR THE PERSONNEL COMMISSION

2.6.1 Legal Counsel

The legal counsel of the board shall aid and represent the commission in all legal matters. If legal counsel fails to respond to a written request for legal assistance within fifteen (15) working days, counsel has then refused to represent the commission in that matter.

2.6.2 Conflict of Interest

Legal counsel shall refuse to represent the commission when counsel knows, or has reason to know at the time of the request; a conflict exists between the interests of the commission and the board or district.

The commission may also declare a conflict of interest. Such conflict shall be identified in writing to the district and its legal counsel.

2.6.3 Other Counsel and Fees

When legal counsel refuses to represent the commission in a legal matter or the commission identifies a conflict of interest, the commission may employ its own attorney. The reasonable cost of other legal counsel constitutes a legal charge against the general funds of the district, whether or not funds for legal services appear in the commission budget.

REFERENCE: Education Code 45313

CHAPTER 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.** ~~at the time the written request for temporary appointment is made.~~ 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** ~~six months.~~ 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 General Nature of the 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 of ~~Classification~~ for all positions in the classified service. Classes will be placed **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 by **through an** open competitive examination. **The commission shall determine** ~~Those classes not so designated shall be considered as "promotional classes", provided that the Personnel Commission shall decide when it orders an examination,~~ whether the examination shall be open, promotional, or a combination thereof. The list of classes shall **include the approved** ~~contain designation of the 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 of positions, as initially established or subsequently approved by the commission, there shall be established and maintained a class specification, which shall include:~~

- A. ~~The official~~ class title.
- B. A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme.

- C. A statement of **essential and other related duties** ~~typical tasks~~ to be performed by persons holding positions allocated to the class.
- D. A statement of **employment standards** ~~the minimum qualifications~~ for service in the class. **The employment standards may** ~~The minimum qualifications will~~ 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 ~~his~~ **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** ~~typical tasks~~ 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 ~~a picture~~ **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 ~~gradation~~ **relationship** in the series in which the class is located and proper differentiation within the group of classes.
- D. Qualifications ~~commonly~~ required of **all** the incumbents of ~~all or many offices or positions~~, such as **the ability to perform the essential duties of the position**, ~~good physical condition, freedom from disabling defects, honesty, sobriety,~~ **dependability, good judgment and the ability to assume the responsibilities and conditions of the position** ~~and industry~~, even though not specifically mentioned in the specifications, are implied in the qualification requirements.
- E. The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement and preparation of tests and in the evaluation of the qualification of candidates seeking appointment, ~~to positions allocated to the class~~, but does not require a particular form or content of test or testing procedure.

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 ~~with regard to~~ **job** duties performed, responsibilities exercised by the incumbents of such position, and qualifications requirements shall be allocated to the same class.

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

3.2.6 Changes in Duties of Position

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

3.2.7 Working Out of Classification

- A. ~~When an~~ **Each classified** employee is **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.** ~~work out of classification, the fact shall~~ **Classified employees shall not be required to perform duties and responsibilities of a higher level for a period exceeding five (5) working days, 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 ~~immediately~~ 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, the employee's pay**

shall be adjusted upward for the entire period of working out of class as follows:

- C. 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 five (5) percent salary increase, but not less than the first step of the range. If the increase is less than five (5) percent then the employee shall be placed on the next higher step but not higher than the highest step on that range.

REFERENCE: Education Codes 45110, 45256, 45620, 45285.5

3.2.8 Review of Positions

The personnel director **human resources, classified** 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, ~~he/she shall advise the administration of his/her~~ **shall be advised of the findings**. If the ~~administration verifies the duties of the position~~ **are verified**, or if the duties are not revised to fit within the current classification, the director shall report ~~his/her~~ findings and recommendations to the commission **for appropriate action**. ~~He/she~~ **Cases** shall also **be reported his/her to the commission** findings in cases where ~~his/her~~ review indicates that no change in **of** classification is necessary.

3.2.9 Creation of New **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** ~~it shall submit to the Personnel Director, in writing, prior to filling the duties to be performed by the position.~~ **The Board of Trustees may recommend minimum educational and work experience requirements for new classes.** The Personnel 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** which 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.** ~~and determine whether the position should be allocated to an existing class or to a new class.~~
 - 2. **The Commission shall** designate the proper salary placement **and internal alignment on the classified salary schedule.** ~~of a new class, if one is established.~~
 - 3. **The Director Human Resources, Classified shall report Commission's decisions to the Board of Trustees** ~~Notify the board of its action.~~

- 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 an 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

3.2.10 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 Requests for Study 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.() 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 of existing positions shall be presented to the Personnel Director together with a statement of the reasons and shall be presented to the director for requesting the study. Requests for a reclassification of a position may also study may 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.

~~Classification study requests will be presented to the Personnel Commission at the October and April meetings. If study approved by the Commission, such study will be conducted at the earliest possible date and recommendations presented to the Commission for their action.~~

- 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 of human resources, classified 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. Effective dates may be set sufficiently in the future to allow time for examinations to be completed, but for not more than three months.~~ **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** ~~When positions or whole classes are 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 has 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**

~~the rights of incumbents are determined in accordance with Education Code Section 45285. Those incumbents not able to be reclassified with their positions shall be permitted to take a competitive examination no more often than every 60 days, for 6 months or until they have achieved a passing score.~~

~~Incumbents required to take an examination, must take the current examination for the new classification. To qualify for reclassification, the incumbent must achieve a passing score on the examination.~~

~~If an incumbent is on the current eligibility list for the new classification, they are deemed as qualified for reclassification with their position.~~

~~Examinations necessitated by reclassification of non-vacant positions, shall be open only to the incumbents of those specified positions.~~

~~When a position or group of positions is reclassified to a class with an equal or lower wage or salary range, an incumbent shall have the following rights:~~

~~The right to bump the employee in the same class with the lowest seniority in the class, provided that the incumbent has greater seniority in the class;~~

~~The right to bump the employee with the least seniority in any equal or lower class in which the incumbent formerly served, provided that he/she had greater seniority in that class.~~

~~The right to be demoted or to transfer, without examination, to the class to which his/her position is reclassified; and~~

~~The employee may choose to transfer, demote, or exercise bumping rights at his/her option.~~

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 a 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** regular employee resulting from a reclassification of a position, positions, or class of positions, shall be considered a layoff for lack of work, and an appropriate reemployment list will be established in accordance with these rules.

~~This rule shall be followed in all instances of reclassification whether it results in upgrading, downgrading, lateral class movement, bumping, or complete displacement of incumbents.~~

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