

CHAPTER XI
INSERVICE STATUS AND TRANSACTIONS

11.01 Employment Data

- A. At the time of initial appointment, every regular (permanent or probationary) classified employee shall be provided with the following employment data:
 - 1. Job classification specifications (2 copies).
 - 2. Work location and hours per day.
 - 3. Work year indicating the number of months and/or days worked per year.
 - 4. Name of the immediate supervisor.
 - 5. Type of appointment (e.g., regular, limited-term or provisional).
 - 6. Ending date of appointment, if applicable.
 - 7. Employment status (e.g. probationary or permanent).
 - 8. Salary data including the annual, monthly or pay period, daily, hourly, overtime, and differential rate whichever are applicable.
 - 9. Other information that would assist the employee to understand the conditions under which he/she is employed.
- B. Copies of the employee's "Authorization for Employment" form shall be forwarded to his/her immediate supervisor (department), Classified Personnel Services and Payroll Services. A copy shall also be retained in the employee's personnel file.
- C. This rule shall not apply to employees who are strictly employed in a limited-term, provisional or substitute status (Education Code Section 45169).

11.02 Probationary Period

The probationary period shall be regarded as a part of the test process and shall be utilized for closely observing employee's work for securing the most effective adjustment of new employees to their position, and for releasing probationers whose performance does not meet the required standards of work.

- A. All appointments from competitive eligibility lists to a position in the classified service shall be for a probationary period of six (6) months or 130 days of paid service, whichever is longer, during which the immediate supervisor shall observe and appraise the conduct, performance, attitude, adaptability and job knowledge of each employee and determine whether the employee is fully qualified for regular status. No employee shall retain permanency in a class until he/she has completed a probationary period in the class (Education Code Section: 45301). This rule is applicable to:
 - 1. New employees appointed from eligible lists to fill permanent positions in the classified service.
 - 2. Employees promoted to permanent positions in the classified service.
 - 3. Employees transferred from one class to another related class at the same salary range.
 - 4. Employees reassigned, after notification of layoff, from one class to another class at the same range or to a class at a lower range.
- B. An employee who is initially appointed to a restricted position shall attain permanency in class after satisfactory completion of six (6) months or 130 days of paid service (whichever is longer) and satisfactory completion of all qualifications testing and other normal employment processes in the same manner as an employee appointed to a (regular) position (Education Code Section 45101).
- C. Temporary employees, limited-term, provisional, substitute and emergency employees shall not attain probationary or permanent status with the County Office and are excluded from the provisions of this rule.
- D. Time spent on limited-term employment, unassigned workdays or unpaid leaves of absence shall not count as service for completion of a probationary period.

11.03 Rights of Probationary Employees

- A. A new employee who resigns in good standing during his/her initial probationary period shall be, upon his/her request, restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list or period of eligibility of the employee. A new employee who is suspended or dismissed during his/her initial probationary period shall be notified, in writing, of the action taken. He/she shall not have the right of appeal to the Personnel Commission.
- B. A promoted employee in the permanent classified service who has not served the time designated by the Commission as probationary for the (new) class may voluntarily demote to a position opening in a lower class from which promoted or to any prior held class with permanency without recourse to an appeal or hearing by the Commission.
- C. A permanent employee who is suspended or dismissed during his/her probationary period retains full rights of appeal.
- D. When the work or position assignment to which a probationary employee has been appointed prove temporary instead of permanent as certified, and should he/she be laid off without fault or delinquency on his/her part before his/her probationary period is completed, his/her name shall be restored to the eligibility list and the time he/she served shall be credited to his/her probationary period.

11.04 Assignment of Disabled Employees

- A. When a permanent classified employee becomes unable to perform the essential functions and duties of his/her class because of illness or injury as determined by a medical authority, additional substantiation may be required and designated by the Director or the Personnel Commission. Prior to reassignment, effort shall be made to assign him/her in a position where the assigned duties are within his/her capabilities. Any reassignment shall be at the discretion of the appointing authority, with the approval of the Commission in the cases noted below (Education Code Section 45279).
- B. When the duties of the employee's regular position are altered in accordance with his/her disability, the adjusted duties shall be reported to the Director who shall determine whether the changes require a position study and subsequent classification by the Commission. In the event the position is classified and allocated to a higher wage or salary than that previously attained by the employee, he/she may be assigned to the position without competitive examination, but shall continue to receive the wage or salary of his/her former classification. If the position is classified and allocated to a lower wage or salary than that attained by the employee; he/she shall be paid the wage or salary appropriate to the position (Education Code Section 45279).
- C. A disabled employee may accept demotion to a less demanding position for which he/she is qualified. In such cases, the employee shall be paid the wage or salary of the lower class.
- D. A disabled employee may be assigned to a position in a higher class without competitive examination. Until the disabled employee is appointed from an eligibility list resulting from a competitive examination, he/she shall continue to receive the wage or salary of his/her former classification.
- E. A disabled employee may refuse assignments to other classes without affecting his/her rights under sick-leave provisions of the law and these rules. However, there is no obligation for the appointing authority to renew offers of reassignment that have been refused or to make alternative offers.

11.05 Performance Evaluations

- A. Performance evaluations shall be made on each regular classified employee. The primary purpose of the performance evaluation is to assist employees in achieving excellence or improving performance. The reports shall be prepared by an employee's immediate supervisor and shall be reviewed by the employee's next higher manager.
 - 1. Performance evaluations for a classified management, supervisory and confidential employee shall be collaborative in nature, requiring the employee and his/her immediate supervisor to work together to set performance objectives and then to systematically measure those objectives over time mutually addressing any deficiencies in performance.
 - 2. The Commission may make recommendations or suggest changes to the performance evaluation forms used for classified non-managerial employees or management, supervisory or confidential employees. The Commission may alter the appropriate performance evaluation form when evaluating the job performance of the Director.
- B. Performance evaluations for permanent and probationary classified (non-managerial) employees shall be in accordance with the appropriate contractual agreement.

- C. A probationary classified management, supervisory or confidential employee shall be evaluated at least twice during his/her probationary period.
- D. A permanent classified management, supervisory or confidential employee shall be evaluated annually by August 31 for preceding period of July 1 through June 30.
- E. The immediate supervisor shall present the performance evaluation to the employee. The employee shall sign the evaluation form to acknowledge that he/she has reviewed and discussed the evaluation with his/her supervisor.
- F. At any time, a supervisor may, with the approval of his/her department head, issue to an employee a written commendation or notice of unsatisfactory service. Such notices shall be made, in writing, to the employee with supporting data or specific reasons for recognition of outstanding or unsatisfactory service. Such notice shall be delivered to the employee personally by his/her immediate supervisor whenever practicable. A copy of such notice shall be placed in the employee's file and shall be available for review in connection with promotional examinations.

11.06 Personnel Files

- A. Materials in personnel files of employees which may serve as a basis for affecting the status of their employment are to be made available for the inspection of the person involved. Such material is not to include examinations, ratings, reports, or records which:
 - 1. Were obtained prior to the employment of the person involved.
 - 2. Were prepared by identifiable examination committee members.
 - 3. Were obtained in connection with a promotional examination.
- B. Every employee shall have the right to inspect these materials upon request, provided the request is made at a time when the employee is not actually required to render services to the County Office of Education.
- C. Information of a derogatory nature, except material mentioned in Section A shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment. An employee shall have the right to enter and have attached to such derogatory statement his/her own comments. Such review shall take place during normal business hours, and the employee shall be released for this purpose without salary reduction (Education Code Section 44031).

11.07 Resignation

- A. An employee desiring to leave the service of the County Office of the Education may do so without prejudice by submitting written resignation at least two weeks prior to the effective date of the resignation. The resignation shall be addressed to the Assistant Superintendent, Human Resources. The employee shall also give notice of resignation to his/her principal or supervisor on the same date. Less than two weeks' notice will be accepted, if approved by the Assistant Superintendent, Human Resources. The employee may withdraw his/her resignation, at any time prior to acceptance by the Assistant Superintendent, Human Resources or his/her designee.
- B. A resignation shall be effective at the close of the work day on the date specified by the employee, except that the effective date of resignation shall be the last day of paid service if the employee is in a non-pay status on the date the resignation is submitted (Education Code Section 45201).
- C. A resignation of an employee submitted to evade dismissal from the service shall be considered to be with prejudice and such an employee shall not be eligible for reinstatement unless the circumstances of his/her separation shall have been thoroughly investigated and reviewed and the Director shall have recommended that the individual be reinstated.

11.08 Payroll

A. Official Roster

The Director shall maintain in his office an official roster containing the names of all employees holding classified positions. In addition, the Director shall be allowed access to the complete employment records of all employees.

B. Payroll Audit

1. All payrolls or claims containing the names of any person or persons to be paid for services rendered in positions subject to the provisions of the Act shall be submitted to the Director, who may cause such payrolls or claims to be examined to determine whether the employees whose names appear are employed in accordance with law.
2. If, upon examination of a payroll or claim, the names, titles, periods, for which payments are to be made, and rates of pay of the persons to be paid are all found to be in accordance with the provisions of the Act and the rules and regulations prescribed and all statues relating in any manner to employment, certification of that fact shall be made upon such payroll or claim by the Director or an authorized representative.
3. If, upon examination of a payroll or service report, it is found that any person named thereon has been employed in violation of any provision of the Act or the rules and regulations, notice of such violation shall be made upon such payroll or service report, and such notice shall serve as official notification to the Board of Education and the County Office of Education that the drawing, signing, or issuing of any warrant on the Treasurer or other disbursing officer of the County for payment of salary or compensation to such person is unlawful.
4. Alternate Procedures: Director shall audit all initial: assignments and changes of assignment for all classified personnel and, if found to be in accordance with existing laws and rules, shall certify the assignment for payment. Changes in assignment (e.g., position transfer, change of hours, work location) shall be reported for to the Director for subsequent certification. Each payroll following the initial assignment and certification by the Director shall bear the certification of the department authorized to submit the payroll that all payments are in accordance with the original certification by the Director (Education Code Section 45310).

The Director shall make periodic audits of all payrolls, and if he/she finds assignments not in accordance with law and rules, he/she shall withdraw his/her certification and order payment stopped in accordance with the procedure described herein.

11.09 Benefits for Part-time Employees

- A. Benefits for persons employed less than full-time are to be provided as authorized in Education Code Sections 45136 and 45137.
- B. Sick leave and all other benefits accorded members of the classified service are to be prorated on the basis of assigned hours worked per day as it bears to eight (8) hours, 40 hours per week, week per month, or months to a calendar year. (Education Code Section 45136)
- C. If a (part-time) employee works a minimum of 30 minutes per day in excess of his/her part-time assignment for a period of twenty (20) consecutive working days or more, he/she shall have his/her basic assignment changed to reflect the longer hours in order to acquire fringe benefits on a properly prorated basis as specified in Education Code Section 45136. (Education Code Section 45137)
- D. If a part-time employee's average paid time, excluding overtime for which the employee receives compensation at a rate at least equal to time and one-half, exceeds his/her average assigned time by fifty minutes or more per working day in any quarter, the hours paid per day for paid leaves of absence and holidays in the succeeding quarter shall be equivalent to the average hours paid per working day in the preceding quarter, excluding overtime. (Education Code Section 45137)

11.10 Roster of Employees and Positions

Any official roster of employees and positions for the classified service, prepared by administrative personnel of the Superintendent's Office, shall be thoroughly reviewed for accuracy by the Director, prior to its publication or distribution.

The Assistant Superintendent, Human Resources shall be responsible for maintaining a personnel file for each classified employee consisting of his/her record of employment in the classified service, such as dates of service, positions held, salaries received, and such other information as may be deemed appropriate. The Director shall have access to all personnel files belonging to classified employees.

11.11 Reports Relating to Personnel Matters

The Assistant Superintendent, Human Resources shall refer or prepare to forward reports regarding the following matters to the Director for action or appropriate review:

- A. Requests for certification.
- B. Appointments of any and all classified employees.
- C. Separations of any and all employees, together with the reasons.
- D. Promotions, demotions, reclassifications, reinstatements, transfers of employees and other changes of status.
- E. Leaves of absence (paid and unpaid).
- F. Disciplinary actions, together with the reasons.
- G. Refusal or failure of certified candidates to accept employment.
- H. Other matters of personnel as the Commission may direct.