



AGENDA

**Regular Meeting
 Tuesday, October 14, 2008 – 4:15 p.m.
 Board Room – District Office**

AGENDA POSTED: October 10, 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 regular meeting of September 9, 2008.

Exhibit A

Moved by _____
 Seconded _____
 Vote _____



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	<u>Reference</u>	<u>Action</u>
6.0 Communications		No Action Required
6.1 Job Flyers		
<ul style="list-style-type: none"> • Maintenance Lead • Maintenance Plumber 		
6.2 Reclassification		
<p>The following persons and/or positions have requested a position reclassification: Human Resources Technician (Sandra Ramirez), all Senior Administrative Assistant positions and all Secretary positions.</p>		
7.0 SELECTION PROCESS		
7.1 List of Current Recruitments (Test Plan)	Exhibit B	No Action Required
7.2 Certification/ratification of eligibility lists	Exhibit C	Moved by _____ Seconded _____ Vote _____
7.2.1 Director of Purchasing and Central Services		
7.2.2 Senior Budget Technician		Moved by _____ Seconded _____ Vote _____
7.2.3 Translator - Spanish		Moved by _____ Seconded _____ Vote _____
8.0 CLASSIFICATION AND SALARY		
Approve job classification of Executive Assistant, Superintendent at salary range 63, effective October 15, 2008.	Exhibit D	Moved by _____ Seconded _____ Vote _____
9.0 RULES AND REGULATIONS		
9.1 Approve Chapters 2 and 3 of the Personnel Commission Rules	Exhibit E	Moved by _____ Seconded _____ Vote _____
9.2 Personnel Commission Rules Chapter 4, First Reading	Exhibit F	No Action Required



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10.0 CHARGES AND HEARINGS

None

11.0 OTHER

11.1 Unfinished Business

No Action Required

11.2 Commissioner's Comments

No Action Required

12.0 NEXT REGULAR MEETING

Date: Tuesday, November 11, 2008
Time: 4:15 p.m.
Location Board Room

13.0 ADJOURNMENT: _____ p.m.

Moved _____
Seconded _____
Vote _____

MINUTES

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

1.0 CALL TO ORDER

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

2.0 ROLL CALL

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

3.0 PLEDGE OF ALLEGIANCE

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

4.0 PUBLIC COMMENTS

Pete Schnauffer, AFSCME representative, requested the Personnel Commission revise their policy for public comments during the meeting.

5.0 GENERAL FUNCTIONS

Staff removed item 7.1, Reclassification of Auditorium Operations Technician from the agenda.

5.1 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 minutes of the regular meeting of August 12, 2008.

5.3 On the motion of Mr. Castillo, duly seconded and unanimously carried, the Personnel Commission approved the minutes of the special meeting of August 12, 2008.

5.4 Communication

- 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)

MINUTES

Regular Meeting
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6.2 Certification/Ratification of Eligibility Lists

On the motion of Mr. Castillo, duly seconded and unanimously carried, the Personnel Commission certified the eligibility lists for Credentials Technician and Maintenance Carpenter.

7.0 **RECLASSIFICATION**

7.1 Reclassification of the position of Auditorium Operations Technician was removed from the agenda.

8.0 **RULES AND REGULATIONS**

8.1 Classified Personnel Employees Handbook, Chapter 1

There was a discussion between Pete Schnauffer, Gerry Adams, and Victoria Wintering regarding items in Chapter 1.

On the motion of Mr. Costello, duly seconded and unanimously carried, the Personnel Commission approved the adoption the Classified Personnel Employees Handbook, Chapter 1 with the addition of step-sister and step-brother to be added to the definition of Relatives.

8.2 Classified Personnel Employees Handbook, Chapters 2 and 3, First Reading

Pete Schnauffer discussed items in Chapter 2.

9.0 **CHARGES AND HEARINGS**

None

10.0 **OTHER**

10.1 There was no unfinished business.

10.2 There were no comments from the commissioners.

11.0 **CLOSED SESSION**

11.1 Adjourn to Closed Session

The Personnel Commission adjourned to closed session at 5:10 p.m.

The Personnel Commission reconvened to open session at 5:30 p.m.

No action taken regarding Government Code Section 54957: Public Employee Performance Evaluation – Executive Director.

MINUTES

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Board Room – District Office

12.0 NEXT REGULAR MEETING

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

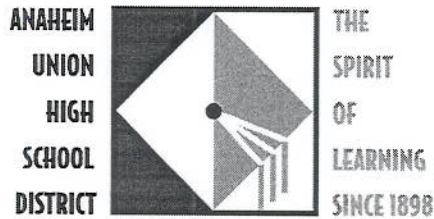
13.0 ADJOURNMENT

The Personnel Commission adjourned the meeting at 5:32 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
Translator - Spanish	8/1/2008	7/17/2008	8/7/2008	15	Dual	None	8/27/2008	9/19/2008	9/19/2008	10/14/2008	48 MT	
Senior Budget Technician		8/4/2008	8/22/2008	15	Dual	None	9/5/2008	9/23/2008	n/a	10/14/2008	37 MT	
School Safety and Security Manager		8/19/2008	9/9/2008	15	Dual	None	n/a	9/26/2008	n/a	10/14/2008	25 MT	
Instructional Assistant - SE	8/22/2008		9/15/2008	15	Dual	9/30/08 & 10/1/2008	9/30/08 & 10/1/2008	n/a	n/a	10/14/2008	21 MT	
Instructional Assistant - SH	8/22/2008		9/15/2008	15	Dual	9/30/08 & 10/1/2008	9/30/08 & 10/1/2008	n/a	n/a	10/14/2008	21 MT	
Campus Safety Aide		8/19/2008	9/9/2008	15	Dual	None	09/24/2008-PDC	10/20/2008	n/a			ME
School Community Liaison - Bilingual		9/17/2008	10/7/2008	15	Dual	None	10/16/2008	11/6/2008	11/6/2008			CJ
Director of Purchasing & Central Services	9/1/2008	9/2/2008	9/23/2008	15	Dual	None	n/a	9/30/2008	n/a	10/14/2008	15 MR	
Maintenance Lead	8/8/2008	10/1/2008	10/21/2008	15	Dual	None	10/28/2008	11/7/2008	n/a			SD
Maintenance Plumber	10/4/2008	10/10/2008		15	Dual	None	11/14/2008	11/25/2008	n/a			CJ



ANAHEIM UNION HIGH SCHOOL DISTRICT
PERSONNEL COMMISSION
ELIGIBILITY LIST NO. D08-01-08

POSITION: **DIRECTOR OF PURCHASING AND CENTRAL SERVICES
DUAL CERTIFICATION**


DATE ADVERTISED: 09/02/2008 – 09/23/2008

NUMBER OF APPLICATIONS RECEIVED:	87
NUMBER OF APPLICANTS ADMITTED TO EXAM:	22
DATE OF ORAL EXAMINATION: 09/30/08	
NUMBER OF APPLICANTS PARTICIPATING IN ORAL EXAM:	17
NUMBER OF APPLICANTS PASSING ORAL EXAM:	14

NUMBER CERTIFIED ON CURRENT ELIGIBILITY LIST:	14
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RATERS:

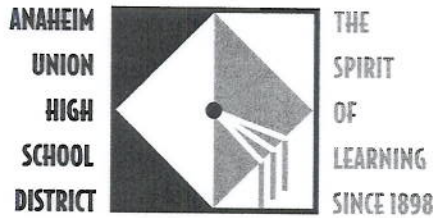
Deborah C. Harris – LACOE – Procurement Service Manager
Nathaniel Holt – Pomona USD – Director of Purchasing
Joshie Cox – ABC USD – Director of Purchasing/Risk Management
Susi McLane – Retired – Director of Purchasing
Tim Marsh – Newport-Mesa USD – Administrative Director, Facilities, Maint & Ops
Susan Webb – Director of Purchasing – Anaheim City SD


VICTORIA WINTERING, DIRECTOR
HUMAN RESOURCES/CLASSIFIED

CERTIFIED: October 14, 2008

EXTENDED:

EXPIRED: October 14, 2009



ANAHEIM UNION HIGH SCHOOL DISTRICT
PERSONNEL COMMISSION
ELIGIBILITY LIST NO. B18-08

POSITION: **SENIOR BUDGET TECHNICIAN
DUAL CERTIFICATION**

DATE ADVERTISED: **08/04/08 - 08/22/08**

NUMBER OF APPLICATIONS RECEIVED:	51
NUMBER OF APPLICANTS ADMITTED TO EXAM:	28
DATE OF WRITTEN EXAM: 09/05/08	
NUMBER OF APPLICANTS PARTICIPATING IN EXAM:	20
NUMBER OF APPLICANTS PASSING EXAM:	12
DATE OF ORAL EXAMINATION: 09/23/08	
NUMBER OF APPLICANTS PARTICIPATING IN ORAL EXAM:	11
NUMBER OF APPLICANTS PASSING ORAL EXAM:	8

NUMBER CERTIFIED ON CURRENT ELIGIBILITY LIST:	8
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RATERS:
Arlene McCoy – Budget Analyst, Long Beach Unified School District
Kathy Thomason – Greater Anaheim, SELPA


VICTORIA WINTERING, DIRECTOR
HUMAN RESOURCES/CLASSIFIED

CERTIFIED: October 14, 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



ANAHEIM UNION HIGH SCHOOL DISTRICT
 PERSONNEL COMMISSION
 ELIGIBILITY LIST NO. B15-01-08
 Dual Certification

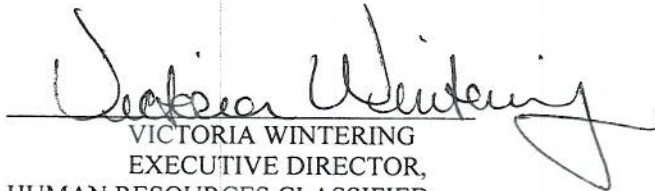
POSITION: **TRANSLATOR - SPANISH**

DATE ADVERTISED: JULY 17, 2008 THROUGH AUGUST 7, 2008

NUMBER OF APPLICATIONS RECEIVED:	<u>102</u>
NUMBER INVITED TO WRITTEN EXAM: 8/27/2008	<u>49</u>
NUMBER PARTICIPATING IN WRITTEN EXAM:	<u>37</u>
NUMBER PASSING WRITTEN EXAM:	<u>23</u>
NUMBER INVITED TO ORAL EXAM:	<u>23</u>
NUMBER PARTICIPATING IN ORAL EXAM:	<u>21</u>
NUMBER PASSING ORAL EXAM:	<u>16</u>
TOTAL NUMBER CERTIFIED ON ELIGIBILITY LIST:	<u>16</u>

Qualification Appraisal Interview Panel Members:

Rosie Luna, Garden Grove Unified School District
 Oscar Herrera, Long Beach Unified School District


 VICTORIA WINTERING
 EXECUTIVE DIRECTOR,
 HUMAN RESOURCES CLASSIFIED

CERTIFIED: _____

EXTENDED: _____

EXPIRED: _____

EXECUTIVE ASSISTANT- SUPERINTENDENT

DEFINITION:

Under the direction of the Superintendent, assist the Superintendent and Board of Trustees in complex and confidential administrative functions; communicates information on behalf of the Superintendent and Board of Trustees to district staff, other districts, public agencies, etc; knowledge of district policies and procedures; plans, organizes, prioritizes and professionally provides support on a variety of issues for the District and Board of Trustees; and performs other related work as required. .

ESSENTIAL DUTIES:

This summary provides examples of typical tasks performed in this classification.

Composes complex documents for Superintendent and Board Member correspondence, (e.g. executive summaries, minutes, newsletters, reports, etc.) for the purpose of communicating information to school and district personnel, the public, etc.; attends meetings for the purpose of recording minutes, conveying and/or receiving information; supervises the preparation of agenda materials and prepares the official minutes; assists in the administrative operations; ensures Board Meetings comply with Brown Act regulations; interprets and communicates Brown Act requirements to Board of Trustees, staff and community as needed; interprets and provides information to others concerning office procedures, policies, handbooks and directives.

Researches a variety of information (e.g. current practices, policies, education codes, legal issues, etc.) for the purpose of providing information, recommendations and/or addressing a variety of administrative requirements; maintains documents, files and records (e.g. permanent files, board policies, agendas, audio/video tapes, etc.) for the purpose of providing up-to-date reference and audit trail for compliance; scans, stores and retrieves all correspondence when appropriate.

Maintains communications with administrators and principals to keep their offices fully informed on Board of Trustees and Superintendent requests, actions and policies to ensure proper follow-up; responds to e-mails, phone calls and correspondence to the Board of Trustees and Superintendent by drafting responses and returning phone calls; independently composes difficult and complex correspondence to state, federal, school district administrators and elected officials;

Prepares and maintains confidentiality of sensitive issues such as materials and assignments related to personnel, negotiations, students and district policies; prepares, types and processes requisitions according to established guidelines; monitor and maintain budget information; order office supplies and other materials in accordance with established guidelines; schedules a variety of activities (e.g. meetings, travel arrangements, staff coverage, etc.) for the purpose of assisting in meeting staff needs and efficient utilization of personnel; assists other personnel for the purpose of ensuring an efficient and effective work environment.

EMPLOYMENT STANDARDS

Training and Experience:

Any combination of training and experience which would indicate possession of the knowledge, skills, and abilities listed herein. An example is:

Four years of increasingly responsible secretarial or administrative assistant experience in a public agency or a business involved in extensive public/client contact, and service. Graduation from high school, supplemented by managerial, public relations and business coursework or other related field.

Knowledge of:

Office practices, procedures and equipment including filing systems, receptionist and telephone techniques, letter and report writing, proofreading, and office equipment;
Rules, regulations, laws, and policies governing the District;
Modern office practices, procedures and equipment;
Advanced interpersonal skills using tact, patience and courtesy;
Principles and practices of human relations and interpersonal communication;
Fundamentals of effective time management and business practices;
Computers and advance usage of professional office software applications;
Business correspondence, minutes, record keeping and report preparation and composition;
Filing systems, receptionist and telephone techniques, letter and report writing, editing and proofreading;
Intermediate mathematics;
Basic budgeting practices regarding monitoring and control;
Principles and practices of training and providing work direction;
Advanced English usage, grammar, spelling vocabulary and punctuation.

Ability to:

Perform complex, responsible administrative duties independently and with confidence;
Plan, organize and assist the work of the Superintendent's office and maintain a high level of confidentiality;
Establish and maintain professional, collaborative, family friendly working environment;
Develop professional office procedures for effective and efficient office operations;
Remain calm and defuse emotional situations with clients;
Read, interpret, apply and explain rules, regulations, policies and procedures;
Assume responsibility and use good judgment;
Compose difficult correspondence and other written materials independently;
Keyboard at a proficient and acceptable rate;
Communicate effectively both orally and in writing;
Establish and maintain cooperative and effective working relationship with others;
Anticipate and problem-solve situations accurately and help to adopt an effective course of action;
Meet schedules and time lines;
Work cooperatively with others as a team;
Learn the Brown Act and the Roberts Rules of Order;
Operate a computer and appropriate software for the position and other office equipment;
Collect and analyze information;
Keep complete and accurate records and prepare concise reports;
Use internet to research policies, procedures and other regulations regarding K-12 education;
Handle multiple task simultaneously in a high volume workload and stressful environment.

PHYSICAL DEMANDS

Employees in this classification stand, walk, sit occasionally lifting and carrying 5 to 25 lbs, maintain balance, stoop/bend, kneel, use fingers-repetitively with repetitive twisting or pressure involving wrists or hands, use both hands and legs simultaneously, rapid mental coordination, speak clearly, hear normal conversation, color vision/ability to distinguish color shades, small details, use computer and telephone.

WORK ENVIRONMENT

Employees in this classification work inside exclusively, working over 40 hours a week, in direct contact with public, district staff and students, without guidance from supervisor in difficult interpersonal situations, with a high volume of work and tight deadlines, continuously changing priorities, and interruptions.

Salary Range: C-63

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

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 notification. 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 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 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 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 **an** 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~~ **reading**", 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 inconsistent with their normal assigned duties for a period exceeding five (5) working days, within a fifteen (15) calendar day period except as provided by this Rule. If a classified employee is working out of class, the information needs to** be reported to the Personnel Director, who shall 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, within a fifteen (15) calendar day period, the employee's pay shall be adjusted upward for the entire period of working out of class as follows:

- 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 four (4) percent salary increase, but not less than the first step of the range. If the increase is less than four (4) percent then the employee shall be placed on the next higher step but not higher than the highest step on that range.**

REFERENCE: Education Codes 45110, 45256, 45260, 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 have been in the position less than two (2) years, the incumbent will be granted status in the higher class upon passing a promotional only examination for the class. The promotional examination shall be held in accordance with these Rules and be held as soon as practicable.**
 3. **An employee who has been reclassified upward shall be ineligible to again be reclassified upward until two (2) years have elapsed.**
- B. The reclassification of positions in a class to a lower salary range, shall have the following effect on incumbents:**
1. **The incumbent shall be transferred to any vacant position at his/her current salary level if the employee is otherwise qualified for the position. If no vacancy exists, the employee may elect to remain in the position and be demoted. The employee may be laid off for lack of work if the above are rejected.**
 2. **When a regular classified employee is demoted to a position at a lower salary range due to reclassification, the employee's salary shall be Y-rated. Y-rating freezes the dollar amount of salary. The y-rate is terminated when the incumbent's Y-rated salary falls within the salary range of the class to which the incumbent was reclassified. The incumbent will then be placed on the step of the salary schedule which is next above the Y-rated amount.**
- C. When a position is reclassified to a position in a class with the same salary range, the incumbents' salary shall remain the same.**
- D. The provisions of these Rules shall not be construed to permit the Board to demote or dismiss an employee due to the reclassification of a position or class of positions unless otherwise authorized by law or these Rules**

~~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

4.1 APPLICATION FOR EMPLOYMENT

4.1.1 Filing an Application

4.1.2 General Qualifications for Applicants

4.2 DISQUALIFICATION OF APPLICANTS, CANDIDATES, AND ELIGIBLES

4.2.1 Causes for Disqualification

4.2.2 Appeal from Disqualification

4.2.3 Proof of Veteran's Credit

CHAPTER 4

APPLICATIONS AND EXAMINATIONS

4.1 APPLICATION FOR EMPLOYMENT

4.1.1 Filing of Application

All applications for employment ~~shall~~ ~~should~~ be made ~~upon~~ ~~on~~ official forms furnished by the Commission. Items shall be answered **in full** filled out ~~as therein directed~~, and **the application** filed **in the Commission office** on or before the date specified. ~~and in the office specified in the examination announcement.~~

- A. Applicants taking more than one examination must file a separate and complete application for each examination unless otherwise directed.**
- B. For federal and state reporting purposes, questions regarding ethnicity, gender, age and handicapping condition shall be placed on a separate form. Answers to such questions shall be voluntary and no other information shall be requested relative to race, religious creed, color, national origin, ancestry, handicapping or medical condition, marital status, gender, or age prior to employment.** ~~No applicant will be rejected because of sex, race, color, creed, national origin, physical handicap or marital status. The Anaheim Union High School District is an equal opportunity employer.~~
- C. Applications and examination papers are confidential and become the property of the Commission and shall not be returned to the applicant. The names of applicants or unsuccessful candidates in any examination shall be confidential.**

Reference: Education Code 45272, 45274, 45293

4.1.2 General Qualifications of Applicants

Applicants must **be permanent residents of, or must otherwise prove their right to work in the United States as specified by the U.S. Department of Immigration and Naturalization.** Applicants must possess all other requirements that ~~may~~ ~~are~~ be specified in the ~~minimum~~ qualifications established for the class. Every applicant must be **able** ~~in all respects mentally and physically to~~ competently to perform the duties of the position for which ~~he/she~~ ~~applies~~ **applying.**

- A. Qualified applicants shall have an opportunity to seek, obtain and hold District employment without discrimination because of race, religious creed, color, national origin, ancestry, medical condition, physical disability, mental disability, marital status, gender or age.**
- B. Residency within the District shall not be a condition for filing an application or for employment.**

- C. **No maximum age limit shall be set as a condition for initial or continued employment in the District.**
- D. **Persons with a physical and/or mental disability shall be given equal employment opportunities and reasonable accommodation in testing and employment.**

Reference: Education Code 45111, 45260, 45272
 Government Code 12920, 12920.5, 12921

4.2 ~~Elimination of Unfit~~ **Disqualification of Applicants, Candidates, and Eligibles**

4.2.1 **Causes for Disqualification**

An applicant ~~or candidate~~ may be refused **initial admittance to an examination, a candidate** ~~and an eligible~~ may be **disqualified from further competition and an eligible may be** refused certification or appointment, for any of the following reasons:

- A. Failure to meet the general qualifications of Rule 4.1.2.
- B. **Refusal to execute the oath of allegiance required by law.**
- C. Advocacy of overthrow of the Government of the United States or the State of California by force violence, or other unlawful means.
- D. **Conviction, either by a plea of guilty or nolo contendere, a court decision or jury verdict to a charge of a sex or controlled substance offense, as defined in Education Code 44010 or 4011.**
- E. Conviction of a pleading of guilty or nolo contendere, a ~~in~~ court decision or jury verdict of a violent or serious felony as defined in subdivision (c) of Section 667.5 and subdivision (c) of Section 1192.7 of the Penal Code. ~~to a charge of moral turpitude, or any sex offense or mistreatment of children.~~
- F. **Conviction, either by a plea of guilty or nolo contendere, a court decision or a jury verdict of a felony or misdemeanor or a record of one or more convictions which would indicate that the person is a poor employment risk. A conviction record will be evaluated on the nature, seriousness and circumstances of the offense (s); age of the person at the time and how recent the offense; number of convictions; relationship of the offense to the position applied for; evidence of rehabilitation and maturing including employment record with respect to job responsibility and duration; person's attitude; and the duties of the class.** ~~Criminal, infamous, dishonest, immoral, or disgraceful conduct according to standards approved by the Personnel Commission.~~
- G. ~~Intentionally~~ Making a false statement or **intentionally** omitting a **significant** statement ~~as to any~~ a material fact on the application form.

- H. Practicing any deception or fraud in connection with an examination or to secure employment.
- I. **A history of controlled substance addition or abuse, or use of intoxicating beverages to excess without acceptable evidence of rehabilitation.** ~~Drug addiction and/or use of intoxicating beverages to excess.~~
- J. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District **under these Rules.**
- K. Previous dismissal from the district unless the district waives this subsection. ~~Rejection during the probationary period due to inability to meet minimum standards for position doesn't disqualify applicant from applying for other positions.~~
- L. A record of unsatisfactory service within ~~the~~ **this District as evidenced by a disciplinary action, a work improvement notice, an unsatisfactory or marginal performance evaluation or a resignation in lieu of dismissal.** ~~even though separation has not occurred.~~
- M. **Improperly obtaining or attempting to obtain either directly or indirectly, any information regarding test questions or examination content.**
- N. **Discharge other than honorable from the armed forces of the United States.**
- O. A **health condition which renders the** ~~medical examination~~ **indicating applicant or candidate unable to** ~~can not~~ perform the essential duties of the position, with or without a **reasonable accommodation, or would endanger the health and safety of others.**
- P. Failure, **after due notice,** to report for duty after an assignment has been offered and accepted.
- Q. Failure, after due notice, to report promptly for review of any of the **causes for disqualification as provided in this Rule** ~~above bases for rejection.~~
- R. Refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Board of Trustees.
- S. **Failure to submit to involuntary drug testing or positive drug testing results after a second confirming drug test for classifications designated as safety sensitive.**
- T. **Membership in the Communist Party.**

Reference: Education Code 44010, 44011, 45122, 45123, 45124, 45303
 Government Code 1028
 Penal Code 667.5, 1192.7

4.2.2 Rejection and Appeal from Rejection **Disqualification**

An applicant, candidates and or eligibles disqualified under Rule 4.2 who are rejected for any of the reasons enumerated in Rule 4.1.2, shall be notified in writing indicating the reason (s) for disqualification and advising the individual that an appeal from disqualification may be made to by the Personnel Director within five (5) working days. The notification shall state:

- A. A person appealing a disqualification shall conditionally be allowed to take the examination pending a decision on the appeal.**
- ~~1. The reason(s) for rejection.~~
 - ~~2. The length of time the individual shall be ineligible to be considered for examination or appointment to a position in the district.~~
 - ~~3. That, within seven calendar days, the individual may appeal to the Personnel Director for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.~~
- ~~B. If there has been an administrative review, as provided above, and the rejection is sustained, the individual shall be:~~
- ~~1. Given a written notice outlining the reason(s) for sustaining the rejection, and~~
 - ~~2. Informed of his right to make a written appeal of the rejection and/or the period of disqualification within seven calendar days to the Personnel Commission.~~
- B. The appeal may be based on any of the following reasons:**
1. Discrimination because of affiliations, political or religious acts or opinions, race, color, sex, or marital status.
 2. Abuse of discretion.
 3. Inconsistency of the reasons given for the rejection with the facts.
- C. Upon receipt of an appeal, the Director Human Resource, Classified shall investigate the matter and render a decision. If the decision is in favor of the appellant, notice shall be given and all rights provided as though the disqualification had not occurred. If the decision is to deny the appeal, the appellant may appeal to the Commission within five (5) working days after being notified.**
- D. Upon receipt of an appeal, of the Director Human Resource, Classified decision, the Commission shall consider all evidence pertaining to the appeal and make a decision regarding the appeal. If the Commission determines that insufficient evidence to make a decision has been presented it may request further evidence or schedule a hearing on the matter, set a date for hearing, hear all of the evidence, and render a decision. Its**

~~decision shall be transmitted in writing to all concerned and shall be final.~~

- E. If the Commission's decision is in favor of the appellant, notice shall be given and all rights provided as though the disqualification had not occurred. The decision of the Commission is final.**
- F. If an eligibility list has been established, appointments may be made from available eligibles pending the final decision on the appeal. Appointments made from an eligibility list while an appeal is pending shall not be invalidated even when the outcome is in the appellant's favor.**

~~4.1.5 Action When Rejection Is Not Sustained~~

~~If a rejection is not sustained by the Personnel Director or the Personnel Commission, the Personnel Director shall institute immediate action to insure the rights of the applicant, candidate, or eligible, as if the rejection had not been made. However, appointments made in the interim shall not be disturbed unless they were fraudulently made.~~

~~4.1.6 Applications Not To Be Returned~~

~~All applications and examination papers are confidential records of the district and shall not be returned to the applicants.~~

~~4.1.7 Applicants' Names Not Made Public~~

~~The names of the applicants or unsuccessful candidates in any examination shall not be made public.~~

Reference: Education Code 45111, 45122, 45123, 45124, 45134, 45303

4.2.3 Proof of Veteran's Credit

An applicant who claims veteran's credit must submit Form DD-214 not later than the final closing date for the examination. Failure to submit Form DD-214 may result I n denial of veteran's credit.

Reference: Education Code 45294, 45295, 45296