

Santa Clara County Office of Education
MERIT RULES FOR THE CLASSIFIED SERVICE

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CHAPTER I THE MERIT SYSTEM

1.01 Definition

A merit system is a personnel system based on the overriding principle of employment and promotion on the basis of merit for the purpose of obtaining the highest efficiency and assuring the selection, retention and promotion of the most qualified persons in the classified service of the Santa Clara County Office of Education, San Jose, California.

1.02 Merit Rules for the Classified Service

The Personnel Commission, as a separate agency authorized by the State of California, has approved the Merit Rules, contained herein, pursuant to its jurisdictional authority as described in Education Code Sections 45260 and 45261, and other provisions governing the Merit System Act in the Education Code.

Merit System Law (Education Code provisions in Division Three, Chapter Five, Article 6) provides that Classified Employees be selected, retained, and promoted on the basis of merit and fitness exclusive of discrimination due to race, color, age, ancestry, religion, political affiliation, disability, marital status, medical condition, sexual orientation or gender.

The Merit System means that the Personnel Commission, as an impartial body, shall be responsible for implementing and interpreting the Merit Rules and adjudicating appeals on those facets of employment within its purview. Through administration of the Merit Rules, the Personnel Commission shall strive for:

- A. Recruitment from all segments of society and advancement on the basis of relative ability, knowledge and skill under fair and open competition.
- B. Provide fair and equal treatment in all personnel management matters.
- C. Equal pay for work of equal value.
- D. Provide high standards of integrity and conduct, and concern for the public interest.
- E. Use the classified work force in an efficient and effective manner.
- F. Retain employees who perform well, correct the performance of those whose work is inadequate, improve performance through effective training and education, and separate from those who cannot or will not meet required standards.
- G. Protect individual rights as well as the rights of the Classified Service, pursuant to the Rules adopted for the Classified Service.
- H. Maintain harmonious relationships with the County Superintendent of Schools and the Board of Education.

The Personnel Commission shall preside over and have responsibility for the following activities:

- 1. Establishment of the general policy governing the administration of the Classified Merit System.
- 2. Adoption of the necessary rules and regulations for the administration of a comprehensive Merit System.
- 3. Establishment and classification of those positions belonging to its own staff; appointment of a Personnel Director and other commission employees required to carry out the responsibilities of the Commission; and supervision of the activities of those employees that are performed as part of the functions of the Commission.
- 4. Development, adoption and determination of the expenditures of its own budget.

5. Development of establishment of Classification Plan, Examination Plan, Recruitment and Selection Plan, Assignment Plan and Compensation Plan for the Classified Service of the Santa Clara County Office of Education.
6. Development of the procedures for the hearing of classified personnel appeals.
7. Review of personnel operations and in-service transactions for classified employees.

The Rules found herein are a result of considerable research to satisfy all provisions of the California Education Code and applicable law, statutes, ordinances, rules and regulations as well as local administrative policies. Although the Rules are flexibly tailored to the needs of the Santa Clara County Office of Education, the Commission readily recognizes that as the Rules are applied, there will be need for revision, amendment and addition.

To this end, the Rules have been: 1) scrutinized by classified management, supervisory and confidential employees as well as represented employees and their employee organization representatives (SEIU, Local 715); 2) reviewed by the Commission's legal counsel; 3) approved by the Personnel Commission, and; 4) received concurrence of the County Superintendent of Schools with the aforementioned qualifications in mind.

The Personnel Commission shall always be open to responsible recommendations and encourages employee participation in all aspects of its endeavors.

CHAPTER II
TERMINOLOGY AND DEFINITION OF TERMS

2.01 Terminology

Whenever these rules use the term "his", it shall refer to the feminine as well as the masculine. Singular terms shall be construed to include the plural and plural terms shall be construed to include the singular.

2.02 Definition of Terms

The following words and terms used in these Rules shall have the meaning below unless the context or prevailing law clearly indicates otherwise:

ACT OR THE ACT: Merit System: Article 6, Division 3, Sections 45240 through 45320 and Sections 45100 through 45410 of the Education Code of the State of California.

ALLOCATION: The placement of a position in a given class. Also, the assignment of a class to a particular range on the salary schedule.

ALTERNATE CLASS SERIES: A position allocated to a class that allows for flexible hiring at more than class levels within series and, when filled at the lower class may be reassigned to the next class of the series at a range that has a higher maximum salary rate.

ANNIVERSARY DATE: The first of the month following completion of the first six months or 130 days, whichever is longer, of paid service as a probationary employee in a regular classified position, and used to determine annual step advancement, or in the case of reclassification, the date of such change.

APPLICANT: A person who has filed an application to take the merit system examination of a class.

APPOINTING AUTHORITY OR POWER: The Santa Clara County Superintendent of Schools or his/her designee. Other administrative personnel authorized to recommend the appointment of eligible persons to position openings in the classified service.

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

BOARD OR BOARD OF EDUCATION: The Board of Education of the Santa Clara County Office of Education.

BUMPING RIGHTS: Used interchangeably with DISPLACEMENT RIGHTS. The rights belonging to a permanent employee who is to be affected by layoff. Bumping rights entitle the employee to be reassigned to a existing position opening in the same class, or when no opening exists, to bump into a position in the same class belonging to a less senior employee. When no other position in the same class exists, the employee shall be entitled to bump into a position in a prior and permanently held class with an equal or lower maximum salary rate.

CANDIDATE: A person who qualifies to be certified from other sources of eligibility employment list for a class, along with open and/or promotional candidates, for a specific position based on his/her eligibility for: 1) transfer from a position to another position in the same class; 2) demotion from his/her current class to a class with a lower maximum salary; or 3) reinstatement (restoration) after resignation or voluntary demotion within 39 months to a class in which such person held permanency.

CERTIFICATED PERSONNEL: All positions and employees required by law to possess the appropriate credential issued by the California Commission on Teacher Credentialing (CCTC), State Department of Education.

CERTIFICATION: The official list issued by the Personnel Commission to the appointing authority, containing the names of eligible persons from the appropriate eligibility list as well as the names of candidates from other employment lists for transfer, demotion or reinstatement.

CLASSIFICATION PLAN: The arrangement of positions in classes, together with the class titles and class specifications that describe each class.

CLASSIFIED SERVICE: Used interchangeably with SERVICE. Those positions not requiring certification qualifications in the County Office to which the merit system pursuant to Education Code Sections 45103 and 45256 and other applicable provisions.

CLASS FAMILY: See OCCUPATIONAL GROUP.

CLASS OR CLASSIFICATION: The smallest aggregation of positions defined in the classification plan (e.g., Custodian, Instructional Aide and Office Assistant). It is a group of positions sufficiently alike in respect to their duties and responsibilities to justify common treatment in selection, compensation, and other employment processes and sufficiently different from positions in other classes to justify different treatment in one or more of these aspects. While defined as a group of positions, class may sometimes consist of but one position where no others of the same kind exist in the service.

CLASS SERIES: Those classes closely related in occupational hierarchy and arranged in progressive order to indicate occupational levels in a group (e.g., Administrative Assistant I/II, Administrative Assistant III, Administrative Assistant IV).

CLASS SPECIFICATION: Used interchangeably with JOB DESCRIPTION. The official description of a class including:

- A. The class title
- B. Written statement of the duties and responsibilities of the position(s) in the class illustrated by examples of typical tasks
- C. Minimum qualifications or employment standards for positions in the class including the education, training experience, job knowledge, skills and abilities necessary for entrance to the class.

CLASS TITLE: The official title or name applied to a class and to positions in the class (even though there may be only one). Insofar as possible, the class title should be descriptive of the duties assigned to positions in the class.

COMMISSION STAFF (POSITIONS): The Director of Classified Personnel Services and other employees appointed to positions belonging to and supervised by the Commission. A position belonging to the Commission shall be paid from funds budgeted for the support of the Commission.

COMPENSATION: The salary, wage allowance and all other forms of valuable compensation, earned by or paid to an employee by reasons of service in any position, but does not include monetary reimbursement for necessary expenses incurred by employees.

COMPETITOR: A person who has completed at least one test part of a merit system examination.

CONTINUOUS EMPLOYMENT: Employment uninterrupted from the date of appointment, except by authorized absence.

CONTINUOUS EXAMINATION: Examination that allows for employment applications to be "continuously" filed, on any business day, and where examinations are administered periodically upon the filing of a sufficient number of applicants for the class.

COUNTY OFFICE or COUNTY OFFICE OF EDUCATION: Santa Clara County Office of Education.

DEMOTION: A change of status for a permanent employee in a class who is appointed to another class with a lower maximum salary rate. A demotion may be voluntary or enforced following disciplinary action.

DIRECTOR: Referred to as the PERSONNEL DIRECTOR in applicable Education Code Sections. The abbreviated title for the position and class of Director, Classified Personnel Services. The Director shall be appointed, supervised and paid pursuant to Rules 4.15, 4.16 and Education Code Sections 45240, 45264 and 45266.

DISCHARGE OR DISMISSAL: Separation from service for cause in accordance with the Personnel Commission rules. Requires action by the County Office of Education.

DISPLACEMENT RIGHTS: See BUMPING RIGHTS.

DUAL CERTIFICATION EXAMINATION: An examination procedure, authorized by the Personnel Commission, allowing certain designated classes to be simultaneously certified from the open competitive list and the promotional competitive list according to examination scores.

ELIGIBLE PERSON: A person whose name appears on an eligibility or reemployment list for a given class.

ELIGIBILITY LIST: A list of the names of persons who have qualified through competitive examination for a given class.

EMERGENCY APPOINTMENT: An appointment for a period not to exceed fifteen (15) working days to prevent the stoppage of public business when persons on eligibility lists are not immediately available.

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

EMPLOYMENT LIST(S): Other source(s) of eligibility from which certification may be made; includes any employment list containing the names of candidates eligible for transfer, demotion or reinstatement (restoration) within 39 months of resignation or voluntary demotion in permanent or limited-term status.

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

FULL TIME EMPLOYEE: An employee appointed to a position with a workday of eight (8) hours and a normal workweek of forty hours.

GOVERNING BOARD: See BOARD or BOARD OF EDUCATION.

LAYOFF: Termination of service without fault on the part of the employee due to lack of work or lack of funds or reclassification to a lower class.

LEAVE OF ABSENCE: An approved absence from duty with or without pay.

LIMITED TERM (LIMITED TERM APPOINTMENT): The term to describe an appointment of a limited duration including non-permanent reassignments of regular employees. A limited term appointment shall not exceed a period of six (6) months or in the case of an appointment in lieu of an absent employee, shall not exceed the authorized absence of said employee.

LIMITED TERM EMPLOYEE: Any person appointed to a limited-term position, non-permanent assignment or in lieu of an absent employee. A limited-term employee shall not be appointed in probationary or permanent status.

MANAGERIAL EMPLOYEE: An employee appointed to a position designated as management, supervisory or executive secretarial (confidential). Managerial positions shall be exempt from overtime provisions.

MERIT RULES: Used interchangeably with PERSONNEL COMMISSION RULES. Rules found, herein, pertaining to procedures to be followed by County Superintendent of Schools as they pertain to the classified service regarding applications, examination, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoff, reemployment, vacations, and leaves of absence, compensation within classification, job analyses and specifications, service ratings, public advertisement of examination, rejection of unfit applicants, and any other matters necessary to carry out the provisions and purposes of the Merit System.

MERIT SYSTEM LAW: The California Education Code commencing with Section 45240.

NEPOTISM: The employment of a close relative that results in a supervisor/subordinate relationship or any work relationship that may influence the decisions regarding the compensation, performance evaluation or discipline of a close relative.

OCCUPATIONAL GROUP: Used interchangeably with CLASS FAMILY. Classes or series that generally have the same essential functions and perform the same nature of work at varying degrees of complexity. Classes or series within the same occupational group that necessitate similar qualification requirements. As the maximum salary rates for any group progressively increases, the training and work experience requirements are proportionately enhanced. The intent of any occupational group is to identify, for incumbents, career ladder advancement among related classes and series. Within any occupational group, it is expected that the class with the highest maximum salary rate possesses all the skills and qualifications of other classes with lower maximum salary rates. This shall not infer that training would not be required for specific functions.

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

PART TIME EMPLOYEE: Any employee whose assigned time, when computed on an hourly, daily, weekly or monthly basis, is less than 87.5 percent of the normal work schedule.

PERMANENT EMPLOYEE: An employee who has completed a probationary period of six (6) months or 130 days of paid regular service in a class.

PERMANENT POSITION: A position established for a continuing and indefinite or unlimited period of time.

PERSONNEL COMMISSION: The Body empowered by Education Code Sections commencing with 45240 to prescribe and amend such rules as may be necessary to insure the efficiency of the classified service and the selection and retention of employees upon a basis of merit and fitness. These rules shall be binding upon the Board of Education and Superintendent.

PERSONNEL COMMISSION RULES: See MERIT RULES.

POSITION: A group of duties and responsibilities assigned by competent authority requiring the full time or part time employment of one person in regular status or on a limited-term basis. A permanent position shall only be established by action of the County Superintendent of Schools.

POSITION OPENING: An unfilled or vacant permanent position in the classified service.

PROBATIONARY EMPLOYEE: An employee who has not completed his/her initial appointment of 130 days or six (6) months, whichever is longer.

PROBATIONARY PERIOD: The initial employment period of 130 days or six (6) months, whichever is longer, following appointment to a permanent position. The probationary period is considered to be the final test.

PROMOTION: A change of status for a permanent employee in a class who is selected from an eligibility list and appointed to a position in a class with a higher maximum salary rate. A promotion may occur within the same occupational group or to a class in another occupational group; however, excludes alternate class series advancements.

PROMOTIONAL EXAMINATION: An examination available to regular and laid off employees of the County Office of Education. Eligible promotional employees, in a class with lower maximum salary rate, shall have service points added to his/her final score.

PROVISIONAL APPOINTMENT: A temporary appointment to a permanent or limited-term position made in the absence of an appropriate eligibility list, not to exceed 90 working days except in specified circumstances.

PROVISIONAL EMPLOYEE: An employee employed under a provisional appointment in accordance with Education Code Section 45287. A provisional employee has neither probationary nor permanent status with the County Office.

PUBLIC NOTICE: Announcements of examinations, meetings, hearings, and other actions of the Personnel Commission on bulletin boards in the County Office of Education and through other appropriate channels of distribution.

REALLOCATION: The reassignment of a position, class or occupational group, following the completion of a position review or class study. A reallocation may revise the class title, class specification, salary range assignment or the employee unit designation of a position, class or group.

REASSIGNMENT: The assignment of an employee from one position to another position in the same classification.

RECLASSIFICATION: A reclassification occurs when action by the Personnel Commission implements a change in a class specification that results in a changed class title, internal alignment, and/or employee unit designation of a position, class or occupational group, excluding actions resulting from a class study. The basis of reclassification for any position, class or occupational group shall be a gradual and substantial accretion of duties and responsibilities, and not a sudden change occasioned by reorganization, or the assignment of completely new duties and responsibilities.

REEMPLOYMENT: Return to employment, without examination, of a former employee who has been laid off for lack of work or funds, to a position in a class held in permanent status by the employee; restoration of a current employee eligible for reemployment, without examination, to a position in a prior and permanently held class. Reemployment may be to a permanent or limited-term position.

REEMPLOYMENT LIST: A list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, reclassification of position, or other reason specified in these rules and who are eligible to reemployment without examination in their former class, or a related or lower class, arranged in order of their right to reemployment.

REGULAR EMPLOYEE: A classified employee in probationary or permanent status.

REINSTATEMENT: Used interchangeably with "RESTORATION." Reappointment of a person, within 39 months of resignation, to any prior and permanently held class or other related classes at equal or lower maximum salary rates. Reappointment of an employee, within 39 months of demotion, to a prior and permanently held class with an equal or higher maximum salary rate. Reinstatement may be in regular or limited status.

REPRESENTED EMPLOYEE: A classified regular employee in a position represented by SEIU, Local 715 pursuant to the Agreement between the County Office of Education and SEIU, Local 715. Such agreement shall supersede these Merit System Rules, where the subject matter is within the scope of bargaining as defined in Section 3543.2 of the Government Code.

RESIGNATION: The voluntary termination of employment of an employee or an employee's voluntary termination of employment.

RESTORATION: See "REINSTATEMENT".

RESTRICTED CLASS OR RESTRICTED CLASS SERIES: A class or series specifically created for positions paid from funds budgeted for the Head Start program. A restricted class or restricted class series shall, in addition to its regular class or class series title, be affixed the title of "RESTRICTED."

RESTRICTED EMPLOYEE: A person approved for employment in a restricted position by the Head Start Parent Policy Council pursuant to Federal Regulations Governing the Head Start Program, Title 45, Code Federal Regulations, Chapter XIII, Subchapter B.

RESTRICTED POSITION: A position created by the County Superintendent of Schools pursuant to Education Code Sections 45105 and 45259, and to perform duties to support the Head Start Program and proportionately paid at least fifty-one percent (51%) from funds budgeted for the Head Start program. Any filled position allocated to a class designated as "Restricted."

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

SALARY RATE: A specific amount of money paid for a specified period of service.

SALARY SCHEDULE: A schedule of salaries adopted by the County Superintendent of Schools for several classes of positions included in the classification plan, so that all positions of a given class will be paid at the salary range established for the class by the Commission.

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

SENIOR MANAGEMENT: A position designated by the County Superintendent of Schools, to be the highest position in a principle program area of the County Office and has county-wide responsibility for formulating policies; or acts as the fiscal advisor to the County Superintendent of Schools (e.g., Assistant Superintendent, Business Services).

SENIORITY: For the purposes of layoff, length of service in an employee's current class plus higher classes. Length of service means hours in paid status, whether during the school year, a holiday, recess or during a period that a school is in session or closed. Hours compensated solely for overtime or any service prior to entering into a probationary or permanent status shall be excluded unless otherwise provided by these rules.

SEPARATION: Leaving a position; includes resignation, dismissal, layoff, retirement, etc.

SERVICE: See "CLASSIFIED SERVICE."

STATUS: The condition or character of an employee's present appointment assigned non-regular, substitute, provisional, restricted, probationary, permanent or regular.

SUBSTITUTE APPOINTMENT: An appointment of a person temporarily employed on a day-to-day basis to occupy a regular position in the absence of its incumbent or in a position opening pending the appointment of an eligible person. Certain merit rule provisions are not applicable to persons employed in substitute status.

SUBSTITUTE EMPLOYEE: A person employed on a day-to-day basis to temporarily occupy a regular position in absence of the incumbent or a position opening pending the appointment of an eligible person.

SUSPENSION: An enforced absence of an employee without pay for disciplinary purposes or pending investigation of charges made against an employee.

TEMPORARY: Employment on a basis other than permanent or probationary; i.e., limited term, non-regular provisional or substitute status.

TRANSFER: The reassignment of an employee without examination from one position to another in the same class or to a position in a similar or related class with the same salary range. For the purpose of this term, "related" classes shall be defined as two classes at the same salary range that are also assigned to the same occupational group and employee unit.

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

UNRANKED EXAMINATION: A unique examination method that requires eligible persons to be placed on the appropriate eligibility list in alphabetical order, regardless of their final score. An unranked eligibility list shall be established for classes designated as senior management and executive or staff assistants.

WAIVER: The voluntary relinquishment by an eligible of any rights to consideration for appointment from an eligibility list.

WORKDAY: A day when employees are required to be on duty as defined in the adopted calendar for the assigned positions.

**CHAPTER III
PRELIMINARY STATEMENT**

3.01 Statutory Authority of Rules

- A. The Personnel Commission shall prescribe, amend, and interpret such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness.
- B. The Rules shall be binding upon the County Superintendent of Schools and the Board of Education, but shall not restrict the authority of the Superintendent or the Board provided pursuant to other sections of the California Education Code.
- C. The Rules shall provide for the procedures to be followed by the County Office of Education as they pertain to the classified service regarding applications for employment, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this rule (Education Code Section 45261).
- D. The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent; however, specific, applicable provisions of the rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. The Commission is open to responsible suggestions to amend the rules with prospective application; however, no rule amendment or new rule shall be applied retroactively.
- E. The Personnel Commission recognizes that Federal regulations of the United States Department of Education pertaining to the operation of a federally-funded Head Start Program shall take precedence over its Merit System Rules.

3.02 Printing and Distribution of Rules

The Rules of the Commission shall be printed and made available to every department, program, school, office and other permanent work sites where classified employees report for work and shall be distributed to sites for loan to regular employees.

The Commission shall provide each new classified employee (in regular status) a handbook which summarizes the basic rules and working conditions for classified employees. The handbook will also provide information regarding access to copies of these rules and the Merit System (Education Code Section 45262).

3.03 Adoption and Amendment of Rules

- A. All proposals from any source to amend, delete, or add to these rules, if approved by the Commission, will be considered at the "first reading" at the meeting in which they were first presented to the Commission. Proposals to amend, delete or add rules shall not become final without a "second reading," unless a critical emergency exists (Education Code Section 45260).
- B. No rule or amendment shall be adopted by the Commission until employee representative groups for classified employees and administration of the Santa Clara County Office of Education have been given reasonable notice of the proposal (Education Code Section 45260).
- C. At the "first reading" the Commission will set a date for Commission action on the proposal, which shall not be earlier than the next regular meeting. The Commission shall also instruct the Director to refer the proposal to interested persons or organizations for comment and recommendation (Education Code Section 45260).
- D. Insofar as possible, interested parties shall submit their reactions to proposals in writing on or before the stipulated agenda deadline date and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting.
- E. A special rule for adoption may be used whenever the Commission intends to replace its entire set of existing rules with a new set of rules. In such cases, the Director shall convene an ad-hoc advisory

committee, whose membership shall include managerial, represented and Commission employees and employee group representatives, to review the proposed set of rules.

The committee shall be given ample opportunity to react to the proposal, and the Director, in turn, shall consider such reactions and viewpoints when preparing the final proposal.

Each committee member shall be notified of the date and time of the meeting when the Commission is scheduled to consider the proposed set of new rules. Copies of the final proposed set of rules shall be made available to the County Superintendent of Schools, the Assistant Superintendents, Director of Human Resources, and each department, school, program office or permanent work site where classified employees report. The classified organization representing employees shall also be provided with a reasonable number of copies (Education Code Section 45262).

At the next two regularly scheduled meetings of the Personnel Commission, the Director shall present, and make available, a written summary of the most significant rule amendments, deletions and additions. The Commission shall, in open hearing, invite the public, employees and employee representative groups to express their reactions and viewpoints on specific rule(s), section(s) or chapter(s) contained in the proposal.

At the close of the hearing, the Commission may, by a roll call vote, adopt all or portions of the proposed set of rules and may amend, delete or adjust any proposed rule(s). The Commission may also refer specific rule proposals to the Director for further committee review. Adopted rules shall require no further notification or public hearing.

3.04 Judicial Review of Rules

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

3.05 Status of Addenda to Rules

The classification plan, class specifications, salary schedules, administrative policies, publications and other material contained in the addendum to these rules are to be interpreted as having the same force and effect as Commission rules.

3.06 Application of Rules to Represented Employees

The agreements between the County Office of Education and the exclusive representative, that have been negotiated and which are at variance with these rules, shall take precedence, if the subject matter is within the scope of representation, as defined in 3543.2 of the Government Code, and such agreements are lawful.

3.07 Application of Rules to Management and Confidential Employees

- A. The Personnel Commission recognizes the power of the County Superintendent of Schools to employ, pay and otherwise control the services of persons in classified positions pursuant to the provisions of Education Code Sections 45240-45320.
- B. The Personnel Commission further recognizes that persons appointed to positions in classes designated as management, supervisory and confidential (executive secretarial), except persons appointed to positions belonging to the Commission, shall be employed to serve at the pleasure of the County Superintendent of Schools, and whenever possible, in the same manner certificated managerial employees.
- C. It is the intent of the Personnel Commission that persons appointed to classified managerial positions shall be afforded all rights, benefits and burdens prescribed in these rules in accordance with Merit System law.
- D. Notwithstanding the provisions of Sub Rules A, B and C, above, the County Superintendent of Schools/County Board of Education may adopt administrative regulations for persons appointed to classified managerial positions that may be at variance with these rules. Such regulations shall take precedence, if the subject matter does not infringe upon the rights, benefits and burdens contained herein, and the adopted regulations are lawful.

**CHAPTER IV
COMMISSION ORGANIZATION AND ADMINISTRATION**

4.01 Appointment of Personnel Commission Members

The Personnel Commission shall be composed of three members whose appointments and terms of office shall be in accordance with law and these rules. One member shall be appointed by the Board of Education and one member shall be nominated by the classified employees and appointed by the Board. These two members, shall in turn, appoint the third member after publicly announcing the name of the person they intend to appoint.

As used in this rule, "classified employees" shall mean an organization of classified employees, which represents the greatest number of classified employees in the County Office of Education as determined by the Board (Education Code Sections 45244 and 45245).

4.02 Qualifications for Membership on Personnel Commission

- A. To be eligible for appointment or reappointment to the Commission, a person shall (a) be a registered voter and resident within the County of Santa Clara and (b) a known adherent to the principles of the merit system. No member of the Santa Clara County Board of Education shall be eligible for appointment, reappointment, or continuance as a member of the Commission. During the term of service, a member of the Commission shall not be an employee of the County Office of Education.
- B. As used in this rule, residence is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one residence.
- C. As used in this rule, "known adherent to the principles 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 of support of the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness.
- D. As used in this rule, "known adherent to the principles of the merit system," with respect 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.

4.03 Terms of Office

- A. By law, the term for each commissioner shall be for three years. The term of any newly appointed commissioner shall commence at noon on December 1. The term of one commissioner shall expire each year at noon on December 1.
- B. Prior to July 1 of each year, the Director shall notify the appropriate appointing authority that the term of their current appointee will expire on December 1. The Director shall request the appointing authority notify the Commission Office prior to August 30 of the name and home address of the intended appointee (Education Code 45247).

4.04 Vacancies; Announcement of Intended Appointees; Open Hearings

The original appointing authority shall make appointment to vacancies for any new full term or to fill unexpired term. The following procedures shall be required, pursuant to Sections 45245 and 45246, and shall be followed in the appointment and reappointment to fill vacancies on the Commission (Education Code Section 45248).

- A. Appointee of the Board of Education

When a vacancy is to occur, on December 1, for the appointee of the Board of Education, the Board shall publicly announce the name of the person it intends to appoint or reappoint by no later than September 30.

At a Board of Education meeting to be held after 30 days and within 45 days of the dates specified in the subdivision, above, the Board of Education in an open hearing shall provide the public and employees and employee representative groups the opportunity to express their views on the qualifications of the person recommended by the Board for appointment.

The Board may at that time make its appointment or may make a substitute appointment or recommendation without further notification or public hearing (Education Code Section 45246).

B. Appointee of the Commission

When a vacancy is to occur, on December 1, for the joint appointee of the Board of Education appointee and the classified employee's appointee, the Commission shall publicly announce the name of the person they intend to appoint or reappoint by no later than September 30.

At the next regularly scheduled meeting of the Personnel Commission to be held after 30 days from the day the intended appointee is announced, the appointee of the Board of Education and the appointee by the classified employees shall, in open hearing, provide the public, employees and employee representative groups the opportunity to express their views on the qualifications of the candidate recommended for the vacancy. The candidate shall be invited to this meeting.

The appointee of the Board of Education and the appointee by the classified employees may make their appointment or may make a substitute appointment or recommendation without further notification or public hearing.

If the Commissioner appointed by the Board of Education and the Commissioner appointed by the classified employees are unable to agree upon a nomination by September 30, the California State Superintendent of Public Instruction shall make the appointment within 30 days (Education Code Section 45246).

C. Appointee Nominated by the Classified Employees

When a vacancy is to occur on December 1, for the appointee nominated by the classified employees, the classified employees shall submit the name of its nominee to the Board of Education at least 30 days prior to the date on which the vacancy will occur and the Board of Education shall appoint that nominee to be effective on the date on which the vacancy would occur.

The Board shall appoint the nominee, unless the classified employees voluntarily withdraw the name of the nominee and submit the name of a new nominee. In the latter case, the Board shall then appoint the new nominee.

In the event a vacancy exists because of a failure of the classified employees to agree on a nominee, the Board of Education, at the request of the Director, shall declare that an emergency exists and shall make an interim appointment to fill the vacancy to insure continuance of the functions of the Commission. An interim appointee must meet eligibility requirements in accordance with law and these rules. An interim appointment in no event shall be valid for more than 60 days (Education Code Sections 45246 and 45248).

4.05 Discharge of Duties until Successor Appointed

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 90 calendar days (Education Code Section 45246).

4.06 Commission Officers

At its first meeting following December 1 of each year, the Commission shall elect one of its members as President and another member as Vice President for a term of one year or until their successors are duly elected. The President may serve for more than one year.

The President shall be the presiding officer at regular and special meetings of the Commission. In the absence of the President, the Vice-President shall preside.

4.07 Compensation of Commission Members

Each commissioner shall receive the sum of \$25.00 for each meeting attended in any one month, including regular, adjourned, or special meetings, but not to exceed a total of \$100 a month.

The Board of Education may authorize payment to members of the Commission in an amount not to exceed fifty dollars (\$50) per meeting and not to exceed two hundred fifty dollars (\$250) per month (Education Code Section 45250).

4.08 Quorum and Majority

Any two members of the Commission shall constitute a quorum for any of its regular or special meetings. A quorum of the Commission may perform any act authorized or required by law; however, an affirmative vote of two members shall be required to make any motion of the Commission effective (Education Code 45247).

4.09 Open Public Meetings

- A. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings except as provided in Rule 4.14. This rule shall not be construed as permitting employees to be absent from duty to attend Personnel Commission meetings without proper authorization (Government Code 54953 (a)).
- B. Individual employees, employee organizations, and other interested persons may submit their written views on any matter before the Commission and shall be provided with reasonable opportunity to present their views orally. The Commission shall consider their comments and recommendations prior to arriving at a course of action.

4.10 Agenda and Supporting Data

- A. Agenda items for the next succeeding regular Personnel Commission meeting must be received by the Director with a letter of transmittal attached at least fourteen (14) days prior to the date of the regularly scheduled meeting. The Director shall prepare an agenda for each meeting of the Commission.
- B. At least 72 hours prior to every regular Commission meeting, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in executive session. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. One copy shall be sent to each location to be posted and shall be available to individuals on request (Government Code 54954.2).

4.11 Official Minutes

- A. The Director shall act as the secretary of the Commission and shall record in the minutes the time and place of each meeting, the names of the Commissioners present, the official acts of the Commission and the votes of the Commissioners.
- B. When requested by him/her, a Commissioner's dissent or approval and 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 employee organization representatives who have requested them (Government Code Section 54957.5).

4.12 Regular Meetings

- A. Subject to cancellation or proper change, the Commission shall meet monthly at the Santa Clara County Office of Education. When the regular meeting date falls on a holiday, the Commission shall meet on the next succeeding business day, unless at a prior meeting it designates some other day for its meeting. The Commission may meet at some other time or place different from that indicated above provided that the different time and place are noted in the agenda posted in a location freely accessible to members of the public 72 hours before a regular meeting.
- B. 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 time designated for regular meetings.

4.13 Special Meetings

- A. A special meeting may be called at any time by the President of the Personnel Commission or by a majority of the members of the Commission, by delivering written notice to each member of the Commission and to major local newspapers of general circulation, radio or television stations, and employee organizations or other groups requesting notice in writing. The notice shall be delivered personally or by other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at this meeting.
- B. The written notice may be dispensed to any member of the Commission who at or prior to the time the meeting convenes files with the Director (Secretary) a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed to any member of the Commission who is actually present at the meeting at the time it convenes.
- C. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public (Government Code Section 54956).
- D. In the case of an emergency involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Commission may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Government Code Section 54956 or both of the notice and posting requirements. Closed sessions are prohibited during any emergency meeting (Government Code Section 54956.5).

4.14 Closed Sessions

- A. Nothing contained in these rules shall be construed to prevent the Commission from holding closed sessions during a regular or special meeting to consider appointment, employment or evaluation of performance of its Director, or dismissal of any employee or to hear complaints or charges brought against a member of its own staff by another person or employees, unless the staff member(s) requests a public hearing.
- B. The Commission shall not consider any matter in closed session relating to an employee unless the employee has been notified of their right to a public hearing and has declined the public hearing or properly failed to request the same.
- C. The Commission may hold closed sessions to consider administrative matters relative to its Director or Commission employees and to consider examination materials as provided in these rules (Government Code Section 54957).
- D. The Commission shall publicly report any action taken in closed session and the vote for abstention of every member present thereon in accordance with Government Code Section 54957.1.

4.15 Personnel Commission Staff

- A. The Personnel Commission shall appoint all employees paid from funds budgeted for the support of the Commission and shall supervise the activities of those employees that are performed as part of the functions of the Commission. Such employees shall be appointed by the Commission from eligibility lists established from competitive examinations given under the auspices of the Commission.
- B. The Commission's staff shall be classified employees of the County Office of Education and be afforded all the rights, benefits, and burdens of any other classified employee serving in the regular service of the County Office of Education (unless otherwise specified by the Commission or these rules), including representation by the appropriate exclusive representative, if any (Education Code Section 45264).

4.16 Director of Classified Personnel Services

The Personnel Commission shall appoint a Director of Classified Personnel Services and shall authorize him/her to perform all duties of the Director. The Director of Classified Personnel Services shall:

- A. Act as Secretary of the Personnel Commission and shall issue and receive all notifications on its behalf.
- B. Carry out all procedures in the administration of classified personnel in conformity imposed with law and these rules.
- C. Designate, direct and supervise managerial, technical, specialists and clerical assistants in performing the duties of the position.
- D. Be free of prejudgment or bias to ensure the impartiality of the Personnel Commission.

- E. Certify that all classified employees are employed, assigned and paid pursuant to the Education Code and the Personnel Commission Rules.
- F. Conduct administrative transactions consistent with the law and necessary to the proper functioning of the Personnel Commission Office and its staff (Education Code Section 45266).
- G. Administer and maintain the classification plan and recommend rates of pay for each classification of position. He/she shall conduct classification, salary and rule studies and shall make such other investigations as directed by the Commission or as he/she deems necessary to his/her responsibilities.
- H. Prepare, or cause to be prepared, an annual report outlining the services and activities during the preceding fiscal year as they relate to administration of classified personnel (see Rule 4.22).
- I. Determine procedural matters in absence of an approved rule, or when two or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem. Such determinations are subject to appeal to the Commission.
- J. Review recommendations to be presented to the County Superintendent of Schools which concern employees and positions in the classified service and insure compliance with the Commission's rules and procedures. Recommendations not in compliance shall be immediately brought to the attention of the Assistant Superintendent, Human Resources for correction. In prescribing the procedures in this rule, it is the intent of the Personnel Commission that their Director be advised of and included in the County Office's classified personnel processes.

4.17 Expenditure of Funds for Commission Staff Training

The Commission may, with respect to the Director and other Commission staff, expend funds for their orientation, training, retraining and development and for any purpose prescribed by Article 9 commencing with Section 45380 of the Education Code (Education Code Section 45255).

4.18 Non-Permanent Commission Employees and Positions

- A. The Director, with the concurrence of the Commission, may, to prevent the interruption or stoppage of work performed as part of the functions of the Commission, appoint persons to positions, the duration of which shall not exceed six months, or in case of an appointment in lieu of absent Commission employee, is not to exceed the authorized absence of said employee. Eligibles shall be certified in accordance with their position on the appropriate employment list and their willingness to accept such position in a non-permanent status.
- B. A vacancy in the position of Director shall cause the President to notify the County Superintendent of Schools and call a closed session of the Commission. The Commission shall provisionally appoint an interim Director (Education Code Section 45264).

4.19 Official Communications

- A. Communications to the Personnel Commission or any of its members shall be, insofar as possible, made in writing and forwarded to the Director who shall serve as its secretary.
- B. The Director shall acknowledge, reply or cause for the distribution of communications, citing appropriate rule(s) or indicating official Commission action, whenever appropriate.
- C. Individuals or groups who wish to present proposals for action by the Commission shall be encouraged to present them to the Director for placement on the Commission agenda at least 14 days in advance. It is against the policy of the Commission to consider proposals except at open meetings, although the Commission may designate one of its members or the Director to investigate a specific subject.

4.20 Budget of the Personnel Commission

- A. The Director shall prepare and submit to the Commission a proposed operating budget for Classified Personnel Services for the next ensuing fiscal year. The budget shall be prepared for a public hearing, to be held by the Commission, not later than May 30 of each year, or at a date agreed upon between the Board of Education and the Personnel Commission to coincide with the process of adoption of the budget of the County Office of Education.
- B. The Director shall forward a copy of the Commission's proposed budget to the Board of Education indicating the time, date, and place for the public hearing and shall invite board members and administration to attend and present their views.

- C. The Commission shall fully consider the views of the Board prior to approval of its proposed budget.
- D. The Director shall forward the approved budget to the County Superintendent of Schools for action in accordance with Education Code 45253.
- E. If the County Superintendent of Schools proposes to reject the budget as submitted by the Personnel Commission, he/she shall contract with the Office of Administrative Hearings of the State of California for an administrative law judge to conduct a public hearing on the proposed rejection. The administrative law judge shall render findings and any proposed amendments, if any, to the proposed budget. The Commission may accept or reject the findings and proposed amendments. If the Personnel Commission rejects the findings and proposed amendments, if any, of the administrative law judge, the budget of the preceding year shall determine the amount of the new budget, and the items of expenditure shall be determined by the Commission (Education Code Section 45253).

4.21 Legal Counsel for the Commission

The legal counsel for the Board of Education shall also aid and represent the Personnel Commission in all legal matters. If such counsel refuses due to a possible conflict of interest or other reasons, the Commission may employ its own counsel and the reasonable cost; thereof, shall constitute legal charge against the County Office general funds (Education Code Section 45313).

4.22 Annual Report of the Commission

The Director shall prepare an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to Administration. 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 be comprised of Commission activities for the preceding fiscal year (Education Code Section 45266).

4.23 Office Accommodations for the Commission

The County Office of Education shall provide the Personnel Commission and its staff with suitable office accommodations. The Personnel Commission Office shall be known as "Classified Personnel Services," and shall perform those functions and activities within the jurisdiction of the Commission (Education Code Section 45252).

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

**CHAPTER V
THE CLASSIFIED SERVICE**

5.01 Positions Not Requiring Certification Qualifications

- A. Persons employed by the Santa Clara County Office of Education in positions not requiring certification qualifications are classified employees. Such employees and positions shall be known as the classified service, except those which are exempt by law and these rules.
- B. Notwithstanding the provisions of Sub Rule A, above, the classified service shall also include the specific positions prescribed in the following rules:
 - Rule 5.02: Commission Staff Positions
 - Rule 5.03: Senior Management Positions
 - Rule 5.04: Restricted Positions
 - Rule 5.05: Executive Secretarial Positions
 - Rule 5.06: Staff Assistant Positions
- C. Every position not defined by this rule as a position requiring certification qualifications and not specifically exempted from the classified service according to the provisions of Education Code Section 45105 or 45256 shall be classified as required by those sections and shall be part of the classified service. Such positions may not be designated as certificated nor shall the assignment of a title to any such position remove the position from the classified service, nor shall possession of a certification document be made a requirement for employment in any such position.
- D. Nothing in this rule shall be construed to prohibit the employment of any individual in a position described by this rule as part of the classified service who is in possession of certification qualifications, nor shall the possession of certification qualifications be grounds for the elimination of an individual for consideration for employment in such a position (Education Code Section 45104).

5.02 Commission Staff Positions

Persons appointed to positions belonging to the staff of the Personnel Commission shall be part of the classified service of the County Office of Education. The Director and other Commission employees shall be afforded all the rights, benefits, and burdens of any other classified employees serving in the regular service of the County Office of Education (unless otherwise specified by the Commission or these rules), including representation by the appropriate exclusive representative, if any (Education Code Section 45264).

5.03 Senior Management Positions

The County Superintendent of Schools, with the concurrence of the County Board of Education, may designate certain positions as senior management of the classified service.

Senior management positions shall be the highest management positions that have responsibility for formulating policies or for the administration of a principle program, as determined by the County Superintendent of Schools (Education Code Section 45108.5).

Employees whose positions are designated as senior management positions shall be part of the classified service and shall be afforded all rights, benefits and burdens of other classified employees, except that they shall be exempt from all provisions relating to permanent status in that senior management position (Education Code Section 45256.5).

Positions created as senior management as well as existing positions changed to senior management in the classified service shall be subject to approval by the Personnel Commission.

5.04 Restricted Positions

- A. Positions created under various acts including, but not limited to, the Manpower Development and Training Act of 1962, the Elementary and Secondary Education Act of 1965 or any subsequent federal

or state legislative enactment, or any other special funding, and which are not part of regular programs of the County Office, shall be part of the classified service as established by Education Code Section 45256.

- B. Persons employed in specially funded positions including persons appointed through criteria that precludes normal competitive processes or restricts the privilege of all citizens to compete, shall be classified employees for all purposes except the following: 1) they may not attain permanent status, 2) they shall not be accorded seniority rights, 3) they may 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 (Education Code 45259).
- C. Notwithstanding Sub Rule B, above, at any time, after completion of six (6) months or 130 days of satisfactory service, whichever is longer, a person serving in a restricted position shall be given the opportunity to take such qualifying examination as are required for all other persons serving in the same restricted class. If such person successfully completes the examination, regardless of numerical standing on the eligibility list, he/she shall be afforded all rights, benefits and burdens of any other classified employee serving in the restricted classified service. His/her service as a regular classified employee including permanent status and seniority credit, shall be counted from the original date of employment in the restricted position, provided he/she continues to serve in the same restricted class (Education Code Section 45105).
- D. Early Head Start or Head Start positions created under the Economic Opportunity Act of 1964, the Head Start Act of 1981, or any subsequent federal legislative enactment, or special funding shall be part of the classified service. When such positions are paid, at least fifty-one percent (51%), from funds budgeted for the Early Head Start or Head Start Program, they shall be allocated to classes titled as "Restricted" (Education Code Sections 45105, 45108 and 45259).
- E. Persons employed in restricted positions for the Head Start Program shall be classified employees and shall enjoy all the rights, benefits and burdens accorded to other classified employees. Their selection shall be made on the same basis as that of persons selected for positions that are part of the regular programs of the county office; except that appointments made to restricted positions shall require the approval of the Head Start Policy Council (45CFR 1304.50(d)(1)(x)(xi) and Education Code Section 45105).
- F. It is the intent of the Personnel Commission to effectively implement restricted programs intended to provide job opportunities to current and former parents of the Head Start Program but do so in a manner that will not be disruptive nor detrimental to persons employed in the regular classified service or to its normal employment processes for the classified service (Education Code Section 45105).

5.05 Executive Secretarial Positions

- A. Upon the request of the County Superintendent of Schools, the Commission may exempt one or more executive secretarial positions from requirements relating to promotional competitive examinations and certification. Exemptions authorized under this rule shall be limited to executive secretarial positions directly reporting to the County Superintendent of Schools or assistant superintendents.
- B. Any person employed in an exempt executive secretarial position shall be afforded all the rights, benefits and burdens of any other classified employee serving in the regular service of the County Office of Education. Executive secretarial positions shall be filled from an unranked list of eligible persons who have been found to be qualified for the position specified by the County Superintendent of Schools and determined by the Personnel Commission.
- C. Any person whose services in an executive secretarial position are discontinued for a cause other than a cause for disciplinary action specified in Education Code or in Rule 13.05 shall have the right to return to a position in a class he/she previously occupied or, if that class no longer exists, in a similar class, as determined by the Director (Education Code Section 45272).

5.06 Staff Assistant Positions

- A. If the County Superintendent of Schools employs staff assistants or field representatives to directly assist members of the Board of Education or individual board members in carrying out their policy making duties, such assistants or representatives shall be part of the classified service, except that such assistants and representatives shall be exempt from all provisions of this code pertaining to permanent status in any position of the County Office of Education, and procedures pertaining to recruitment, appointment, classification and salary of members in the classified service.
- B. Staff assistants shall serve at the pleasure of a majority of the Board of Education, and each field representative appointed by the Board of Education, to assist an individual member, shall serve at the pleasure of such member.
- C. It is the intent of the Legislature that persons employed under this Rule will not be utilized for election campaigns of Board Members during hours of their employment (Education Code Section 45112).

5.07 Exemption of Certain Employees and Positions

Pursuant to Education Code Section 45256, the following positions and persons shall be exempt from the classified service:

- A. Positions which require certification qualifications.
- B. Full-time students employed part-time.
- C. Part-time students employed part-time in any college work-study program, or in a work experience education program conducted by a community college pursuant to Article 7 (commencing with Section 51760) of Chapter 5 of Part 28 and which is financed by the state or federal funds.
- D. Apprentice positions.
- E. Positions established for the employment of professional experts on a temporary basis for a specific project by the County Superintendent of Schools or by the Commission when so designated by the Commission (refer to Rule 10.15).
- F. Part-time playground positions, where the employee is not otherwise employed in a classified position. Part-time playground positions shall be considered part of the classified service when the employee in the position also works in the same school district in a classified position.

No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established in the law shall be employed outside the classified service.

Employment of either full-time or part-time students in any college work study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts of services.

A part-time position for the purpose of this rule is one for which the assigned time, when computed on an hourly, daily, 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.

Any position or employee lawfully exempted from the classified service shall be excluded from the benefits and burdens imposed by law or these rules.

5.08 Exemption of Professional Expert Positions

Positions established by the County Superintendent of Schools or by the Commission, when so designated by the Commission, for the temporary employment of professional experts for specific projects, presenters or trainers shall be exempt from the classified service (Education Code Section 45256(b)(6)).

5.09 Exemption of Community Representatives

Positions established for the employment of community representatives in advisory or consultant capacities for not more than 90 working days or a total of 720 hours in a fiscal year shall be exempt from the classified service (Education Code Section 45258).

**CHAPTER VI
POSITION-CLASSIFICATION PLAN**

6.01 Classification Plan

The Personnel Commission shall establish and maintain a Classification Plan for the classified service that meets the needs of regular programs and specially funded programs operated by the County Office of Education. The Plan shall indicate the method of examination for classes in each series. The Plan shall be available for inspection by the County Superintendent of Schools and his/her designee(s), classified employees and employee group representatives.

The Director shall maintain all class specifications and all supporting data relating to class studies, position reviews, point factor ratings and other necessary records. He/she shall notify the administrative personnel, the exclusive representative of classified employees and other interested parties of any proposed changes to the Plan.

Administration of the Classification Plan for the classified service shall be guided by the following principles:

- A. Classes shall be placed in appropriate groups (“families”) according to general occupational nature and, within groups, shall be listed in series by specific occupation. The list of classes shall indicate the employee unit designation as well as the assigned salary rate or range applicable to each class.
- B. Any class series within an occupational group designated as an “Alternate Class Series” shall be identified.
- C. Classes identified for the Head Start Program shall, in addition to their regular class title, be affixed the title of “Restricted.”
- D. Minimum qualifications for newly created classes shall reasonably relate to the assigned duties and minimum qualifications recommended by the County Superintendent of Schools, if any. The Commission shall insure that education, training and work experience requirements of all classes shall provide an adequate field of competition.
- E. Minimum qualifications may never require a teaching, administrative or other credential, nor may they require work experience that would restrict competition to holders of credentials. Any requirement which unduly or unreasonably restrict the field of competition shall be prohibited (Education Code Section 45276).

6.02 Classifying Positions; Assignment of Duties

The County Superintendent of Schools shall fix and prescribe the duties and responsibilities of all positions in the classified service except those positions belonging to the Director and other commission employees (Education Section 45109).

The Personnel Commission shall classify all employees and positions with the jurisdiction of the County Superintendent of Schools or of the Commission. “To classify” shall include, but not be limited to, allocating positions to appropriate classes, arranging classes into occupational groups (hierarchies), determining reasonable relationships within occupational groups, and preparing written class specifications (Education Code Section 45256).

When the County Superintendent of Schools or his/her designee proposes or endorses a request to create or abolish a class, merge two or more classes, or revise the specifications for a given class, the procedure shall be the following:

- A. The proposal shall be specified on the appropriate form, reviewed by the Assistant Superintendent, Human Resources and forwarded to the Director.
- B. The Director or his/her designee shall evaluate the proposal and determine its affect on the classification plan. Any adverse affect(s) shall be reported to the requesting authority and appropriate administrative personnel. The Director shall present options or alternatives to be considered, whenever possible.
- C. The Director or his/her designee shall develop or revise class specifications in accordance with these rules. Pursuant to Rule 15.21, a wage and salary study shall be made for any proposal to create a class.

- D. Preliminary recommendations for class specifications including any necessary revision, shall be forwarded to the Assistant Superintendent, Human Resources and the requesting authority, for review and comment. If the proposal affects represented positions, the exclusive representative shall be notified. Preliminary appeals shall be heard at this time.
- E. Following any request to meet and confer on the proposal, the Director shall prepare the proposal for action by the Personnel Commission.

6.03 Class Specifications

The official class specification for each class in the classified service shall be maintained in Classified Personnel Services-Personnel Commission. Every class specification shall include the following:

- A. The official class title.
- B. A definition of the class, indicating the type of duties and responsibilities.
- C. A statement of typical tasks to be performed by persons holding positions allocated to the class.
- D. The type of supervision received and supervision exercised (when applicable).
- E. An indication of essential job functions.
- F. A statement of distinguishing characteristics which differentiates the class from other related or similar classes.
- G. A statement of the minimum qualification for service in the class. The minimum qualifications may include education, experience, job knowledge, skills, abilities, and personal and physical traits and characteristics.
- H. A statement of license or other requirements of the class.
- I. A statement of working conditions for the class, which include the working environment and the abilities required of the class, and hazardous conditions that may be encountered in the class.
- J. Any additional qualifications considered to be desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of his/her qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.

6.04 Interpretation of Class Specifications

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

- A. The definition and typical tasks are descriptive and explanatory only and not restrictive. They 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.
- B. When 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 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 or occupational group, in such manner as to maintain a proper gradation in the series in which the class is located and proper differentiation within the group of classes.
- D. The qualifications listed in each class specification are not necessarily exhaustive and may be amended or supplemented in accordance with current analysis of the work requirements. Qualifications shall be job-related and necessary for the conduct the business of the County Office. In addition to the technical knowledge and abilities appropriate to the particular classification, they may include general abilities applicable to most, if not, all classifications.
- 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.

6.05 Creation of Positions

- A. The County Superintendent of Schools shall be the approval authority for establishing positions in the classified service (excluding those positions belonging to the Commission). Any proposal, by the County Superintendent of Schools or his/her designee, to create a position may include the recommended minimum duties and work experience requirements for the proposed position.
- B. Positions created that have previously been classified by the Commission shall be allocated to the appropriate classes.
- C. When the creation of a position necessitates the creation of a class, it shall be developed and approved pursuant to Rules 6.01 and 6.02.

6.06 Positions with Special Requirements

- A. The County Superintendent of Schools, with concurrence of the Personnel Commission, may determine that certain positions within a class necessitate special requirements including the ability to speak, read and write in a language other than English or a special licensing requirement or other bona fide qualification.
- B. When all positions in a class reside within the same department or program, the department/program management shall establish the criteria for placing special requirements on certain positions within the class. When positions within the same class are assigned to across departments and programs, the County Superintendent of Schools or his/her designee shall set forth the specific reasons for placing a special requirement on any position within such class.
- C. When a significant portion of position openings within the same class necessitate a special requirement, the examination bulletin (job announcement) for such positions shall contain the appropriate information and clearly indicate that successful candidates possessing special requirement will be given preference over other successful candidates, as authorized in Rule 7.01(I-J), but only as to those specific positions.
- D. A position opening that requires bilingual proficiency shall be certified pursuant to Rule 10.05(F).

6.07 Changes to Assigned Duties of Positions

Any substantial changes in the duties of existing positions shall be promptly reported in writing by the program manager or department head to the Director who shall recommend to the Personnel Commission whether the positions should be allocated to different classes.

6.08 Work Out-of-Class

- A. All employees (managerial and represented) in the classified service shall be assigned to perform the duties of the classification they occupy and any other duties reasonably related to that class.
- B. By law, an employee, nevertheless, may be required to temporarily work out-of-class (e.g., perform duties inconsistent with those of the class occupied). An employee who works out-of-class (higher class) shall possess minimum qualifications of the higher class.
- C. A represented employee shall be compensated for out-of-class work in accordance with his/her collective bargaining unit agreement.
- D. A managerial employee who is required or agrees to temporarily work out-of-class (in a higher classification) for six (6) or more work days within a 15-calendar-day-period, that employee's salary shall be adjusted upward for the entire period of out-of-class work, in accordance with Rule 15.15. Nothing in this rule shall preclude the County Office of Education from adjusting a managerial employee's salary for work out-of-class prior to the sixth day (Education Code Section 45110).

6.09 Class Studies; Review of Positions

- A. The Director shall review the duties and responsibilities of positions, as necessary, to determine their proper class. When the assigned duties and responsibilities are found to be inconsistent with the duties

officially assigned to the position(s), the Director shall report the facts to administrative personnel in order that appropriate action shall be taken. If the administration verifies the duties of the position or if the duties are not revised within the scope of the current classification, the Director shall report his/her findings and recommendations to the Commission. The Director shall also report his/her findings in cases where the review of a position or positions warranted no change in classification or adjustment in salary range.

- B. If the Director determines that the position(s) warrant an upward or downward salary range adjustment or a change in classification, he/she shall advise the administration of his/her findings. Any change in class or upward or downward salary range adjustment shall be presented to the Commission as a “reallocation” and requires its final approval. A position reallocation shall not be considered a reclassification of position(s) as defined in Rule 6.14(C).
- C. A complete classification study of all positions shall be conducted when determined necessary by the Personnel Commission. The Commission shall discuss the desirability of such a study when requested by the administration, employee group representatives or its own staff.
- D. The Director shall establish a procedure whereby the duties and responsibilities of all positions shall be reviewed to determine their proper classifications. Employees, employee group representatives, Office Administration, the Director, or the Personnel Commission may initiate position reviews. When initiated by the employee, the Director, or the Personnel Commission, the Director shall notify administrative personnel, in writing, within 10 working days.
- E. When the review of a position or positions warrants reallocation, the incumbent(s) shall be placed in accordance with Rule 15.14. A reallocation salary adjustment shall be determined using “base salary”, excluding longevity, special stipends, differential or other compensation not included in the appropriate salary schedule.

6.10 Alternate Class Series; Definition and Distinction

Certain class series, within the same occupational group (class family), shall be designated as an Alternate Class Series (ACS). Positions allocated to and persons appointed to an alternate class series shall require following special rules:

- A. A reassignment of employees in positions, allocated to an alternate class series, from lower levels to (next) higher levels within the same series shall be referred to as “series advancement.”
- B. Alternate class series advancement within a class shall be distinguished from a promotional advancement in that the latter requires employees to be appointed to position openings in classes with higher a maximum salary rates, following open competition and certification from eligibility lists. While advancements within certain alternate classes shall require employees to satisfy normal examination processes, employees in series positions are not required to openly compete, attain proper rank or be selected from amongst other qualified persons for position openings.
- C. Employees advancing to next class level, at higher maximum salary rates, within an alternate class series, shall continue to be employed in permanent status. However, employees promoting to positions in classes at higher maximum salary rates shall be in probationary employment status for the initial period of six (6) months or 130 days, whichever is longer.

6.11 Alternate Class Series; Positions Designated

- A. Class specifications shall, in addition to specifying the minimum qualifications for each class level, describe the characteristics that distinguish persons assigned to the lower level from persons assigned to the higher level of the same alternate class series pursuant to Rules 6.03 and 6.04.
- B. Examinations and test parts for position opening(s) shall be administered separately for each class level pursuant to Rule 8.09.
- C. All position openings shall be filled from eligibility lists established for both class levels in the same series pursuant to Rule 9.01(A).
- D. Persons initially appointed to the lower level of any alternate class series shall be ineligible to:
 - 1. Advance to the next (higher) level of the same alternate class series during his/her probationary period (six (6) months or 30 days of service, whichever is longer).
 - 2. Advance to the next (higher) level of the same alternate class series without the pre-authorization of his/her immediate supervisor and department head
 - 3. Temporarily work out-of-class in the next (higher) level of the same alternate class series.

4. Compete through normal employment processes for other position opening(s) in the same alternate class series pursuant to Rule 7.05(E).

6.12 Alternate Class Series; Employees Advancing in Series

Permanent employees in positions at a lower level of an alternate class series may reasonably expect to be reassigned, to the (next) higher class level, after sufficiently satisfying the minimum qualifications, prescribed in the class specifications, for the (next) higher level. Certain alternate class series also require employees to satisfy normal examination processes, earn special certificates or complete specific coursework. Provisions for advancement for each alternate class series are described in Appendix B.

The following provisions shall apply to an employee, in permanent status, seeking series advancement within the alternate class series designated for his/her position.

- A. Series advancement within any alternate class series shall require the pre-authorization of the employee's immediate supervisor and department head. Pre-authorization forms shall be available from Classified Personnel Services–Personnel Commission. Completed forms shall be submitted to the Director.
- B. Pursuant to the appropriate class specifications and guidelines for series advancement (refer to Appendix C), the Director or his/her designee shall determine the employee's eligibility for series advancement.
- C. The Director or his/her designee shall notify the employee of the status of the request, specifying any steps to be completed prior to approval or, if denied the reason(s), thereof. The notification shall be sent within 10 working days.
- D. Examination scores and skill test results, on file, may be used to satisfy qualifications, where applicable. Position audits shall be used whenever conditions for series advancement are unspecified.
- E. When certification(s), course transcript(s) or other criteria, in accordance with the class specifications are not provided, the request shall be denied.
- F. Nothing in these rules shall preclude an unauthorized employee from inquiring directly with his/her supervisor regarding eligibility for series reassignment. Such requests shall be submitted, in writing, to the immediate supervisor who shall respond within 10 working days. In cases where the immediate supervisor declines to support advancement, the notification shall specify the reason(s), thereof, along with a plan for monitoring the employee's progression towards achieving reassignment.
- G. The employee may appeal the immediate supervisor's response to the Director, who shall investigate the matter and make written recommendations to all parties within thirty days. Copies shall be forwarded to the Assistant Superintendent, Human Resources or his/her designee. If the incumbent is dissatisfied with the Director's recommendation, he/she may refer the issue to the Personnel Commission.

6.13 Alternate Class Series; Effective Date for Series Advancement

- A. When no further demonstration of qualifications or other verifications are necessary, an employee's series advancement shall be effective no later than ten (10) days of filing pre-authorization forms.
- B. Otherwise, the effective date shall be determined by the date whereupon the employee demonstrated qualifications through examination(s) or position audit(s) or verified his/her possession of certifications, licenses, job knowledge or skill sets.

6.14 Reclassification of Positions; Basis for Reclassification

- A. A reclassification occurs when action by the Personnel Commission implements a change in a class specification that results in a changed class title, internal alignment, and/or employee unit designation of a position, class or occupational group, excluding actions resulting from a class study.
- B. The basis of reclassification for any position, class or occupational group shall be a gradual and substantial accretion of duties and responsibilities, and not a sudden change occasioned by reorganization, or the assignment of completely new duties and responsibilities. This rule shall be the only basis for positions and employees to be reclassified (Education Code Section 45285).

- C. Reviews of positions or periodic class studies involving all positions in a class that result in position reallocation, revised salary range assignments or class specifications, shall not be deemed as a reclassification, regardless of whether the class remained in the same occupational group.

6.15 Reclassification Position Studies; Commission Approval

- A. Requests for reclassification of a position or group of positions shall be made by employees upon official reclassification petition forms furnished by the Personnel Commission, filled out as, therein, directed and filed in the Personnel Commission Office, Classified Personnel Services.
- B. The Personnel Commission shall accept petitions for reclassification between the dates of January 1 and June 30. The Director shall cause the written verification of all petitions for reclassification filed. The written verification shall be forwarded to the petitioning employee(s), within ten (10) working days. Any petition improperly filed or not filled out therein as specified shall be rejected. A petition for reclassification shall be disqualified when its basis is due to reorganization or the assignment of completely new duties pursuant to Rule 6.14(B). Copies of the confirmation shall be forwarded to the employee group representative(s), if any, immediate supervisor(s) of employee(s) and other appropriate persons.
- C. Commission staff shall conduct a reclassification study of all positions described in a request for reclassification and shall advise the employee(s), employee group representatives and appropriate administration of preliminary findings. Upon notification of preliminary findings, the employee(s) or administrator(s) may submit additional materials or other relevant data for consideration by Commission staff.
- D. Prior to submitting the final recommendations for reclassification to the Commission, the Director and Commission staff shall consider any additional information submitted by employees, employee representative groups and administration. Subsequent position audits or research shall be completed as deemed necessary by the Director. Additional meet and confer sessions may be held and, if appropriate, preliminary appeals may be submitted to and heard by the Director.
- E. The Director shall prepare a written narrative report for the Personnel Commission. The report shall include the following: 1) the means by which the request for reclassification complies with the provisions of Rule 6.14; 2) the methodology and results of the reclassification study; and 3) supporting data for recommending approval or denial of the request for reclassification.
- F. At a regular or special meeting, the Personnel Commission shall schedule the request for reclassification for action. The Personnel Commission shall hear any appeals of employees or employee group representatives prior to its action. The Commission shall determine whether the request for reclassification complies with the provisions of this rule and shall be the final authority for approving or denying all requests for reclassification. The Commission's decision shall be binding on all parties.
- G. Nothing in this rule shall be construed to inhibit or restrict a classified employee's entitlement to out-of-class pay in accordance with provisions of the Education Code, the Personnel Commission rules, or a collective bargaining agreement. Such compensation shall not serve as a basis for reclassification.
- H. Nothing in this rule shall be construed to inhibit or restrict the ability of the Personnel Commission to conduct, at will, studies of individual positions and whole classifications as part of its classification plan maintenance program.
- I. Regardless of the origination of a position study, if upward reclassification is recommended following study of a position, the incumbent's qualifications for reclassification shall be determined in accordance with the provisions of Rule 6.14.

6.16 Reclassification Effective Date for Positions Approved

Any petition filed for reclassification, between January 1 and June 30, and subsequently approved by the Personnel Commission shall become effective July 1 or on the date prescribed by the Commission.

6.17 Reclassification Effects on Employees

A. Employees with Two(3) or More Years

When all the positions in a class are reclassified to a higher class, those incumbents with two (2) or more years of service, in the existing class may be reclassified with their positions

When a portion of the positions in a class are reclassified to a higher class, those incumbents with two (2) or more years of continued service in one (1) or more of the positions being reclassified may be reclassified with their position (Education Code Section 45285).

B. Employees with Fewer than Two (2)

When all the positions in a class are reclassified to a higher class, those incumbents with fewer than three (3) years of service in the class must pass the qualifying examinations for the class in order to be reclassified.

When a portion of the positions in a class are reclassified to a higher class, those incumbents with fewer than three (2) years of continued service in one (1) or more of the positions being reclassified must pass qualifying examinations for the class in order to be reclassified (Education Code Section 45285).

Skill testing results on file in the Personnel Commission Office, Classified Personnel Services may be used to satisfy examination requirements, where appropriate. If an employee does not have appropriate skill testing results on file and cannot pass the qualifying examination within a reasonable period of time, he/she shall remain in the current classification for up to one-year while going through a training program to acquire the skills necessary. Commission staff shall periodically test these employees. When an employee meets skill requirements within the one-year period, he/she will be reclassified effective on the date of successfully meeting standards.

C. Option to Revise Position Duties

1. If during the one-year period provided in Rule 6.17(B), an employee does not meet the various entrance requirements of the higher classification, the immediate supervisor of that employee shall be given the opportunity to revise the duties of the affected position to conform to the original (lower) classification and the employee shall be accordingly assigned.
2. If revision of the duties to conform to the original classification is infeasible or impractical, the County Office of Education shall establish a position in the higher classification to be filled in accordance with the Education Code and Commission rules, eliminating the position in the lower classification. The affected employee shall be notified in writing of his/her rights under the Education Code and any collective bargaining agreement or the Personnel Commission rules as applicable including, transfer or voluntary demotion to a position opening for which qualified.

D. Reclassification to a Class with the Same Maximum Salary Rate

A lateral reclassification is reclassification of a position from one classification to different class with the same maximum salary rate. Sub Rules A and B, above, shall not apply to lateral reclassifications.

E. Salary Step Placement Upon Reclassification

1. Salary step placement for an employee who is reclassified shall be completed pursuant to Rule 15.13, except when an employee is reclassified into another bargaining unit.
2. In the case of the latter, the Director shall recommend the salary step placement in his/her narrative report to the Personnel Commission (Rule 6.15(E)).

F. Ineligibility for Subsequent Reclassification

An employee who has been reclassified shall be ineligible for a subsequent reclassification for a period of 36 months from the date approved by the Commission (Education Code Section 45285).

G. Elimination of Position

When a position is reclassified to a class with a lower range, the employee shall have the following rights:

1. To be laid-off for lack of work and bump the least senior employee in the same class. If the reclassified employee is the least senior or only incumbent the class, he/she may bump the least senior employee in prior held classes at an equal or lower salary range, provided he/she has greater seniority in that class.
2. Any employee who is displaced or demoted through reclassification processes shall be laid-off for lack of work (in the former classification) and placed on a reemployment list for a period of 39 to 63 months from the effective date of layoff.

**CHAPTER VII
EXAMINATION BULLETINS AND EMPLOYMENT APPLICATIONS**

7.01 Examination Bulletins

The Director shall announce and publicize examinations by appropriate means, including postings on job bulletin boards and pre-recorded job opportunities available by telephone. Examination bulletins for each position opening and special announcements, listing all available examinations, shall be distributed to departments, program offices and sites as well as other public school employers and external agencies (Education Code Section 45278).

Other means for publicizing examination announcements including, but not limited to, local newspapers, professional publications, periodicals, school districts and web sites shall be employed (Education Code Section 45278).

All examinations shall be announced for at least 15 calendar days prior to the last date for filing applications. Notice shall be given. The examination bulletin shall contain the following information:

- A. The official class title.
- B. The final filing date for submitting an application (unless examination is continuous).
- C. The number of vacancies to be filled (when such information is known).
- D. Salary information and other forms of compensation.
- E. The examination method for establishing the eligibility list:
 - Open
 - Open and Promotional
 - Promotional
 - Continuous
 - Dual Certification
 - Unranked
- F. Guidelines as to whom the field of competition is limited, if any. The Director shall be responsible for making this determination subject to these rules.
- G. Sufficient information about the duties and responsibilities of the class.
- H. The job knowledge, abilities and skills that may be tested in the examination, and the minimum experience, education or training requirements including any substitutions.
- I. Licenses, certificates and/or registrations required, if any.
- J. Special position requirements, if any.
- K. The anticipated parts of and weights of the examination. Examination parts and weights may be subject to change as deemed as necessary by the Director. Under no circumstances shall substantive changes be made unless candidates are given prior notice. When notice is by mail, four (4) days prior to the examination date or when telephoned, three (3) prior to the examination.
- L. Such other information will assist employees and the public in fully understanding the nature of the employment and procedures for participation in the examination.
- M. Other information as deemed appropriate.

7.02 Filing of Applications and Materials; Filing Deadlines

All applications for employment shall be made upon official application forms approved by the Personnel Commission must be filled out as therein directed and filed in Classified Personnel Services on or before the date specified in the examination bulletin. This rule shall not apply to applications filed for continuous examinations where applications may be filed on any working day.

Applicants filing for more than one examination must file a separate and complete application for each examination.

All applications and supporting materials are the confidential property of the County Office of Education and shall not be returned to the applicants.

7.03 Entrance Qualifications

Every applicant must meet the established minimum qualifications for the specific class, described in the examination announcement, and shall, in all respects, be mentally and physically competent to perform the essential functions and duties of the position (with or without reasonable accommodation) for which he/she applies (Education Code Section 45272).

7.04 Reasonable Accommodation

The Personnel Commission and its staff shall provide equal opportunities for persons with disabilities to participate in the application and examination processes, to assure full consideration for classified positions. Toward that end, the Director shall provide reasonable accommodation as required by state and federal law.

7.05 Who May Compete

- A. Persons, not disqualified by Rule 7.06, may compete for position openings in the Classified Service, except when the bulletin specifies that the examination is only open to county office employees or limited to a specific field of candidates.
- B. Classified employees of the County Office of Education, in regular or probationary status, satisfying the minimum qualifications, may compete for promotional position opening(s).
- C. Other County Office employees in positions requiring certification qualifications may compete for position openings in the classified service as promotional candidates, where applicable (Education Code Section 45281).
- D. Persons laid off shall have the right to participate in examinations, provided he/she meets the prescribed qualifications (Education Code Section 45298).
- E. Persons employed in lower class levels of any alternate class series shall be ineligible to compete through normal employment processes as promotional candidates for position opening(s) in the same alternate class series.

7.06 Reason(s) for Rejection or Disqualification

An applicant, competitor or eligible shall be disqualified, and an eligible shall be denied certification or appointment for any of the following reasons:

- A. Failure to meet the general qualifications of Rule 7.03.
- B. Knowingly becoming a member of the Communist party.
- C. Advocacy to overthrow the government of the United States or the State of California by force, violence or other unlawful means.
- D. Conviction or pleading guilty in court to a charge of moral turpitude, or sex offense or mistreatment of children.
- E. Criminal, infamous, dishonest, immoral, or disgraceful conduct according to standards approved by the Commission.
- F. Intentionally making a false statement as to any material fact or practicing any deception or fraud in securing examination certification or appointment.
- G. Drug addiction and/or continued use of intoxicating beverages to excess.

- H. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by this County Office. Failure to report for duty after an assignment has been offered and accepted, failure to complete employment processing requirements in the time specified, or failure to give prior notice of the inability to appear for an employment interview which was mutually agreed upon.
- I. Failure, after due notice, to report promptly for review of any of the above bases for rejection.
- J. Willfully by himself/herself or in cooperation with another person to defeat, deceive, or obstruct any person with respect to his/her right of examination, application, or employment under these rules. (Education Code Section 45317).
- K. Willfully and falsely mark, grade, estimate or report upon the examination or proper standing of any person examined or certified under these rules, or to aid in so doing, or make any false representation concerning the same or the person examined (Education Code Section 45317).
- L. Willfully furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under these rules (Education Code Section 45317).
- M. An unsatisfactory service record with this County Office of Education or with the existing employer or any prior employer.

7.07 Appeal from Disqualification or Rejection; Administrative Review

A person whose application is disqualified or rejected for any of the reasons enumerated in Rule 7.06 shall be notified, in writing, by the Director. The notification shall include:

- A. The reason(s) for disqualification or rejection of his/her application for employment or promotion.
- B. Clarification to whether the disqualification or rejection precludes him/her from obtaining future employment, promotion or eligibility for any other examination(s) or position(s) at the County Office of Education.
- C. Notification of his/her right to appeal to the Director within five (5) working days, for administrative review and that failure to appeal shall make the disqualification or rejection final and conclusive.
- D. If the Director sustains disqualification or rejection; the applicant shall be given written notice, describing the reason(s) thereof. The applicant shall also be informed of his/her right to appeal, in writing, to the Personnel Commission within five (5) working days. Disqualification may be based on discrimination because of affiliations, political or religious acts or opinions, race, color, ancestry, gender, sexual orientation, marital status or medical condition.
- E. Upon receipt of an appeal, the Director shall schedule a hearing for the next regular meeting of the Personnel Commission. At which time, the Commission shall hear all of the evidence and render a final decision. The decision shall be transmitted, in writing, to all concerned.
- F. If disqualification or rejection is not sustained by the Director or from the Personnel Commission, the person shall be notified that his/her application has been accepted and he/she shall proceed to the next test part.

CHAPTER VIII EXAMINATION AND TESTING

8.01 Examination Plan

- A. Examinations shall be administered in an objective, efficient and cost-effective manner and shall be announced as often as necessary to fill existing or anticipated position opening(s) within the classified service. The Director shall be responsible for the administration of the examination plan including the selection and relative weight of test parts, determination of testing schedules and subject matter and technical experts.
- B. Examinations shall be developed according to technical and professional standards. All subjectively rated examination test parts shall be standardized to the extent possible. The Director may consult with subject matter experts, administration, other office staff and persons from external agencies to assist in examination and test part development.
- C. Other testing formats, methods and systems made possible through the advancement of technology, testing development firms, or other public education employers, shall be considered and utilized provided examination standards, character, and objectivity are maintained as required by these rules.
- D. The Director shall be responsible for examination development and validity, and shall reaffirm that every examination is based on the principles of the merit system pursuant to the appropriate education code sections as well as the rules contained herein.

8.02 Types of Examinations

Examinations shall be administered to fill anticipated or existing position openings in the classified service. In establishing eligibility lists for classes in the classified service, the Director shall administer examinations as specified in Rule 8.03 and Appendixes A and B. Both promotional and open examinations may be given concurrently.

- A. Open: competition is open to the general public where any qualified person may participate.
- B. Promotional: competition is restricted to classified and certificated employees of the County Office of Education who meet prescribed qualifications.
- C. Open and Promotional: competition is simultaneously open to the general public and to County Office employees who meet the minimum qualifications. Successful open candidates and promotional candidates are respectively assigned to the open list or promotional list. Decisions to determine the classes to be filled from an open and promotional competitive examination shall be made by the Director.
- D. Continuous: applications are accepted on any working day. Competition shall proceed when sufficient competition exists amongst qualified candidates. The Director, with the concurrence of the Commission, shall designate classes or positions to be filled under a continuous examination (Education Code Section 45292).
- E. Dual Certification: applications and competition is simultaneously open to the general public and to County Office employees who meet the minimum qualifications. Successful candidates are assigned to the same eligibility list.

Reference: Education Code 45272, 45282 and 45284

8.03 Examination Requirements for Certain Classes

- A. Classes designated as classified management, supervisory or executive secretarial (confidential) as well as the Director and Personnel Analyst shall be administered using dual certification. Certain classes with specialized or technical skill requirements or professional non-teaching certificates shall also be administered using dual certification (refer to Rule 8.02(E)).
- B. Notwithstanding the provision of Rule A, above, examinations for managerial positions in business management classes shall be given concurrently as open and promotional to attract competent and qualified applicants from the classified service and the community meeting the minimum qualifications. The resulting eligibility lists shall be merged and established pursuant to Rule 8.02(C) (Education Code Section 45280).

- C. Examinations for senior management, executive secretarial (confidential) or staff assistant positions shall be given pursuant to these rules. Selections shall be made from an unranked list of eligible persons who have been found to be qualified for such positions as specified by the County Superintendent of Schools and determined by the Personnel Commission (Education Code Section 45272).

8.04 Examination Test Parts

Examinations shall be based on the minimum qualifications of the class for the position opening(s) to be filled. Test parts shall measure and assess job knowledge, abilities and traits, necessary, to successfully perform the essential duties at entry to the class. Examinations shall consist of one or more of the following test parts (Education Code Section 45273):

- A. Training, Education and Experience Evaluation

A rating or assessment of relevance level, progressive and quality of education and experience offered by candidates, which may be done by a review of written statements or responses to predetermined job-related questions made by candidates on the official application or in supplement forms.

- B. Written Examination

A measurement of job knowledge, abilities, judgments, aptitudes or alertness, insofar as such traits, related to perform the work in the class. A written examination may include true/false, multiple-choice or essay questions.

- C. Performance Skill Test or Practical Exercise

Evaluation of facility, speed or accuracy and/or where typical tasks of the class are performed.

- D. Qualifications Appraisal Interview (QAI)

Also known as the oral panel examination where a group of qualified persons evaluate candidates through a scored assessment of their responses to a standard set of questions. Oral panel examinations assess the relevance, quality of experience, training skills and education and specific job knowledge and abilities required for the class at entry.

- E. Medical Examination

Examination by a licensed physician shall be required for safety sensitive classes or other positions requiring a pre-placement physical.

- F. Other

Any other investigation of education, experience, character or identity, and test of technical knowledge, manual skill or physical and mental fitness which, in the judgment of the Director, serves this end may be employed.

8.05 Examination Papers and Records

The Director shall establish administrative procedures for assuring the confidentiality of examination papers and records and the privacy testing of participants. All examination papers submitted by competitors shall become property of the Personnel Commission and shall be maintained as confidential records.

- A. Unauthorized persons shall not have access to any examination materials. Copies of examination questions shall not be made available to competitors or other unauthorized persons. In addition, applicants may not serve as subject matter experts in the development of examinations. Competitors who violate this section will be disqualified.
- B. Written answer sheets of competitors shall be administered in a method that assures no disclosure of the name of any competitor until the written examination papers of all competitors have been rated and scored. This rule shall not apply when using a computerized testing system with built-in safeguards that ensure examination scores cannot be altered (Education Code Section 45273).
- C. The names, addresses, telephone numbers and other personal data of competitors, in any examination, shall not be made public, nor open to inspection, except as specified by these rules.
- D. Examination records including, answer sheets, test keys, oral recordings and rating sheets of oral examination panel members for each candidate shall be made available for inspection by the County Superintendent of School or his/her designee to whom candidates are certified. Such records shall be retained in Classified Personnel Services for the entire life of an eligibility list including subsequent extensions as required by law (Education Code Section 45272).

8.06 Test Administration

The Director shall schedule and administer examinations as the current and anticipated needs of the service required. He/she shall be responsible for administering examinations and scoring test parts.

A. Scheduling

1. Scheduled test date(s) shall, whenever possible, be announced in all examination bulletins for classes with position opening(s).
2. Every competitor shall be notified, in advance, of date, time and location of the examination or test part.
3. Every competitor must present his/her (valid) pictured identification card or examination notice for admission into the examination room. No competitor may be admitted without satisfactory demonstration of having filed an acceptable application.
4. Every competitor must participate in test part or examination on the prescribed date and time. Exceptions may be made to honor a request from a competitor provided the following conditions are met: a) Any request to change date or time is made, in person or in writing, to the Director; b) The Director deems the request is justified based on the reason(s) including, but not limited to, personal illness, personal emergency or civil commitment; and c) Any approved change(s) shall not delay the progress of the examination procedures.
5. A competitor, who arrives (late) for any group given test after other competitors have started, shall be disqualified, unless Commission staff are aware or made aware of the unusual circumstances that prevented punctual arrival. In which case, the competitor may be administered the examination; however, it must commence prior to the group ending time. When extraordinary circumstances, known in advance by Commission staff, are anticipated to have an adverse impact on the test group or field of competition, the examination may be delayed to allow adequate time for competitors to arrive or to afford late competitors the ability to commence the examination prior to the group ending time.

B. Assistance of Special Examiners or Subject Matter Experts

As needed, the Director may appoint a special examiner or subject experts to assist with applicant screening or any phase of the testing process. Special examiners or subject matter experts may be paid reasonable expenses and/or daily fees in accordance with budgetary provisions of the Commission.

When the Director determines to employ or seek the assistance of a special examiner or subject matter expert, the following rules shall apply:

1. A reasonable effort to enlist the aid of a person who is not at the first or second level over the position in question and shall make a reasonable effort to avoid persons he/she has reason to believe are associates of applicants or competitors.
2. A first-level supervisor or a person or persons responsible for or involved in final appointment or selection processes shall not serve as a special examiner or subject matter expert.
3. In the event that a first- or second-level supervisor or manager must be used, a second-level supervisor shall be preferred over a first-level supervisor, if practicable.
4. Identities of applicants or competitors shall not be disclosed to a person serving as a special examiner, subject matter expert or technical advisor. Copies of applications and test papers shall be made from original documents. The copies shall be blackened out, where necessary, as to not disclose the identity of an applicant or competitor, unless impractical to do so.

C. Disqualification

In addition to the reasons for disqualification specified in Rule 7.06, the Director may also disqualify a competitor for the following:

1. Placing an identifying mark upon examination papers (other than the identifying mark prescribed at the time of examination administration) or who makes an attempt to disclose to others the identity of that competitor's papers prior to the completion of the examination shall be disqualified.
2. Fails to attain the minimum passing score or rating required in a test part or examination in order to proceed to the succeeding part. In any keyboarding, typing or dictating skill test, competitors must demonstrate possession of such skill(s) at the rate(s) specified in the class specifications.

D. Minimum Qualifying Ratings or Test Scores

The final score of a competitor shall be based upon all test parts or evaluations in the examination, according to the weights approved by the Director. The Director shall set minimum qualifying ratings for each test part and shall disqualify those competitors who fail to achieve the minimum ratings from the next test phase of the examination.

1. The final scores of competitors shall be rounded to the nearest whole percent for all eligible persons. All eligible persons having the same percentage score will be considered as having the same rank. Appointments shall be made from the eligible persons having the first three (3) ranks on the eligibility list (Education Code Section 45272).
2. Service credit shall be added to the final passing scores of promotional candidates. Credit of .25 points shall be granted for each completed year in regular status in the classified service and on leave from the classified service while otherwise employed by the County Office of Education pursuant to Rule 8.11.
3. In the case of all entrance examinations, veterans with 30 days or more of service who become eligible for appointment by attaining the passing mark established for the examination, shall be allowed an additional credit of five (5) points and

disabled veterans shall be allowed an additional ten (10) points, which shall be added to the percentages attained in the examinations by the veterans (Education Code Section 45296).

E. Notification of Test Result(s) or Rank Standing

Within 10 business days following the completion of any test part or examination, all competitors shall be notified of their test results. Within 10 business days following the establishment of an eligibility list, all eligible persons shall be notified of their rank standing. Notifications shall be sent by U.S. mail or where possible, electronic email.

8.07 Qualification Appraisal Interview (QAI)

- A. For classes of positions deemed by the Personnel Commission or by the Director to require a Qualifications Appraisal Interview (QAI), also known as oral board examination, its membership shall be comprised of at least two members. Where a structured objective oral examination is to be administered to the entire field of candidates in an entrance level classification, a single panel member may be utilized. For this purpose, a "structured objective examination" means that the panel member exercises no discretion in the selection of the questions or in the evaluation of the answers (Education Code Section 45273).
- B. Unless specifically directed to evaluate candidate's technical knowledge and skills, the oral examination shall be confined to evaluating general fitness for employment in the class. When the oral examination is directed to evaluate technical knowledge and skills, at least two panel members shall be technically qualified in the specified occupational area (Education Code Section 45273).
- C. Members of the Board of Education or the Personnel Commission shall not serve as a member to any oral examination board (Education Code Section 45273).
- D. An employee may serve as a member to an oral examination board, if he/she is not the immediate supervisor or involved in the selection process for the position opening in the class for which the examination is held. If the oral board examination is for a management, supervisory or executive secretarial (confidential) position, the branch assistant superintendent or immediate supervisor may not be a member of the oral examination board (Education Code Section 45273).
- E. The proceedings for any Qualifications Appraisal Interview (QAI) shall be electronically recorded as required by law (Education Code Section 45273).
- F. The member(s) of any oral board examination shall not be provided with the scores achieved by a candidate on other test parts or confidential references of County Office employees who are competing in promotional examinations (Education Code Section 45274).
- G. The membership and composition of any oral board examination for restricted positions shall be in compliance with appropriate regulations, rules and guidelines.

8.08 Bilingual Proficiency Tests

A. General Procedures

- 1. In accordance with Rule 6.06(A), County Office administration shall be responsible for determining when positions shall require bilingual proficiency in both English and in a specified language other than English.
- 2. When all positions within the same class or class series reside in the same department or program, the department management shall establish specific criteria stating the condition(s) by which positions within that class shall necessitate bilingual proficiency as authorized by Rule 6.06(B).
- 3. Any criteria established by the administration to designate positions as necessitating bilingual proficiency shall be reviewed by the Director to insure compliance with the Commission's rules and procedures. Criteria not in compliance shall be immediately brought to the attention of the Assistant Superintendent, Human Resources for correction. In prescribing the procedures in this rule, it is the intent of the Personnel Commission that their Director be consulted in the development and establishment of bilingual proficiency criteria.
- 4. If a request from the administration to designate a position or continue the designation of a position as requiring bilingual proficiency is challenged, the Director shall cause a proper investigation to be made and shall submit his/her findings and other pertinent data to the Assistant Superintendent, Human Resources. A copy of the Director's findings and supporting documents shall be provided to the Commission.

B. Proficiency Distinctions

1. Bilingual Proficiency Level I: requires demonstrated verbal skills that the employee has the ability to communicate in both English and another specified language other than English (including sign language) with minimal difficulty. An employee, who has been certified as bilingual proficiency level I, shall translate conversations in the provision of student instruction, educational services or other general information. A bilingual certified employee, working in a classroom setting, may also be the designated interpreter during instructional planning meetings or parent conferences.
2. Bilingual Proficiency Level II: In addition to the bilingual verbal skills described above, an employee who has been certified as bilingual proficiency level II, shall also read and write in both English and the same specified language other than English, with interrogations and in-depth conversation accomplished with minimal or without difficulty.

C. Eligibility Requirements

1. The position of an employee must be authorized by the appropriate department head and branch administrator to be eligible for bilingual proficiency compensation. Compensation for bilingual certification may be discontinued at the discretion of the department head.
2. An employee shall be eligible for bilingual compensation when such abilities are necessary to perform the responsibilities as determined by County Office.
3. A certified bilingual employee shall be eligible to receive bilingual compensation provided his/her position continues to require bilingual proficiency.
4. An employee may be compensated for bilingual proficiency compensation when serving in a non-permanent assignment upon authorization of the department head and assistant superintendent if such assignment requires bilingual proficiency.
5. When an excess of certified bilingual employees exist within a department office or program site, the appropriate management shall determine which employee(s) is to continue to receive bilingual compensation. The Director, at the request of the management, shall forward a list of employees who have been certified as bilingual in descending bilingual test score order.
6. An employee who occasionally communicates in another language other than English shall not be eligible to receive bilingual proficiency compensation. Employees who speak another language, in addition to English, shall be encouraged to perform occasional translation on a reasonable basis.

D. Examination and Testing

1. The Commission staff shall administer testing for bilingual proficiency compensation. The Director shall arrange for external testing resources, when necessary.
2. A person seeking bilingual certification shall be required to participate in the oral test part of the bilingual examination. The oral test shall evaluate his/her ability to listen, respond effectively and accurately translate the spoken information into the specified language other than English, in a clear, concise, and organized relevant manner. Appropriate voice projection and proper use of both English and the other specified language other than English shall also be evaluated. Bilingual level I certification shall require a score of at least seventy-five percent (75%).
3. In addition to the testing provisions described in Sub Rule D (2), above, a score of at least seventy-five percent (75%) shall be required for bilingual level II certification. Persons shall be evaluated on their ability to read in English and prepare written translations in the specified language other than English. Sentence structure, spelling, grammar and punctuation shall also be evaluated.

8.09 Employees Testing for Alternate Series Advancement

- A. Provisions prescribed in Rules 6.10-6.13 shall apply to employees seeking advancement to the next (higher) level in an alternate class series.
- B. An employee who has failed the written examination or practical exercise for series reassignment shall not be entitled to retake the same examination until at least 45 calendar days have elapsed for the first examination date. Following a second failure, the employee shall not be entitled to retake the same series examination until at least 90 calendar days from the date of the second failure.
- C. Procedures for the review of written examinations or practical exercises shall not apply to a series examination until an employee has failed the same series examination on three occasions. Following the third failure, no further examinations shall be administered until the employee, under direct observation of Commission staff and in the presence of his/her immediate supervisor, has reviewed his/her examination in accordance with Rule 8.13 following the examination review, the employee shall not be

entitled to retake the same series examination for a period of six (6) months after the review date or 90 calendar days if an alternate examination form is available.

- D. Procedures for the review of written examinations or practical exercises shall also be suspended for employees who qualify for series advancement.

8.10 Reexamination of Disqualified Persons or Repeating Competitors

- E. Under a continuous examination announcement, a disqualified competitor, who does not review his/her written examination, shall not be allowed to retake the same written examination until at least 30 calendar days have elapsed from the date of the original examination.
- F. Under a continuous examination announcement, a disqualified competitor, who reviews his/her written examination, shall not be reexamined until at least 60 calendar days have elapsed from the examination review date or as soon as administratively convenient, if another form of examination is available.
- G. Under a continuous examination announcement, a competitor who fails three (3) consecutive written examinations (for the same class) of the same or different form(s), shall not be allowed to apply that class until a period of at least six (6) months following the last examination date or last review date, whichever is longer.
- H. A disqualified competitor from a continuous examination that only consisted of an oral board examination (QAI) shall not be reexamined until at least 60 calendar days have elapsed from the date of the original QAI. A competitor who fails two (2) consecutive oral board examinations for the same class shall not be reexamined for a period of six months following the most recent oral examination date.
- I. Repeating competitors or eligible persons, from a continuous examination or continuous eligibility list, who wish to improve their standing on the eligibility list may reapply and reexamine following a six-month period.
- J. Examinations announced as open competitive, promotion competitive only or a combination, thereof, or dual certification shall be reopened when at the conclusion of the examination, an insufficient number of eligible persons have been placed on the resulting eligibility list. Those few eligible persons shall be notified of their rank and final scores pursuant to Rule 8.06(E). No eligible shall be allowed reexamination of any test part unless he/she: 1) did not review written examination results; 2) requests, in writing, to have his/her name removed from eligibility list, and 3) will be reexamined after 45 calendar days in each test part.
- K. Two or more part examinations announced as open competitive, promotion competitive or a combination, thereof, or dual certification shall be reopened, when at the conclusion of any test part, the competition has diminished. Those persons identified as the most qualified shall proceed to the next test part whenever there is sufficient competition.
- L. A disqualified competitor in the examinations, described in Rules E and F, above, shall not be reexamined with the same written test part unless at least 45 calendar days from the last examination date has elapsed, and disqualified competitor did not review his/her examination. If the competitor has reviewed his/her written test, he/she shall not be reexamined until at least 60 calendar days have elapsed from the date he/she reviewed the written test part. However, when more than one form of the written test is available, the disqualified competitor may be reexamined when administratively convenient.
- M. A competitor, who has failed a skill test administered on a pass/fail basis, may retest after an interval of seven (7) days, but with no more than a total of five (5) tests during any three-month period.
- N. The provisions of Sub Rule A and B, above, shall not apply when the contents of the oral panel interview, written examinations or practical exercises are significantly revised or when other examination forms are immediately available.
- O. The provisions of Sub Rules A-J, above, shall not apply to lower senior employees in a layoff who do not have bumping rights to positions in their same class or in prior held classes. Such employees shall be permitted to retake examinations other position openings for which they qualify in lateral (related) classes or in classes with lower maximum salary rates.

8.11 Service Credit

Pursuant to Rule 8.06(D) (2), service credit shall be added to the final passing scores of promotional candidates on the following basis:

1 year of service: 0.25 Points

2 years of service:	0.50 Points
3 years of service:	0.75 Points
4 years of service:	1.00 Points
5 years of service:	1.25 Points
6 years of service:	1.50 Points
7 years of service:	1.75 Points
8 years of service:	2.00 Points
9 years of service:	2.25 Points
10 years of service:	2.50 Points
11 years of service:	2.75 Points
12 years of service:	3.00 Points
13 years of service:	3.25 Points
14 years of service:	3.50 Points
15 years of service:	3.75 Points
16 years of service:	4.00 Points
17 years of service:	4.25 Points
18 years of service:	4.50 Points
19 years of service:	4.75 Points
20 years of service:	5.00 Points

Less than full-time assignments and less than 12 month positions shall be given full credit for the purpose of assigning service points.

8.12 Veteran's Credit

- A. A veteran, as used in this rule, means any person who has served in the United States armed forces in the time of war, or national emergency declared by the President of the United States, and who has been discharged or released under conditions other than dishonorable. A disabled veteran as used in this rule means any veteran, who is currently declared by the U.S. Veterans Administration to be ten-percent (10%) or more disabled as a result of service to the armed forces. Armed forces mean the United States Army, Navy, Marine Corps, Air Force, or Coast Guard (Education Code Section 45294).
- B. Upon attaining a passing score on all entrance examinations, veterans with thirty (30) days or more of service who have submitted proper documentation to the Director shall be given credit of five (5) points; disabled veterans shall be given credit of ten (10) points. The veteran applicant shall furnish proof of qualifying military service (i.e., DD214) no later than the date of examination or final test part. No adjustment of rank on the list shall be made when such proof is presented thereafter.

8.13 Review of Test Parts or Materials

A. Written Examinations

- 1. Under direct observation and supervision of a Commission staff member, a competitor may review the examination question booklet or practical exercise as well as inspect his/her answer sheet, provided the review of such material is not contrary to agreements made with the suppliers of test materials. The competitor may review any test items that he/she believes to be incorrectly stated, improperly keyed or to confirm his/her calculated score. A review of any written examination must be completed within five (5) working days from the mailing date of examination results.
- 2. The competitor shall be provided with a protest sheet and may protest any question, outlining the basis for the protest; however, he/she shall not be allowed to remove examination materials, copy test questions, change or mark his/her answer sheet or take notes of any kind.

3. Any protest shall be filed with the Director at the conclusion of the review session. The Director shall review and act upon all protests. The Director may allow more than one answer to a question or may disqualify a question if the protest is found to be valid.
4. The Director shall notify the protesting competitor of his/her decision. If the Director denies the protest, the competitor may appeal to the Personnel Commission in writing within ten (10) working days after the rejection; however, the appeal shall not delay other test parts of the examination process.
5. Any protest that results in a change shall require the test papers of all competitors will be reviewed and re-rated accordingly.

B. Qualifications Appraisal Interview (QAI)

1. If a competitor believes an error in the tabulating of his/her score has occurred or any illegal or unfair questions have been asked, an appeal may be submitted to the Director in writing no later than ten (10) days after establishment of the eligibility list.
2. The appeal shall specify the reasons or illegal procedure or unfair question(s) for requesting corrective action. The Director may prepare examination information using the QAI records and shall make this information available to the competitor and, with written consent of the competitor, to his/her employee unit representative.
3. Under no circumstances, shall individual panel member ratings be made known to the competitor.

C. Other Test Parts

1. Pursuant to Rule 7.06, any appeal filed by an applicant or competitor due to the disqualification or rejection of his/her employment application and/or evaluation of Training, Education and Experience Evaluation, shall be reviewed pursuant to Rule 7.07.
 2. Any appeal or protest for a practical exercise shall require the competitor to state specific reasons for requesting corrective action. The competitor shall provide pertinent and supporting evidence or information. The Director shall review the evidence provided and notify the competitor of his/her decision within five (5) working days. The final decision shall rest with the Director.
 3. This rule shall not apply to any test measuring skill (e.g., typing/keyboarding, shorthand, etc.).
- D. When the protesting competitor is a promotional candidate, in a non-continuous examination, the review and protest period shall be held prior to the appointment to any regular position opening (Education Code Section 45274).
- E. When the rankings of an established eligibility list are adjusted as a result of an appeal or protest, the adjustment shall not invalidate a certification or any appointment made prior to the ordered adjustment.

**CHAPTER IX
ELIGIBILITY AND EMPLOYMENT LISTS**

9.01 Preparation of Eligibility List; Determination of Ranks

As soon as possible, after conclusion of an examination, the Director shall prepare an eligibility list consisting of the names of persons successfully passing the examination. The names of eligible persons shall be arranged on the eligibility list in accordance with its examination:

- A. Notwithstanding the provisions above, whenever an eligibility list is to be prepared for an alternate class series, the Director shall sub-divide the eligibility list according to the number of class levels within the same series. Each sub-divided list shall only consist of the names of eligible persons passing the examination for a specified class level of the same series. No eligible person's name shall be placed on more than one sub-divided eligibility list for the same series.
- B. Notwithstanding the provisions, above, whenever an eligibility list is to be prepared for a class designated as restricted, the list shall be prepared in the same manner as that for a normal class, except whenever parent(s) of Head Start children are among the names of eligible persons, a notation shall be made to identify eligible person(s) as a "parent".
- C. For examinations announced as "Open Competitive," the names of all eligible persons shall be arranged on the eligibility list in descending final score order.
- D. For examinations announced as "Promotional Competitive," the names of regular employees including eligible promotional employees, shall be arranged on the eligibility list in descending final score. Service points shall be added to the final scores of employees in classes at equal or lower maximum salary rates.
- E. For examinations announced concurrently as "Open and Promotional Competitive," the names of eligible persons and regular employees including eligible promotional employees, shall be arranged on the respective lists pursuant to Sub Rules A and B, above.
- F. Notwithstanding the provisions of Sub Rules C, D and E, above, certain examinations, in addition to their competitive examination, shall be designated as "Continuous." As sequential competitive examinations are administered, the names of qualified persons shall be merged onto the appropriate eligibility list and rankings shall be adjusted accordingly.
- G. For examinations announced under "Dual Certification," the names of open eligible persons and regular employees including promotional eligible employee shall be arranged on the same list in descending order according to final scores. Service points shall be added to the final scores of promotional eligible employees in classes at equal or lower maximum salary rates. No open eligible person shall have veteran's credit points added to his/her final score or his/her rank adjusted unless the list is absent of promotional eligible persons or until after promotional ranks have been exhausted (See Rule 8.11).
- H. A "Merged" eligibility list shall be established if during the existence of an established list for a class, another examination, similar to the previous examination, is administered. The resulting eligibility list shall then be merged with the existing list and the names of the more recent eligible persons shall be integrated into the list in descending order according to their final scores with service points added to the scores of promotional regular employees (Education Code 45291).
- I. For examinations to establish "Unranked" eligibility lists, the names of eligible persons shall be arranged on the list in alphabetical order. No adjustment or notation shall be made to the rank(s) or the name(s) of any regular employees.
- J. A person who tests for a class that is part of a particular occupational group or series, which has lower or laterally related classes, is eligible for placement in lower or lateral class eligibility lists in that series upon testing successfully for the higher class. The lower or lateral classes must be related to the higher class and require similar, though equal or lesser knowledge, skills and abilities, as determined by the Director. Such determinations shall be subject to appeal to the Commission. The Director shall identify and announce prior to testing activities which related classes will be affected by examination and which eligible persons may be included in upon successful completion of the examination. Implementation of this rule shall not limit employees' opportunities to periodically apply or test for lower classes in particular groups or series.

Ranking, on related lower or lateral level lists, shall be based on the overall score on the higher level list. The expiration date of the original list will apply to each lower or lateral requested class ranking.

9.02 Establishment and Duration of Eligibility Lists

- A. Eligibility lists shall be presented to the Personnel Commission for approval.
- B. Eligibility list shall be specifically established for position opening(s) in classes or series assigned to regular programs and restricted funded programs. A list shall be used to fill full time and part time position opening(s) and non-permanent positions in limited-term, provisional and substitute or relief status.
- C. Eligibility lists resulting from concurrent examinations announced successively as open competitive and promotional competitive, or from promotional competitive examinations, shall be established for a period of one (1) year, and may be extended for one (1) additional year at the discretion of the Director. (Education Code Section 45300).
- D. Eligibility lists from examinations announced under continuous, dual certification or as open competitive shall be for a period of six (6) months unless noted otherwise in examination bulletins.
- E. Notwithstanding the provisions of Sub Rules C and D, above, eligibility lists established for position opening(s) restricted classes shall indicate those eligible persons who are also current or former parent(s) of Head Start children.
- F. Notwithstanding the provisions of Sub Rules C and D, above, if prior to its expiration, a list is exhausted for appointments to position openings, through use and eligible persons being unavailable or unwilling to accept employment, such list shall be terminated (Education Code Section 45300).
- G. Eligibility list for senior management or executive secretarial position openings shall be "unranked." Unranked eligibility lists shall terminate upon filling the position opening or after thirty (30) days, whichever comes first.
- H. An eligibility list resulting from the merging between an existing eligibility list for a class and a more recent eligibility list for the same class shall be established for a maximum period of six (6) months and shall not be subject to extension.
- I. Eligibility lists shall be confidential, and the relative position of an eligible on a list or his/her score shall not be made available except to the eligible person or his/her designated representative, or a department, wherein, he/she may be considered for appointment (Education Code Section 45274).
- J. An eligibility list may be abolished by the Commission prior to its expiration; however, notice of intent to abolish such list shall be sent to all eligible persons on the respective list, prior to the announcement of a new examination to establish the appropriate eligibility list.

9.03 Duties of Eligible Persons

- A. It shall be the duty of every eligible person to respond promptly after receiving notice of certification. Notification may be made by telephone, electronic email or by mail, preferably certified or registered. When the eligible person resides in the county, he/she shall respond within two (2) days after the date the notice was emailed or within two (2) days of a telephone message. If mailed, the eligible person shall respond within five (5) days after the notice was mailed. When the eligible person resides outside the county, he/she shall respond within five (5) days plus normal time required for the communication to be transmitted by mail to the residence of the eligible person and his/her answer to be returned by mail.
- B. Notwithstanding Sub Rule A, above, in the event the eligible person is notified by telegram of the certification, he/she shall present himself/herself before the appointing authority for the interview or reach the appointing authority with some form of communication within 48 hours after the sending of the telegram. Failure to respond within the times described, herein, shall be deemed an automatic waiver of certification. If this depletes a rank of eligible persons on the eligibility list, the Director may certify an additional rank from the eligibility list.
- C. An eligible person who has been certified shall be allowed two (2) weeks to report for duty after an offer of appointment to a permanent position has been made. If he/she is unable or unwilling to report by the end of two (2) weeks, he/she may be considered to have refused appointment. If this depletes a rank on the eligibility list, the recommending authority may request certification of an additional rank from the eligibility list.
- D. Notwithstanding Sub Rule C, above, the appointing authority for any regular position opening may allow longer than two (2) weeks at his/her discretion.

- E. Every person who has been placed on any eligibility list or reemployment list shall promptly and, in writing, file with the Commission his/her correct mailing address (place of residence), electronic mail address and telephone number. This address shall be the place to which the Commission and the Director shall direct all notices necessary in carrying out the provisions of the Act and these Rules. Whenever such person changes his/her mailing address, electronic mail address or telephone number, he/she shall promptly notify Classified Personnel Services naming the positions (class titles) previously applied for stating the list(s) upon which his/her name appears, together with his/her new mailing address, electronic mail address or telephone number. Failure or neglect on the part of any such person to file such information may, at the discretion of the Director, operate as a waiver of his/her order of certification and/or appointment from any such list(s).

9.04 Reemployment List

There shall be established, for each class, a reemployment list, which shall take precedence over all other employment lists in appointment. The reemployment list shall indicate:

- A. The names of employees on leave of absence for military reasons and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry. Such employees shall take precedence by having their names placed over other names on the reemployment list in any given class.
- B. According to seniority in class (reverse order of seniority), the names of laid off or demoted persons from any position, due to lack of work or lack of funds. Such employees shall, after employees on leave for military reasons, be returned to employment (Education Code Section 45298 and 45308).
- C. In order of seniority, employees, having exhausted all paid leave of absence for medical conditions or industrial accidents, shall be considered for reemployment in a given class, following reemployment consideration to employees as prescribed in Sub Rules A and B, above.

9.05 Reinstatement List

Nothing, herein, shall preclude the Commission from maintaining a list containing the names of former employees who resigned in good standing from permanent positions within the preceding 39 months; or current employees who voluntarily demoted in good standing from permanent positions to positions in related classes within lower maximum salary rates within the preceding 39 months (refer to Merit Rule 10.05(C) and Education Code Section 45309).

9.06 Demotion List

Nothing, herein, shall preclude the Commission from maintaining a list that contains the names of current employees who have vacated, in good standing, from positions in classes with higher maximum salary rates who request to be restored to a position in their former (higher) class (Rule 10.05(B)).

CHAPTER X
METHOD OF FILLING POSITION OPENINGS

10.01 Type of Appointment

All position opening(s) in the classified service shall be filled by transfer, reemployment, reinstatement or demotion or from eligible persons certified from the appropriate eligibility list by the Director. In the absence of the appropriate eligibility list, provisional appointments may be permitted in accordance with these rules.

10.02 Request for Certification of Eligible Persons

- A. A position opening in any regular or restricted class shall be defined as an unfilled position in the classified service.
- B. The Assistant Superintendent, Human Resources shall be responsible for maintaining a roster of the position opening(s) amongst the classified service.
- C. Whenever a position opening is to be filled, the appointing authority shall notify the Assistant Superintendent, Human Resources, who shall verify the position opening, shall transmit to the Director, in advance, of the date of the anticipated need, a request for certification, describing the following characteristics of the position:
 - 1. Official class title
 - 2. Position identification number
 - 3. Position status (e.g., fulltime, part-time, regular, limited-term)
 - 4. Work hours, work days/year, starting and ending times
 - 5. Department and location
 - 6. Name of supervisor
 - 7. Any special requirements
 - 8. Other pertinent information

10.03 Notices for Position Opening(s)

Prior to certifying names of eligible persons, notices of position openings shall be made available for transfer, demotion, reinstatement in accordance with these rules and appropriate collective bargaining agreements, except to mitigate the affect of a layoff or when involuntary transfer is necessary for the good of the classified service.

10.04 Order of Certification

The names of eligible persons or employees, who are available to accept employment, shall be certified for appointment from the following employment lists for the classification.

- A. Transfer Lists.
- B. Reemployment (Layoff) List of persons laid off or demoted because of lack of work or lack of funds (One name).
- C. Reinstatement (Restoration) List of persons requesting reemployment in the classification within (39) months after resignation.
- D. Competitive Eligibility List resulting from examination announced as open competitive, open and promotional competitive or as dual certification. Appointment shall be made from the first three (3) ranks of available candidates on the eligibility list.
- E. Notwithstanding, provisions of Sub Rule C and D, above, eligible ranks from the open eligibility list may be certified prior to eligible ranks on the promotional eligibility list, if the final score(s) of eligible(s) on the open competitive list are higher than those of eligible(s) on the promotional list after service points have been added (Education Code Section 45284).

10.05 Other Sources of Eligibility: Transfer, Demotion or Reinstatement

Position openings may, prior to the certification of eligible persons, be filled through other sources of eligibility such as from employees requesting transfer, demotion or by persons formerly employed in permanent status. The decision to appoint a candidate to a position opening through transfer, demotion or reinstatement shall rest with the appointing authority.

A. Transfer

A transfer is the reassignment of an employee without examination from one position to another position in the same class or to a position in a related class (same occupational group) with an equal maximum salary rate and in the same employee unit.

1. A transfer shall not be used as a device to alter the sequence of an impending layoff, although employees whose positions are to be eliminated may transfer to position opening(s) as this rule contemplates.
2. A represented employee may be involuntarily transferred to a position in the same class to meet the needs of the County Office pursuant to the appropriate contractual agreement. Such transfer shall not be made for the good of the service and not for disciplinary or preferential reasons, or to a position with less hours except through regular layoff or disciplinary procedures. The immediate supervisor shall discuss the transfer with the employee to be affected, in advance, and reiterate the discussion, in writing, to the employee.
3. A managerial employee may be involuntarily transferred for the good of the organization from one position to another in the same class at the request of his/her immediate supervisor and department head, and with the endorsement of the appropriate assistant superintendent(s). Such transfer shall not be taken for punitive or preferential reasons. The County Superintendent of Schools or his/her designee shall determine involuntary transfer position assignments for managerial employees with the approval of the Personnel Commission.
4. A request for transfer, initiated by the employee, shall be submitted on the appropriate form to the Director prior to the final filing deadline. The Director shall, if approved, forward the name(s) of the transfer candidate(s) to the appointing authority when certification is made for the names of eligible persons and other candidates.
5. If appointed, a represented employee shall be completed pursuant to the appropriate contractual agreement. The transfer of a managerial employee shall be completed within 30 working days of appointment.
6. A represented employee may transfer to a position in a related class provided such class is in the same employee unit, occupational group and assigned to a range with same maximum rate. Transfers between related classes require the approval of the Director.
7. A managerial employee may transfer to a position in a related managerial class at the same range, provided the class is sufficiently similar to his/her current class to permit transfer. The Director shall determine the transferability between two related managerial classes. Such determinations are subject to appeal to the Commission. In general, more latitude in transfers between related classes is permitted: a) as the employee's seniority in the classified service increases; b) when the transfer request is based on reclassification, impending layoff or reasons of health; and c) when the employee meets the minimum requirements for the class.
8. When an employee transfers to a related class in which he/she has not achieved permanency, he/she shall be in probationary status for a period of six (6) months or 130 days whichever is longer.
9. A transfer to another position in the same class shall not affect the seniority earnings of an employee. When an employee transfers from a position to another position in a related class, he/she shall earn seniority in the former class and in the class belonging to his/her current position.

B. Demotion

A demotion is the reassignment of an employee to a position in a related class with a lower maximum salary rate than his/her prior class.

1. A demotion between classes or series within the same group (family) shall be without examination, unless otherwise determined by the Director. Such determination shall be subject to appeal to the Commission.
2. A request for demotion shall be submitted on the normal application form to the Director prior to the final filing deadline. The Director shall forward the name(s) of the demotion candidate(s) to the

appointing authority when certification is made for the names of eligible persons and other candidates. After demotion, the employee shall be in permanent status unless permanency in such class has never been attained.

3. An involuntary demotion is a disciplinary action for cause, the procedures for which are set forth in Rules 14.03-14.05.

C. Reinstatement (Restoration)

1. A former employee may be reinstated, within 39 months, without examination, to any prior class held in permanent status, provided the same or significantly similar tests of fitness still apply.
2. Any reinstatement to a different class held with a lower maximum salary rate than the class held, at the time of resignation, shall be considered a demotion, and the reinstated employee shall be eligible to subsequent reinstatement to his/her higher permanent status pursuant to Sub Rule C(1), above (Education Code Section 45309).
3. Reinstatement of an employee may be in regular or limited-term status.
4. In instances where the class from which a former permanent employee resigned has ceased to exist or has been separated into more than one class or expanded into an alternate class series, the former employee may be reinstated into the most appropriate class or series level at the same or closest range for which the former employee is qualified, subject to approval of the Director.
5. An employee who accepts a demotion from his/her permanent position may be reinstated or restored to a vacant position in his/her former class or to a position in a related lower class as determined by the Commission within 39 months, provided the same or similar tests of fitness under which he/she qualified for appointment to the class still apply. Restoration (reinstatement) is at the discretion of the appointing authority.
6. Reinstatement or restoration of an employee shall have the following effects:
 - Restoration to former step in the salary range for the class, or if re-employed in a class with a lower maximum salary step, to the step on the salary range which is equal or closest to, but not less than, the former salary step.
 - When the former class ceases to exist or has been reallocated to more than one class or expanded into an alternate class series, the Director shall determine the step placement. Such determinations may be appealed to the Personnel Commission.
 - Restoration of former anniversary date, but without step advancement credit for the off-duty period.
 - Restoration of all rights, benefits and burdens of a permanent employee in the class to which restored (Education Code 45309).

10.06 Method of Certification

- A. All eligible persons occupying the first three (3) ranks on the list who are ready and willing to accept the position shall be certified for the opening. The department with the opening may appoint any one of these candidates. The eligible persons not selected shall have their names returned to the eligibility list and will be certified along with eligible person(s) occupying the next highest rank on the eligibility list for the next opening.
- B. Notwithstanding the provisions in Sub Rule A, whenever certification is for a position opening in an alternate class series (with two (2) levels), the names of eligible persons occupying the first three (3) ranks from both class level (sub) lists shall be certified. The department with the alternate class series position opening may make appointment to such opening from either class level (sub) list. When only one (1) class level (sub) list exists for a position in a two (2) level alternate class series, such position shall be certified in the same manner as a position in a regular class.
- C. Notwithstanding the provisions in Sub Rules A or B, certification for a restricted position opening shall consist of the names of eligible persons occupying the first three (3) ranks as well as other eligible persons in lower ranks who are current or former parents of enrolled children in the Head Start Program. A restricted position opening in an alternate class series shall be certified in the same manner as an alternate class series position opening in a regular class; except the names certified shall also include other eligible persons in lower ranks who are current and former parents of enrolled children in the Head Start Program.

- D. The person or persons designated to recommend the final selection shall interview all eligible persons certified and shall notify the Director of the recommendation within thirty (30) days following receipt of the certification list. If, for any reason, the certification list is not utilized, or if the candidates fail to respond, the Director must be notified within five (5) workdays following receipt of the certification list.
- E. Notwithstanding the provisions in Sub Rules A, B or C, if the appointing authority has previously interviewed one (1) or more of the eligible person(s) certified for the same class within the preceding four (4) weeks, he/she may base a recommendation for selection/non-selection on the original interview. If more than four (4) weeks but less than three (3) months have elapsed, the person(s) certified and the appointing authority may agree mutually to have a recommendation based on the earlier interview. When more than three (3) months have elapsed since an earlier interview (or if mutual agreement cannot be reached as previously stated) the appointing authority shall be required to re-interview such candidate(s).
- F. Appointment may be made from other than the first three (3) ranks of eligible persons when the ability to speak, read or write a language in addition to English, or when a valid or special driver's license is a requirement of the position. The three (3) candidates possessing the requirement shall be certified in the order of their relative place on the list. If less than three (3) eligible persons meet the requirement, the top eligible person(s) shall be certified plus those possessing the requirement, provided that the total number certified not exceed three (3).
- G. In the absence of an eligibility list for a class in which an opening exists, the Director may authorize certification from a list of a another class at the same or higher salary level, if the duties and qualifications of the class for which the examination was given included substantially all of the duties of the position to be filled, provided that the Commission determines that the use of the list is in the best interest of the County Office of Education.
- H. The names of eligible persons certified shall remain on the list from which certification was made and shall be certified along with eligible person(s) occupying the next highest rank on that list for the next opening.
- I. When fewer than three (3) ranks of eligible persons are available for certification, the available persons in those ranks shall be certified; however, the appointing authority may request a new examination be given.
 - 7. Notwithstanding the provisions of Sub Rule H, above, when certification is for an alternate class series, fewer than three (3) ranks shall be interpreted to mean the number of remaining ranks, after combining the ranks of all available eligible persons from all class level lists for the same series, is less than three (3).
 - 8. Notwithstanding the provisions of Sub Rule H, above, when certification is for a position in a class designated as "restricted," fewer than three (3) ranks shall be interpreted to mean the number of remaining ranks with available eligible persons, including eligible parents, is less than three (3).

10.07 Withholding Names from Certification

Name of eligible persons may be withheld from certification or removed from the eligibility list by the Director for any of the following:

- A. The reason(s) enumerated in Rule 7.06.
- B. Inability to contact the eligible person within a reasonable time, due to inaccurate telephone number, electronic mail address or a change in address (place of residence).
- C. Failure to respond to an inquiry from the Director or his/her designee regarding available regular employment.
- D. Conviction of felony or misdemeanor involving a charge of any sex or narcotics offense or mistreatment of children.
- E. Proof of fraud of false statements in the application or proof of fraudulent conduct in connection with an examination.
- F. Permanent appointment to a position in the class with a standing eligibility list.
- G. Certification to the same appointing authority three (3) times without appointment. The appointing authority shall communicate his/her reasons for rejection to the Director and the eligible person so rejected may request a hearing by the Commission to determine the sufficiency of the reasons given. The Commission may order the person's eligibility be restored.
- H. Termination of employment, for cause, with this County Office of Education or a record of unsatisfactory work performance from a previous employer.

- I. Upon request, death, or upon resignation from the classified service of an on a dual certification or promotional competitive list.
- J. Failure to appear or to arrange for an interview with an appointing authority within a reasonable time after notification or certification or failure to appear for work after appointment.
- K. This rule shall not apply to a promoted employee if his/her start date (change of status) is determined by mutual agreement between the employee's current supervisor and the appointing authority.
- L. Waiver to accept two (2) regular positions includes promotional opportunities for employees after certification from eligibility lists established under competitive examinations announced such as open, promotional or open and promotional.
- M. Waiver to accept employment in a regular employment or a promotional opportunity for any position certified from an eligibility list established under dual certification or unranked.
- N. Does not possess the special license, skill, or the required Bona Fide Occupational Qualification (BFOQ). NOTE: The Director shall release for certification the name of any such eligible when the particular requirement has been met.
- O. Eligible related to the appointing authority or another manager with influence as to his/her supervision, evaluation or discipline or decisions relating to his/her compensation.
- P. Eligible, if appointed, will supervise, evaluate or discipline a relative or may influence or make decisions relating to the compensation of a relative.
- Q. For the purposes of Paragraphs (O) and (P), "relative" shall mean mother, father, spouse, brother, sister, son, daughter, niece, nephew, aunt, uncle, stepfather, stepmother, stepbrother, stepsister, stepson, stepdaughter, whether by marriage, blood, or legal adoption.

10.08 Waiver of Certification

An eligible person may waive certification upon giving satisfactory reason, in writing, to the Director. Such name shall not be certified until waiver has expired or has been withdrawn. An eligible may waive certification of temporary appointment in a particular location or section to which he/she wishes not to be certified. After three (3) waivers, the candidate shall be removed from the eligibility list.

10.09 Rules for Restoring Names to Eligibility List

When the name of a person has been withheld from an eligibility list or removed from certification, the name of the former eligible may be restored or activated by the Director under the following circumstances:

- A. When removal is caused by waiver or inability of the eligible person to accept employment or failure to respond to inquiry as to his/her availability to appear for interview, or to present himself/herself for duty, and the applicant presents a good and valid reason and certifies to the Personnel Commission that he/she is now willing and able to accept appointment.
- B. When withholding or removal was for a reason stated in Rule 10.07 and such action was improper or the defect has since been corrected.
- C. Revisions and withdrawals of voluntary waivers shall not require approval by the Personnel Commission. A former employee reinstated and assigned in accordance with Rule 10.05(C) shall, upon written request to the Director, have his/her name restored for certification purposes to its place according to score on any promotional only or open and promotional list which is still current, in which his/her name appeared at the time of separation.
- D. Persons whose names are not certified from promotional only and open and promotional eligibility lists in accordance with this rule shall not have the right of appeal.

10.10 Appointment

After interview and any investigation desired, the County Superintendent of Schools or his/her designee shall make appointments from among those certified and shall immediately notify the Director of the person or persons appointment. If the eligible fails to report for duty at the time and place agreed upon, he/she shall be deemed to have declined the appointment. The County Superintendent of Schools or his/her designee shall have a choice of three (3) persons in filling any vacancy. If less than three (3) persons are available, a regular appointment may be made from among those available or a provisional appointment may be made in accordance with Rule 10.11.

10.11 Provisional Appointment

- A. If no regular appointment is made and less than three (3) eligible persons are available for appointment, a provisional appointment may be made of a person meeting the employment standards for the class with the approval of the Director.
- B. If a provisional appointment is made, the Director shall immediately proceed to establish a list of persons qualified for testing and shall make certification from the resulting list to the appointing authority. A regular employee may receive provisional appointment for a period not to exceed a total of 90 working days. A 90 calendar-day interval shall then elapse during which the person will be ineligible to serve in any full-time provisional capacity (Education Code Section 45287).
- C. The Director may authorize the extension of a provisional employee's assignment for a period not to exceed 36 working days. No person shall be employed in provisional capacities for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position as defined in Section 45256, successive 90 working day provisional appointments may be made to the part-time position for a total of more than 126 working days in a fiscal year (Education Code Sections 45287 and 45288).
- D. The services of a provisional appointee shall be terminated within 20 days after the date on which an eligibility list has been established, provided that this 20 day period does not extend beyond the 90 working day provisional assignment (Education Code Section 45287).
- E. A provisional appointment may be terminated at any time at the discretion of the appointing power.

10.12 Emergency Appointment

- A. To meet the immediate requirements of an emergency condition, the County Superintendent of Schools or his/her designee may appoint persons to the Classified Service as may be needed for the duration of the emergency without regard for these rules affecting appointments, except that no such appointees shall serve no more than fifteen (15) workdays.
- B. Current and appropriate reemployment lists and eligibility lists shall be given priority in making emergency appointments; however, Personnel Commission Rule 10.04, (the rule of three ranks) shall not apply (Education Code Section 45290).
- C. If emergency appointments cannot be made from current reemployment lists or eligibility lists, the County Superintendent of Schools, may make emergency appointments of persons who are immediately available.
- D. When an emergency appointment is made, the appointing authority making the appointment shall notify the Director, in writing, giving the name of the appointee, date of appointment, rate of pay, duties to be performed and justification for the appointment.

10.13 Substitute Appointment

- A. Whenever necessary, in any class, there may be established and maintained a list for substitute or relief position assignments. Selection of candidates for such a list shall be made in the following order: first, from the reemployment list; second, from the eligibility list for that class in the order of rank on such lists and the willingness of the candidate to accept such employment; third from other lists specifically created to provide available substitute personnel for position openings or relief during periods of peak work loads.
- B. Substitute assignments may be made in the absence of the regular employees or to fill a vacant position while recruitment efforts are made. Also, a substitute assignment may be made in a lower class related to that of the absent employee if the assigned duties are adjusted accordingly.
- C. A substitute assignment may not exceed in duration the absence of the employee, but it need not coincide with the dates of the absence.

10.14 Limited-term Appointment

- A. The County Superintendent of Schools may establish positions in which duration is six (6) months or less; such positions shall be designated "limited-term", shall be a part of the classified service and subject to classification by the Personnel Commission. The Director may classify limited-term positions subject to later ratification if the good of the service demands expeditious action (Education Code Section 45286).

- B. Persons on layoff, who have expressed interest in limited-term employment within 39 months, shall be re-employed as limited-term employees (in same class or another class exhibiting similar characteristics) in preference to other employees, eligible persons or substitute workers.
- C. When a limited-term position is not filled through the temporary promotion of a regular employee, a limited-term position shall be filled from candidates appearing on appropriate eligibility lists established under Rules 9.01 and 9.02 (same class or class exhibiting similar characteristics). Prior to accepting (through temporary promotional appointment) a limited-term vacancy in a higher class, the regular employee must meet the minimum qualifications for the higher class and obtain a release from his/her regular position. When necessary, Commission staff shall administer the appropriate examinations (except Qualifications Appraisal Interview (QAI) test parts) to verify or reaffirm fitness of the employee recommended for the limited-term vacancy in the higher class (Education Code Section 45286).
- D. If an eligible has been appointed from an eligibility list to a limited-term position he/she shall continue to be eligible for limited-term appointments in the same or related lower class after the eligibility list has expired. The same privilege of continued eligibility shall apply to a former employee who resigned in good standing and who accepted a limited-term appointment within 39 months after resignation. The names of such persons shall be ranked in the order of seniority on a special list used for limited-term appointments and shall be certified before the current eligibility list. Names may be removed from this list for any of the causes listed in Rule 7.06 and 10.07.
- E. In the absence of the appropriate eligibility list, a limited-term position may be filled from persons appearing on a substitute relief lists (classes within same occupational group). Substitute relief lists shall be established meet the immediate staffing needs of the County Office (refer to Rule 10.13).
- F. Provisional appointments may be made to limited-term positions subject to the provisions of Rule 10.11.
 - 1. When a regular (represented) employee is appointed to limited-term position in a higher class designated as management, supervisory or confidential, he/she shall be paid in accordance with Rule 15.15.
 - 2. Laid-off employees who are re-employed as limited-term employees in the same class or lower related class within 39 months or former regular employees who are reinstated as well as employees who are serving in limited-term positions while retaining regular status in the same class or in another class shall be paid in accordance with Rule 10.05(C)(6) and shall continue to earn and be granted all rights and benefits of a regular employee. All other limited-term employees shall be entitled to only those benefits provided by these rules, law or granted at the discretion of the County Office of Education.
- G. Regular employees who are serving in limited-term positions while retaining regular status in the same class or in another class shall continue to earn and be granted all rights and benefits of a regular employee. All other limited-term employees shall be entitled to only those benefits provided by these rules, law or granted at the discretion of the County Office of Education.
- H. Limited-term appointments shall be subject to termination at any time. Limited-term employees may be dismissed for cause, which cause shall be made known to them and to the Director in writing. The Director may remove the employee's name from the special list for limited-term appointments, if his/her investigation supports such action.

10.15 Employment of Professional Expert Persons

- A. For the purposes of this section, the Personnel Commission delegates its approval authority for professional expert assignments or community representative employment to the Director.
- B. The employment of a professional expert shall not exceed six (6) months.
- C. When a professional expert position assignment is to be established by the administration shall submit to the Director a description of the project or service to be provided, its duration and the duties to be performed as well as the individual's name and supporting data relative to his/her qualifications. Any request to extend individuals employed in professional expert shall be submitted to the Director and subject to approval by the Commission.
- D. The Director shall review supporting documents and the individual's qualifications to ensure that: 1) the authorized duties are not those normally assigned to a class of positions in the classified service; 2) the authorized employment is not made to avoid payment of overtime to an appointed employee; 3) the authorized duties are approved, in advance, as provided by these rules, and; 4) a regular classified or certificated employee of the County Office shall not receive concurrent appointment to such a

position/assignment. In order to be exempted from the classified service as a professional expert, the individual must be recognized as such by reputable members of his/her own profession.

NOTE: Examples of professional expert positions and community representative employees include, but are not limited to, auditors, building inspectors, engineers, executive search advisors, police officers and other licensed personnel as well as individuals employed as lecturers or trainers.

10.16 Employment of CALPERS Retired Members

- A. Any person receiving a retirement allowance from the California Public Employees Retirement System (CALPERS) may be temporarily employed for a period not to exceed 120 days or 960 hours in any calendar year or 35 percent of the hours the retired person was employed during the last fiscal year of service prior to retirement in the calendar year whenever other eligible persons are not available and the retiree's skills or knowledge are needed, or during an actual emergency to prevent stoppage of school business, provided that:
 - 1. The retired person has been approved by the Assistant Superintendent, Human Resources, or his/her designee for assignment prior to initial assignment in each fiscal year.
 - 2. The retired person certifies to an understanding that employment with the County Office of Education and any other employer under contract with CALPERS shall not exceed 120 working days or 960 hours except as otherwise provided by Education Code Section 45135, 59007 and 59113, and that employment shall be at the discretion of the County Superintendent of Schools.
 - 3. For the purposes of this rule, "working day" shall mean any day for which pay is received regardless of the number of hours worked.
- B. CALPERS retired persons who work for the County Office of Education shall be compensated in the following manner:
 - 1. A retired person who is a former permanent classified employee of the County Office of Education may be compensated in accordance with his/her prior salary history (before retirement) and in classes where permanency was achieved. Compensation to a retiree person, assigned to a class where he/she has no record of prior salary earnings, shall be paid at the first step in the salary range for the class assigned.
 - 2. Other retired persons of CALPERS shall be paid on the first step in the approved salary range of the class to which the retired person is assigned, but may be paid on a higher step upon the recommendation of the appointing authority and the approval of the Director. In no case shall compensation be at a rate other than the salary paid to regular employees in that class.
 - 3. The above rules shall be the factors that determine the compensation paid to a retiree. Compensation paid to a retiree in a substitute assignment shall be equivalent to compensation paid in a limited-term position, provided the work is of the same class.
- C. A retired person may be employed without reinstatement or loss or interruption of benefits provided by CALPERS upon temporary appointment by the County Office of Education.
- D. A retiree person may be employed under this rule in limited term position shall be entitled to all fringe benefits applicable to limited term status only, except retirement adjustments.
- E. A retiree shall not be granted leaves, other than paid industrial accident leave as provided in Rule 12.08.
- F. The appointing authority shall certify to the Director that a retiree employed under this rule meets the provisions, thereof, and has combined calendar-year employment with all CALPERS covered employers, does not exceed 120 days or 960 hours, or 35 percent of the hours the retired person was employed during the last fiscal year of service prior to retirement. It is recommended that the appointing authority secures an affidavit from the retiree as to his/her eligibility and/or authorizes the County Office of Education to certify eligibility with CALPERS.

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 statutes 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.

CHAPTER XII LEAVES AND HOLIDAYS

12.01 Vacation

A. General Policies

1. A regular classified employee, permanent and probationary shall earn vacation at the prescribed rate as part of his/her compensation. Regular classified employees who are on leave to serve in a limited-term assignment, or who serve in limited-term assignments during periods when they are not regularly assigned, shall earn vacation during such limited-term assignments.
2. Vacation accrual for classified represented employees shall be based on full-time employment (40 hours per week, 12 months per year), in accordance with contractual agreements.
3. Vacation time for less than full-time employees or employees hired after the beginning of a fiscal year shall be provided on a prorated basis.
4. Represented employees may carryover unused and accrued vacation from the preceding year to the succeeding year in accordance with contractual agreements. Classified managerial employees may carryover a maximum of 44 days of unused vacation from the preceding year into a subsequent fiscal year.
5. Vacation shall be granted at any time consistent with the desire of the employee, workload of the department and the needs of the County Office of Education.
6. An employee may be granted vacation at any time during the fiscal year though not earned at the time the vacation is taken.
7. The rate at which vacation is paid shall be the employee's current rate. An employee whose vacation is earned and begun under a given status shall suffer no loss of earned vacation salary by reason of subsequent changes in conditions of employment.
8. Earned vacation shall not become a vested right until completion of the probationary period.
9. Vacation shall not be earned while an employee is on an unpaid leave of absence.
10. Upon separation from service, an employee shall be entitled to lump sum compensation for all earned and unused vacation at a rate of pay applicable to his/her last regular assignment.
11. When an employee separates from service, the employee shall be entitled to lump sum compensation for earned but unused vacation. If the employee terminates employment having taken vacation that he/she has not yet earned at the time of separation, the amount of unearned vacation shall be deducted from the employee's last paycheck.
12. A classified employee, who commences his/her prescribed vacation period and subsequently becomes ill before his/her vacation period has been completed, shall be placed on sick leave, provided the employee submits sufficient medical evidence.
13. Classified managerial employees shall earn vacation at the rate consistent with certificated management positions.
14. Commission management employees shall earn vacation at a rate consistent with other classified management and supervisory employees.
15. When a managerial employee demonstrates that he/she has been prohibited, because of job requirements, from taking his/her authorized, accrued or unused vacation during the fiscal year, he/she may request for vacation payoff through their assistant superintendent, who in turn will make a recommendation to the County Superintendent of Schools. Final approval shall rest with the County Superintendent of Schools. Vacation payoff shall be paid at the hourly rate and limited to eleven (11) days per fiscal year, unless otherwise approved by the Superintendent.
16. A managerial employee may request to be compensated for a maximum of five (5) vacation days in lieu of vacation for an extreme emergency. An employee shall submit his/her written request, describing the need, directly to the County Superintendent of Schools with a copy to the appropriate assistant superintendent.

12.02 Interruption or Termination of Vacation Leave

- A. A permanent employee may interrupt or terminate paid vacation leave in order to begin another type paid leave without return to active service provided approval is granted by the County Office of Education.

- B. A permanent employee who becomes ill, injured or quarantined while on paid vacation may request the County Office of Education to change that portion of his/her vacation to sick leave when any of the following occur:
1. Attendance of a physician was required.
 2. Proof of illness, injury or quarantine is furnished by the physician.
 3. The employee was incapacitated to perform his/her duties.
 4. The employee has sick leave available.

12.03 Sick Leave

A. Definition

Sick leave is the authorized absence of a classified employee because of illness, injury, exposure to contagious disease or serious illness in the employee's immediate family.

B. Sick Leave Bank

At the beginning of each fiscal year, the sick leave "bank" of each regular employee shall be credited with the number of days of paid sick leave which he/she would normally earn in the ensuing fiscal year. An employee's bank shall be adjusted if a subsequent change of assignment alters the amount earned sick leave. Benefits accrued while on paid sick leave shall be the same as the benefits which would have been accrued had the employee worked.

C. Accrual of Sick Leave

1. Regular employees (probationary and permanent) shall accrue sick leave in accordance with the provisions of Education Code Section 45191. Full-time employees shall accrue eight hours of sick leave for each calendar month of service. Accrual of sick leave for regular part-time employees shall be prorated.
2. Regular employees whose work year is extended shall accrue sick leave for service performed during the extended period.
3. Limited-term employees in assignments of at least three (3) months in duration shall accrue sick leave in the same manner as regular classified employees.

D. Use of Sick Leave

1. Sick leave may be used by a classified employee for absence from work due to illness, injury, exposure to a contagious disease, serious illness in the employee's immediate family or personal necessity to the extent authorized by this rule, provided the employee has sick leave credits available.
2. A new probationary employee shall not be eligible to take more than six (6) days of sick leave, or the proportionate amount to which he/she may be entitled under Education Code Section 45191 until the first calendar month after completion of six (6) months of active service with the County Office.
3. Pay for sick leave shall be the same as the pay, which would have been received, had the employee worked that day. The provisions of Education Code Section 45137 in addition to those of Section 45191 apply to sick leave for part-time employees.
4. In order to receive compensation while absent on sick leave, a classified employee must notify his/her immediate supervisor within the first hour of the first day absent, unless conditions make notification impossible. The burden to justify that impossible conditions existed shall be upon the employee. If the absence for illness is to be longer than one day, subsequent notification for each day's absence is required unless the duration of the absence can be stated at the time of the original notification. At least one day prior to his/her expected return to work, the employee shall notify his/her immediate supervisor in order that any relief/substitute personnel, if employed, may be released.
5. A managerial employee who is absent from work for three consecutive days or more may be required to present a physician's written verification detailing the nature of the illness or injury and the date the employee is able to return to work.
6. A managerial employee who is absent from work for one month will be required to submit a physician's written verification of illness. This report is in addition to regular absence forms required for each absence.

7. The County Superintendent of Schools reserves the right to require a physician's verification at any time.
8. Sick leave of no more than the amount entitled to, per year, may be granted in advance of being earned. If an employee separates from the classified service, any sick leave overpayment shall be reimbursed to the County Office of Education.
9. An employee shall be entitled to be absent from duty when illness or injury prevents him/her from performing his/her assigned duties. Credit for such absence for illness or injury is accrued on the basis of one day per month of employment. Pregnancy, miscarriage, childbirth, or recovery is a temporary disability for which sick leave may be utilized. The employee and the employee's physician therefrom shall determine the date of commencement of absence from duties because of pregnancy, miscarriage, childbirth or recovery. The employee and the physician shall determine the date for resumption of duties. The physician's verification for the commencement of absence from duties and resumption of duties shall be based on the employee's physical ability to perform assigned duties.
10. An employee shall be permitted to irrevocably donate his/her unused sick leave credits to another employee, certificated or classified, who has exhausted all paid leave, when that employee or a member of his/her family is incapacitated due to a catastrophic illness or injury. (Education Code Section 44043.5).

E. Accumulation of Sick Leave

Unused sick leave shall accumulate from year to year without limitation.

F. Transfer of Sick Leave

1. Any classified employee of a school district, county superintendent of schools or community college district in the State of California who has been employed for a period of one (1) calendar year or more whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently accepts employment with the Santa Clara County Office of Education within one year of the termination of his/her former employment, shall have transferred with him/her to the County Office the total amount of earned sick leave to which he/she is entitled under Education Code Sections 45191 or 88191.
2. In any case where an employee was terminated as a result of action initiated by the employer for cause, the transfer of sick leave may be made if agreed to by the County Superintendent of Schools.
3. All or any part of the previous service, not separated by a break in service greater than one year as of the last day of paid service, may, if agreed to by the County Superintendent of Schools, shall be construed to have been served in the County Office of Education for seniority purposes, except that the previous service may not be counted, for seniority purposes, when position or personnel reduction is ordered for any reason by the County Office of Education.
4. The County Office of Education shall not require any classified employee transferring into the Office to waive any part or all benefits for which they may be entitled to have transferred in accordance with this section (Education Code Section 45202).

12.04 Personal Necessity Leave (PNL)

- A. A regular managerial employee, at his/her discretion, may elect to use a maximum of seven (7) days of personal necessity, including any of the following:
 1. Death of a member of his/her immediate family of the employee when additional leave is required beyond that provided in Rule 12.05 (Education Code Section 45194).
 2. Accident, involving his/her person or property, or the person or property of a member of his/her immediate family as defined in Rule 12.03(D).
 3. Appearances in any court or before an administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction.
 4. Three (3) of the seven (7) days may be used with no explanation given to the managerial employee's immediate supervisor; however, advance approval of the intended absence from the employee's immediate supervisor shall be given, whenever possible.
- B. No earned sick leave in excess of seven (7) days may be used in any fiscal year for the purposes enumerated in this section (Education Code 45207).

12.05 Bereavement Leave

A regular classified management, supervisory or confidential employee shall be entitled to a maximum of five (5) days leave of absence, without loss of pay, for the death of any member of his/her immediate family or any individual living in the immediate household. For the purposes of this rule, the term "family" shall include: spouse, domestic partner, son, son-in-law, daughter, daughter-in-law, brother and sister of the employee and also mother, father, grandfather, grandmother, grandchild, brother-in-law, sister-in-law, step-child and step-parent of the employee or the spouse or domestic partner of the employee (Education Code Section 45194).

One (1) day of leave may also be granted to attend funeral services of other family members. Such leave shall not be deducted from other earned leave.

A represented employee in regular status shall be entitled to bereavement leave in accordance with the appropriate contractual agreement.

12.06 Family Care Leave

A. Eligibility

A managerial employee who has completed a minimum of 1,250 hours of service shall be entitled to a paid leave (using his/her sick leave credits) or to an unpaid leave of absence for the purposes of caring for a seriously ill child, parent, spouse or domestic partner as defined in Sub Rule D subsection four (4) of this rule. Family care leave for the purpose of caring for a seriously ill child, parent, spouse or domestic partner shall only be available if the employee provides certification by a health provider or physician that the employee is needed to care for his/her seriously ill child, parent, spouse or domestic partner.

B. Duration

A managerial employee shall be entitled to three (3) months (or a total of 66 workdays) of family care leave within a twelve-month fiscal period. Family care leave may be taken intermittently or on a reduced schedule and may be taken concurrently with sick, differential, industrial and other leaves of absence to which the employee is entitled. Family care leave, at the end of the twelve-month period, shall not be carried forward to the subsequent twelve-month period.

C. Employee Notice

A regular employee shall provide reasonable advance notice to the County Office of Education of the need for family care leave including, the date the leave will commence and the estimated duration of the leave. If the need for a leave in excess of thirty (30) days becomes known, prior to the commencement of leave, the employee shall attempt to provide at least thirty (30) days written notice.

D. Definitions: For the purposes of this rule the following definitions shall apply:

1. A "serious health condition" shall be defined as an illness, injury, impairment or physical or mental condition that involves either (1) in-patient care (e.g., an overnight stay) in a hospital, hospice or residential medical care facility including a period of incapacity or subsequent treatment in connection with such in-patient care, or (2) continuing treatment by a health care provider as defined by federal and state regulations. A "serious health condition" shall not include prenatal care or pregnancy related disability for purposes of determining family care leave entitlement.
2. "Parent" shall be defined as biological, foster or adoptive parent, a stepparent or legal guardian.
3. "Child" means biological, adopted or a foster son or daughter, a step-son or a step-daughter, a legal ward, or a son or daughter of a person standing in place of a parent who is either under 18 years of age or an adult child who is incapable of self-care because of mental or physical disability.
4. "Domestic partner" shall be defined as an adult who has lived together with another adult in an exclusive committed relationship for a period of no less than twelve months. To qualify as a classified employee in a domestic partnership, the employee must complete "A Domestic Partnership Form." This form must be signed by the employee and his/her domestic partner before a notary public, and filed in Human Resources.

E. Health Insurance Coverage

Health insurance coverage shall be continued for a employee on family care leave, for a period which together with other continued health coverage provisions including, Prolonged Health Problem, Parenting and Child Rearing Leave and Pregnancy Disability Leave, not to exceed 66 workdays within a fiscal year

period. An employee may elect to use accrued vacation and/or sick leave during this unpaid leave of absence.

F. Return from Leave

Upon return from leave, an employee shall be reinstated to an equivalent position.

12.07 Extended Illness Absence

In the event of an absence of a permanent classified employee because of non-industrial illness or accident which continues beyond all available sick leave, vacation, and any other paid leave of absence benefits, the following procedures shall be followed:

- A. The employee's name shall be carried on the County Office's rolls in an extended illness absence status for a period of no more than 100 days from the date of his/her paid leave of absence benefits are exhausted.
- B. Prior to or at any time during the 100 day extended illness absence period, verification of the employee's continued illness or injury may be required from the attending physician.
- C. The employee may be returned to his/her regularly assigned duties at anytime during the 100 day period upon certification by the attending physician that the employee is physically and mentally able to perform such duties as the County Office of Education may require until such time as the employee is able to perform the essential functions of the job.
- D. In the event that the absence of the employee will continue beyond the 100 day extended illness absence period, it is the employee's responsibility to initiate a request for a leave of absence. The request should be accompanied by a recommendation of the attending physician. A leave of absence will be limited to one calendar year, unless extended by the County Office of Education at the employee's request.
- E. If at the conclusion of all leaves of absence the employee is still unable to assume the duties of his/her position, his/her name shall be placed on a reemployment list for a period of 39 months.
- F. Notwithstanding any prior rule, the County Superintendent of Schools may grant a classified management, supervisory or confidential employee, an unpaid leave of absence, for a period not to exceed twelve (12) months, after exhaustion of all other paid leaves.
- G. Whenever a managerial employee has written verification from a physician that his/her illness appears to be terminal, the County Office of Education shall continue to pay the terminally ill employee his/her full salary for each month or part thereof that the employee survives for a period not to exceed twelve (12) months. Workers' compensation and long-term disability payments shall cease whenever this rule is implemented.

Terminal illness leave shall commence upon exhaustion of all other applicable paid and unpaid leave provisions and receipt of the statement of terminal illness from a qualified physician. County Office paid health benefits and retirement contributions shall be continued in full force during the period in which the provisions of this rule are in effect; however, sick leave and vacation accrual shall cease during such leave.

12.08 Industrial Illness or Accident Leave

Classified employees absent from duty because of industrial illness or accident shall be entitled to Industrial Illness and Accident Leave as set forth in the following conditions and regulations:

- A. Any absence which is supported by a physician's certificate and which is verified by the administering agency of the County Office of Education as qualified for workers' compensation is an absence payable under industrial illness and accident leave. During the period of determination by the administering agency, the payroll charge will be made to the employee's sick leave account. If the claim is approved, an adjustment will then be made restoring to the employee the sick leave previously charged from the first day of absence, and a charge made in lieu thereof to industrial illness and accident leave. In the event the employee does not have sick-leave credit, appropriate payroll deductions will be made. If the claim is approved, reimbursement will then be made on the first available warrant register. Industrial Illness and Accident Leave will commence on the first day of authorized absence.
- B. A maximum of 60 workdays of industrial illness and accident leave is allowable for any one illness or accident, and shall be used in lieu of entitlement to any other paid leave. Eligibility for industrial illness or accident leave will continue for only such period as the employee qualifies under the workers' compensation laws. An industrial accident or illness leave may overlap into any other fiscal year by no

more than the amount of the 60-day leave remaining at the end of the fiscal year in which the injury or illness occurred, provided employment for that fiscal year is approved by the Board of Education.

- C. Industrial illness and accident leave shall not be accumulative from year to year, nor from one accident/illness to another.
- D. If the employee's absence due to an industrial illness or accident is extended beyond 60 workdays, the employee's available sick leave, compensatory time, vacation or other available leaves shall be integrated with temporary disability benefits in order to provide a full day's wages. In no case shall compensation, when added to temporary disability benefits, exceed the rate of compensation to which the employee would, otherwise, be entitled.
- E. Upon complying with County Office medical-release requirements and receipt of County Office authorization to return to work, an employee on Industrial Illness and Accident Leave shall be reinstated in a position in the same class without loss of status or benefits.
- F. If an employee is not medically able to assume the duties of his/ her position after all industrial illness and accident leave, sick leave, vacation, compensatory time and extended illness absence leave have been exhausted, his/her employment shall be terminated and his/her name shall be placed on a reemployment list for a period of thirty-nine (39) months. When medically released by the County Office-approved doctor for return to duty during the thirty-nine (39) month period, he/she shall be employed in the first position opening in the class of his/her previous assignment over all other available candidates, except for those on a reemployment list established because of lack of work or lack of funds. An employee who fails to accept an appropriate assignment shall be removed from the reemployment list.
- G. An employee receiving benefits as a result of an industrial illness or accident shall, during periods of injury or illness, remain within the state of California unless the Board of Education authorizes travel outside the state.
- H. For purposes of this rule, the term "duty" refers to all scheduled working days, including legal and Board-declared holidays on which an employee in the classified service is authorized to receive salary payments.
- I. The term "qualifying for workers' compensation" presupposes that an accident report has been filed according to established procedure and that the administering agency considers the claim valid. In the event of rejection of the claim by the administering agency, industrial accident leave shall not apply.

12.09 Jury Duty and Witness Leave

- A. Leave of absence for jury service shall be granted to any classified employee who has been officially summoned to jury duty in local, state, or federal court. Leave shall be granted for the period of the jury service. The employee shall receive full pay while on leave provided that the jury service fee for such leave is assigned to and the subpoena or court certification is filed with the County Office. Presenting the official court summons to the County Office of Education shall make request for leave of absence due to jury duty.
- B. Leave of absence to serve as a witness in a court case shall be granted an employee when he/she has been served a subpoena to appear as a witness, not as the litigant in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided that the witness fee for such leave is paid to and the subpoena or court certification is filed with the County Office of Education. Request for leave of absence in order to serve as a witness shall be made by presenting the official court summons to the County Office of Education.
- C. The jury service fee and witness fee referred to in A and B respectively do not include reimbursement for transportation expenses.
- D. An employee who has received leave of absence under this rule shall make himself/herself available for work during hours when his/her presence is not required in court.
- E. Night workers shall be allowed time off from their regular duties on each day jury service is performed. The time off duty per day will be the same amount of time as the jury service performed on that day.

12.10 Absence for Examination

A represented employee shall be granted release time to participate in promotional testing in accordance with contractual agreements.

A managerial employee, upon reasonable notice to his/her immediate supervisor, shall be eligible to participate in any examination conducted by the Personnel Commission without loss of pay, provided the Director has properly notified the employee that he/she is eligible to participate.

12.11 Absence for Medical and Dental Appointments

A represented employee shall be granted release time without loss of pay for medical and dental appointments in accordance with contractual agreements.

A managerial employee, upon reasonable notice to his/her immediate supervisor, shall be granted a reasonable amount release time, without loss of pay or sick leave, for medical and dental appointments for himself/herself or members of his/her immediate family.

12.12 Military Leave

Military service leave and rights to reemployment shall be granted in accordance with the Military and Veterans Code. Time spent in military service shall be included in computations of years of service with the County Office of Education.

12.13 Leave of Absence for Health and Safety Hazards

A regular employee shall be paid his/her regular salary for any period which his/her place of employment is closed because of quarantine, epidemic or other conditions involving the health or safety of employees, provided that the employee is ready, willing and able to perform his/her customary or other reasonable and suitable duties (Education Code Section 45199).

12.14 Leave of Absence for Training and Study

At the discretion of the Board of Education, a leave of absence for study or retraining may be granted as outlined in Article 9, Chapter 5, Part 25 of Division 3 of the Education Code.

12.15 Unpaid Leave of Absence

- A. For valid reasons, a request for a leave of absence, without pay, may be granted to a permanent classified employee. A leave of absence shall not normally exceed one calendar year, shall be subject to the approval of the principal or supervisor, the Assistant Superintendent, Human Resources and the Board.
- B. The failure of an employee to return to work or to report for assignment at the expiration of a leave of absence shall be considered as equivalent to a resignation. An unpaid leave of absence may be revoked upon the recommendation of the Assistant Superintendent, Human Resources and approval of the County Superintendent of Schools.
- C. An application for leave of absence shall indicate the beginning and ending dates of the requested leave and the reasons for the request and shall be submitted to Human Resources at least two weeks prior to the effective date of the leave.
- D. Time spent on unpaid leave of absence shall not count toward seniority, salary increments or accumulation of vacation.
- E. If an employee is granted a leave of absence without pay for a period of six (6) months or more, the employee shall have the right to return to a position in his/her classification at the expiration of the leave of absence, provided that he/she is capable of performing the duties of the position.
- F. If a personal leave of absence is granted for a period of less than six (6) months, or if a combination of extended illness absence leave and personal leave of absence is for a period of less than six (6) months, the employee shall have a right to return to his/her position at the expiration of the leave of absence, provided that he/she is capable of performing the duties of the position.
- G. If a personal leave of absence is granted because of illness or injury, return to duty shall be contingent upon verification by the employee's attending physician that the employee is able to return to work without restrictions.

**CHAPTER XIII
LAYOFF AND REEMPLOYMENT**

13.01 Definitions

Classified employees in permanent or probationary status shall be subject to layoff for lack of work or lack of funds.

- A. "Layoff" shall be defined as a separation from a regular position or reduction in assigned (time) hours, days, or work year.
- B. "Lack of work" shall be defined as a reduction or elimination of (classified) services.
- C. "Lack of funds" shall be deemed to exist when specified funds budgeted to pay the salaries and other costs of positions belonging to classified employees have expired or are to be terminated.

13.02 Seniority (Order of Layoff)

When classified positions, belonging to regular employees, are to be eliminated or reduced, the order of layoff shall be determined by the length of service. The employee who has been employed the shortest time in the class plus higher classes shall be laid off first (Education Code Section 45308).

13.03 Computation of Seniority

- A. For employees hired before July 1, 1971, seniority shall be determined by "hire date."
 - 1. Length of service shall be granted for time spent on military leave, illness and industrial accident leave.
 - 2. When two or more employees in the same class have the same hire date, seniority shall be determined by a casting of lots.
- B. For employees hired after July 1, 1971, seniority shall be determined by "hours in paid status." Hours in paid status shall include all leaves of absence with pay, such as sick leave, vacation and time spent on military leave of absence.
 - 1. Exclusions

Hours compensated solely on an overtime basis or prior to appointment in a regular classified position (e.g., provisional or substitute status) as well as breaks in continuity of regular paid service that occur for less than twelve month employees shall be excluded from seniority.
 - 2. Equal Hours

When two or more employees in the same class have equal seniority, the employee with the longest total service shall be considered as more senior. The casting of lots shall break a subsequent tie.
 - 3. Prior Held Classes

In a layoff, employee's seniority for his/her current class shall be upwardly adjusted to include all prior seniority earnings in any class with a higher maximum salary rate as well as a related class with the same maximum salary rate. Related classes shall, in addition to the same salary rate, both belong to the same group ("family") and the same employee unit.
 - 4. Extended Work Year

Notwithstanding the provisions of Sub Rule C(1), above, when the work year of a less than twelve-month employee is extended, to work in his/her class, such time worked shall be eligible for seniority accrual.
 - 5. Position Reclassification

When all or a portion of the positions in a class are reclassified to a higher class pursuant to Rules 6.14-6.17, the employees, in such positions, shall commence seniority accrual in that higher class in accordance with the approval date by the Commission, or when examinations are required, the date employment standards were successfully attained.

6. Probationer's Change in Class

No probationary employee and no permanent employee in probationary status shall retain the seniority earned in a class, when prior to the expiration of his/her probationary period, that employee elects to:

- Terminate his/her employment with the County Office of Education
- Discontinue his/her service in that class to accept appointment in another class as a probationary employee
- Voluntarily demote or reinstate to a prior held class where he/she has achieved permanency
- Notwithstanding the provisions of this sub rule, seniority earned by a permanent employee in a class prior to permanency shall be applied to the class.

7. Non-Permanent (Work Out-of-Class) Assignments

- A regular employee shall continue seniority accrual during a temporary work out-of-class or non-permanent assignment, unless that employee has permanently held the latter (out-of-class) class.
- Effective January 1, 1985, a regular employee shall continue to earn classified seniority (in his/her class) during a non-permanent assignment in a certificated position.

8. Extra Hours

A part-time regular employee shall accrue seniority for all additional (extra) hours worked up to eight (8) hours per day in his/her class; however, additional hours (extra) hours worked in a different class shall not be credited.

9. Transfer/Reassignment

A transfer to a position in the same class shall not affect a regular employee's seniority.

When a regular employee transfers to a position in a related class, his/her seniority shall commence in the latter (related) class at appointment; however, he/she shall also earn seniority in the former class.

10. Certificated Return to Classified Service

A regular classified employee who accepts a position as a temporary teacher and returns to (the classified service) his/her prior class within 39 months, shall have his/her classified seniority upwardly adjusted with the seniority that employee would have normally earned.

13.04 Seniority Lists

Prior to issuance of notices of layoff, two (2) seniority lists shall be prepared by Payroll Services. The Director, prior to the approval of the Assistant Superintendent, Human Resources or his/her designee, shall review both lists. Copies of the approved lists shall be presented to the Commission and made available to employees and other interested parties.

A. List for Each Class

Seniority list for each class listing the names and date of hire of all employees who have earned seniority in that class, placed in descending order according to the number of hours in paid status in the class plus higher or related classes. Class incumbents shall be identified. The order for tied placements shall be determined pursuant to Rule 13.03 (B)(2).

B. List for Each Employee

An alphabetical list identifying each employee by name, every class held (in alphabetical order), date of hire, seniority hours earned in paid status for each class plus higher or related classes. Class incumbents shall be identified.

C. Other Employee and Position Data

Each seniority list shall also identify bilingual or bilingual certified employees and previously laid off employees as well as those former employees who have exhausted medical or industrial leave provisions.

13.05 Reductions in Force (RIF)

When classified employees are to be laid off for lack of work or lack of funds, the layoff shall be made in reverse order of seniority in the class where the layoff occurs.

The County Superintendent of Schools or his/her administrative personnel shall: 1) determine the positions and classes to be affected by the layoff; 2) notify the Director at least 60 days, in advance, of the effective date of the reduction; and 3) work with the Director, who shall determine the impact on the classified service, to mitigate the effect of eliminated or reduced positions on employees.

- A. Employees in positions designated by the County Superintendent of Schools to be eliminated or reduced in assigned time due to lack of work or lack of funds shall be given not less than 30 days prior notice by personal service or certified mail. Such notice shall include the following information:
- Effective date
 - Reason for layoff
 - Positions in the classification being eliminated
 - Options in lieu of layoff, if any
 - Reemployment rights
 - Other relevant information
- B. Employees, who have been employed the shortest time in class, plus higher classes, shall be laid off first. Employees affected by displacement due to seniority may exercise bumping rights in a lateral, equal or lower class in which they hold seniority credit greater than that of the least senior incumbent pursuant to Rule 13.06. Displaced employees shall receive not less than 30 days prior notice by personal service or certified mail. Such notice shall include the following information:
1. Effective date
 2. Reason for layoff
 3. Positions in the classification being eliminated
 4. Options in lieu of layoff, if any
 5. Reemployment rights
 6. Other relevant information
- C. Employees, whose positions are to be reduced in assigned hours, days, or work year, shall be given the same rights as employees whose positions have been eliminated.
- D. The names of permanent or probationary employees laid off or who accept a reduction in assigned time shall be placed on the layoff reemployment list for their class, in the relative order of seniority, for a period of thirty-nine (39) months. The reemployment list for a class shall be used before other employment lists and after transfers to position openings that occur in the class.
- E. The County Superintendent of Schools shall notify the employee, in writing, when circumstances no longer warrant the action.
- F. Any employee who is improperly laid off shall be re-employed immediately upon discovery of the error and shall be reimbursed for all loss of salary or benefits.

13.06 Rights in Lieu of Layoff

When a permanent position is to be eliminated or reduced in assigned time per day, week, month, or year, the employee shall have the right to:

- A. Transfer (bump) into a permanent position opening in the class, at equal or comparable assigned time; however, not greater in assigned time than his/her former position.
- B. In the absence of an equal or comparable permanent position opening, the employee may exercise bumping rights to displace the incumbent of the position with equal or comparable time who has the least seniority in the class, provided the employee has greater seniority. If no such position is available, he/she may displace the incumbent with the least seniority among those occupying positions of less time than the original position and greater time than the eliminated/reduced position, provided the employee has greater seniority. An incumbent so bumped from his/her position shall have similar rights.

- C. When the employee is the least senior in the class or occupies the only position in a class, he/she may demote (bump) into any permanent position opening in an equal or next lower class in which he/she previously served in probationary and permanent status.
- D. In the absence of a position opening in the former class, the employee may exercise bumping rights in an equal or the next lower class in which he/she has seniority credit greater than that of the least senior incumbent in the class. An incumbent so bumped from his/her position shall have similar rights.
- E. Employees unable to exercise bumping rights to transfer within the class or demote to a class in which they previously served may request appointment to available position openings in related equal or lower classes for which the Commission determines they are qualified.
- F. Eligible employees may elect service retirement in lieu of layoff through the California Public Employees Retirement System (CALPERS). If the employee subsequently accepts reemployment in an appropriate position opening, the position shall be held until the Public Employees Retirement System has processed the employee's request to return to work (Education Code 45115).

13.07 Reemployment

- A. The names of regular employees (in probationary or permanent status) who are laid off shall be placed on the reemployment list in the class in which the layoff occurred and in order of seniority.
- B. Employees who have been laid off shall be eligible for reemployment for a period of thirty-nine (39) months from the date of layoff.
- C. Employees who accept voluntary demotions or reductions in assigned time in lieu of layoff shall have reemployment rights for a period of sixty-three (63) months, after the effective date of the demotion or reduction, provided that tests of fitness under which they qualified for appointment to the class still apply. Intervening reassignments to other classes shall not abrogate that right.
- D. Failure to accept two equal offers of reemployment in the class for which the layoff occurred, shall cause for removal of name from the layoff reemployment list.
- E. Employees are eligible to participate in promotional examinations during the specified period of reemployment rights, and to have seniority points credited to their final passing score (Education Code 45298).
- F. Employees on the reemployment list, who have expressed interest in limited-term, provisional or substitute employment, shall be re-employed as limited-term and provisional employees or in substitute assignments (in the same class or another class exhibiting similar characteristics) in preference to other employees, eligible persons or substitute workers (Refer to Rule 10.13(B)).

13.08 Notice of Layoff Due to Expiration of Restricted Funded Programs

- A. When, as a result of the expiration of a restricted funded program, classified positions must be eliminated and classified employees will be subject to layoff for lack of funds, the employees to be laid off and shall be given written notice not less than thirty (30) days prior to the effective date of their layoff, and informed of their displacement rights, if any, and reemployment rights pursuant to Rules 13.05-13.07.
- B. When, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than thirty (30) days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights pursuant to Rules 13.05-13.07.
- C. Nothing herein provided shall preclude a layoff for lack of funds in the event of an actual and existing financial inability to pay salaries of classified employees, nor layoff for lack of work resulting from causes not foreseeable or preventable by the governing board, without the notice required by Sub Rules A or B, above.

13.09 Emergency, Provisional or Limited-term Positions

- A. No regular employee shall be laid off from any position while employees serving in emergency, provisional or limited-term positions are retained in the same class unless the regular employee declines assignment to such temporary positions.
- B. A provisional, emergency or limited term employee may be terminated without regard to the procedures set forth in these rules and without reemployment rights.

**CHAPTER XIV
DISCIPLINARY ACTION AND APPEAL**

14.01 Definitions

- A. Suspension is the enforced absence of an employee not to exceed thirty (30) days for disciplinary purposes pending investigation of charges made against the employee.
- B. Demotion is the assignment of an employee from a position in one class to a position in another class that is allocated to a lower salary range.
- C. Dismissal is the permanent removal of an employee from the classified service of the County Office of Education.

14.02 Causes for Suspension, Demotion and Dismissal

- A. Persons employed in the classified service may be suspended, demoted or dismissed for any of the following causes:
 - 1. Inability or unwillingness to perform the duties of the position in a competent, satisfactory manner (includes but is not limited to incompetence, inefficiency, inattention to or dereliction of duties).
 - 2. Inability to perform assigned duties due to failure to meet job qualifications. (Includes but is not limited to failure to possess required licenses; failure to pass required tests or failure to meet the insurance requirements of the County Office.)
 - 3. Insubordination (including, but not limited to, refusal to perform the duties assigned).
 - 4. Carelessness or negligence in the performance of duty or in the care or in the use of property belonging to the County Office of Education.
 - 5. Discourteous, offensive, or abusive conduct or language toward other employees, pupils or the public while on duty and/or while on County Office property and/or while performing any County Office function.
 - 6. Dishonesty.
 - 7. Drinking alcoholic beverages on the job, or reporting for work while intoxicated.
 - 8. Addiction to the use of narcotics or a restricted substance, use or possession of narcotics or restricted substances while on the job or reporting for work while under the influence of a narcotic or restricted substance.
 - 9. Personal conduct unbecoming an employee of the County Office of Education.
 - 10. Engaging in political activity during assigned hours of employment.
 - 11. Conviction of any crime involving moral turpitude (Education Code Section 45267 crime which violates accepted moral standards.)
 - 12. Arrest for a sex offense as defined in Education Code Section 44010, and as set forth in Education Code Section 45304.
 - 13. Conviction of a narcotics offense as defined in Education Code Section 44011.
 - 14. Repeated and unexcused absence or tardiness.
 - 15. Abuse of paid leave other than vacation leave.
 - 16. Falsifying any information supplied to the County Office, including but not limited to information supplied on application forms, employment records, or any other County Office records.
 - 17. Violation of or refusal to obey safety rules, regulations made applicable to public schools by the Board of Education, Personnel Commission or by an appropriate state or local government agency.
 - 18. Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment or accepting anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
 - 19. Willful or persistent violation of the school laws of the State or the rules and regulations of the County Office.

20. Willful conduct tending to injure the public service.
 21. Abandonment of position, and/or failure to return from Leave of Absence.
 22. Advocacy of overthrow of federal, state, or local government by force, violence or other unlawful means.
 23. Membership in the Communist party.
 24. Physical or mental incapacity to perform regular assigned duties.
 25. Theft or willful misuse or misappropriation of County Office property or aiding and abetting such theft or willful misuse or misappropriation of County Office property; or theft of private property while on County Office time and/or while on County Office property and/or while performing any County Office function or aiding and abetting such theft.
 26. Threatening bodily harm or causing bodily harm to anyone while on County Office time and/or while on County Office property and/or while performing any County Office function.
 27. Willful destruction or causing damage to public or private property while on County Office time and/or while on County Office property and/or while performing any County Office function.
 28. Failure to provide adequate proof of legal ability to work in the United States.
 29. The unjustified or unlawful use of physical force on a student.
 30. Sexual harassment or any other conduct prohibited by the County Office policies on nondiscrimination.
- B. The causes contained in this section shall not be applied for the purpose of layoff of a classified employee because of lack of work or funds.

14.03 Procedures for Suspension, Demotion and Dismissal

- A. No employee in the classified service shall be suspended, demoted, or dismissed or discriminated against because of race, color, sex, disability, marital status, age, national origin or ancestry, political affiliation or religion or because of the race, color, sex, disability, marital status, age, national origin or ancestry, political affiliation or religion of another person the employee is associated with
- B. Nothing in this rule is intended to restrict the right of the County Superintendent of Schools or his/her designee to reasonably regulate, for reasons of supervision, security, or morale, the employment of close relatives in the same department, division, or facility (see Rule 16.03).
- C. Nothing in this rule is intended to restrict the County Office in any of its employment decisions relative to an employee's religious beliefs or observances if it can demonstrate that it has explored any available reasonable alternative means of accommodating the religious belief or observance, including the possibility of excusing the person from those duties that conflict with his or her religious belief or observance or permitting those duties to be performed at another time or by another person, but is unable to reasonably accommodate the religious belief or observance without undue hardship on the conduct of the business of the County Office of Education.
- D. Nothing in this rule is intended to restrict the ability of the County Office to discharge an employee who, because of the employee's medical condition or disability, is unable to perform his or her essential duties even with reasonable accommodations, or cannot perform those duties in a manner that would not endanger the employee's health or safety or the health or safety of others even with reasonable accommodations.
- E. When the suspension, demotion, or dismissal of a permanent classified employee is proposed, specific written charges shall be prepared and sent by registered or certified mail to the last known address of the employee or personally delivered to the employee. The charges shall include a statement in ordinary and concise language of the specific acts and/or omissions upon which the disciplinary action is based, a statement of the cause for the action taken and if it is claimed that the employee has violated a rule or regulation, such rule shall be set forth in the charges. The charges must be so clear that the employee will know the exact complaints and must be afforded the opportunity to respond to them. A statement of charges which cites as cause or grounds for disciplinary action, a violation of a rule, regulation, or statute in the language of the rule, regulation, or statute is insufficient for any purpose.
- F. Prior to effectuation of a suspension, demotion, or dismissal, a permanent classified employee shall receive proposed specific charges as set forth in Sub Rule B, above, and afforded an opportunity to respond at a conference and/or in writing, to the charges.

- G. Within three (3) work days (holidays excluded) of the approval of the suspension, demotion or, dismissal by the County Superintendent of Schools or his/her designee, the employee shall be sent by U. S. mail a notice of the disciplinary action or personally served; and a copy of the charges supporting the discipline shall be filed with the Personnel Commission, whose director shall notify the employee by certified mail of his/her appeal rights under Personnel Commission Rule 14.04 and inform the Personnel Commission at their next regular meeting.
- H. Notwithstanding the procedures in Sub Rules B-D, above, an employee may be placed on administrative leave with pay at the direction of the Superintendent, Assistant Superintendent, Human Resources, or other designee. Administrative leave with pay may be implemented at any point in the disciplinary process.
- I. A regular employee charged with the Commission of any sex offense as defined in Education Code Section 44010 by complaint, information, or indictment filed in a court of competent jurisdiction may be suspended as provided for in Education Code Section 45304. Such a suspension will be processed as an involuntary personal leave in accordance with the provisions of this rule relative to suspensions. The employee may receive compensation as provided for in the Code section. The Personnel Commission shall review such suspension every 90 days, thereafter.
- J. Dismissal shall cause removal of the employee's name from all employment lists.
- K. Failure to appeal, pursuant to Rule 14.04, shall make the disciplinary action final and conclusive.
- L. A suspension with loss of pay shall not exceed 30 days except as provided in Education Code Section 45304.

14.04 Appeal of Disciplinary Action

A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within 14 days after having been furnished with a copy of the written charges by filing a written answer to such charges. Appeal can be made only on the following grounds:

- A. That the procedures set forth in these rules have not been followed;
- B. That the action was made because of affiliations, political or religious acts or opinions, race, color, sex, or marital status;
- C. That there has been abuse of discretion, including excessive punishment based on listed charges;
- D. That the action taken was not in accordance with the facts.

14.05 Hearing Procedure

- A. The Personnel Commission may conduct hearings of appeals or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission.
- B. Hearings shall be conducted in the manner most conducive to determination of the truth and neither the Commission nor its hearing officer shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.
- C. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.
- D. Each side will be permitted an opening statement (County Office first) and closing arguments (employee first). The County Office of Education shall first present its witnesses and evidence to sustain its charges and the employee will then present his/her witnesses and evidence in defense.
- E. Each side will be allowed to examine and cross-examine witnesses.
- F. Both the County Office and the employee will be allowed to be represented by legal counsel or other designated representation.
- G. The Commission may subpoena witnesses and/or require the production of records or other material evidence.
- H. The Commission may, prior to or during a hearing grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.
- I. Whether the hearing is held in a public or closed session, the Commission, after it concludes the hearing, may deliberate its decision in closed session. No persons other than members of the Commission, its counsel and its staff shall be permitted in the deliberations. If the Director or any staff member is not

serving full-time for the Commission and/or was a witness in the proceedings, he/she shall also be barred from the Commission's final deliberations. If the Commission's counsel also served as counsel for the County Office of Education, he/she shall be barred from the Commission's final deliberations.

- J. The Commission shall render its judgment as soon after the conclusion of the hearing as possible and in no event later than 14 days after receipt of the findings and recommendations of the hearing officer. Its decision shall set forth which charges, if any, are sustained and the reasons.
- K. The Commission may sustain or reject any or all of the charges filed against the employee. It may sustain, reject, or modify the disciplinary action invoked against the employee. It may not provide for discipline more stringent than that invoked by the County Office of Education.
- L. The Commission's order of judgment will be filed with the County Office of Education and the charged employee and will set forth its findings and decision. If any action is not sustained, its order shall set forth the effective date the employee is to be reinstated, which may be any time on or after the date of disciplinary action.

**CHAPTER XV
WAGE AND SALARY PROVISIONS**

15.01 Workday and Workweek

- A. The workweek of a classified employee shall be 40 hours and the workday shall be eight hours. These provisions do not restrict the extension of a regular workday or workweek on an overtime basis when such is necessary to carry on the business of the County Office of Education. The County Superintendent of Schools may establish a workday of less than eight (8) hours or a workweek of less than 40 hours for all or any of its classified positions (Education Code Section 45127).
- B. The workweek of a classified employee assigned an average workday of four or more hours shall consist of not more than five consecutive days (Education Code Section 45131).
- C. The County Superintendent of Schools may establish alternate work schedules for all, or certain classes of its employees or for employees within a class when, by reason of the work location and duties actually performed by such employees, their services are not required for a workweek of five (5) consecutive days, provided the establishment of such a workweek has the concurrence of the concerned employee, class of employees, or classes of employees as ascertained through the employee organization representing a majority of the concerned employees or class or classes of employees, as determined by a payroll deduction authorization for dues in classified employee organizations on file with the County Office on the last day of the month next preceding the date the action was taken (Education Code Sections 45132 and 45133).
- D. Nothing in this rule shall preclude the County Superintendent of Schools from establishing a work year for classified management, supervisory or confidential positions prescribing a specific number of paid workdays.

15.02 Overtime Defined

- A. Overtime is defined to include any time required to be worked in excess of eight (8) hours of paid service in any one (1) day or in excess of 40 hours of paid service in any calendar week. For the purposes of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensatory time off or other paid leave of absence shall be considered as time worked by the employee. When a ten-hour workday, four-day workweek has been established by the County Superintendent of Schools, overtime shall be paid for all hours worked in excess of a ten (10) hour work day or all hours in excess of a 40 hours of work in a four (4) consecutive day work week. When a nine (9) hour-per-day work schedule is established, the overtime rate shall be paid for all hours worked in excess of the required workday, which shall not exceed nine hours (Education Code Sections 45128, 45132 and 45133).
- B. The County Superintendent of Schools shall provide for and establish the method by which overtime is compensated, and shall designate persons to authorize overtime work. No one shall order or authorize overtime unless it is compensated as provided in Rule 15.03

15.03 Compensation for Overtime

- A. A classified represented employee who works authorized overtime shall be compensated at a rate at least equal to time and one-half of his/her regular rate of pay (Education Code Section 45128).
- B. For the purpose of computing the number of hours worked, time during which the employee is excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leaves of absence, shall be considered as time worked by the employee (Education Code Section 45128).
- C. Overtime compensation for represented employees shall be in accordance with the appropriate contractual agreement.

15.04 Classes Excluded from Overtime Provisions

- A. The County Superintendent of Schools may, with the approval of the Personnel Commission, exempt specific classes of positions from compensation for overtime in excess of eight (8) hours in one day, provided that hours worked in excess of 40 hours in a calendar week shall not be compensated on an overtime basis. Such exemption shall be applied only to those classes that the County Superintendent of Schools and the Personnel Commission specifically find to be subject to fluctuations in daily working hours not susceptible to administrative control (Education Code Section 45127).

- B. Classified employees in classes designated by the Personnel Commission, as senior management, management, supervisory or executive secretarial (confidential) and similar positions belonging to its own staff as set forth in the classification plan and salary schedules, shall be exempt from the overtime provisions in accordance with law and these rules (See Appendix A).
- C. In excluding these classes from overtime provisions, the Commission certifies that these positions of classes clearly and reasonably be managerial positions and that the duties, flexibility of hours, salaries, and authority of persons in these classes of positions are of such a nature that they should be set apart from those positions which are subject to overtime provisions. The Commission further certifies that employees serving in such excluded classes of positions will not be unreasonably discriminated against as a result of the exclusion.
- D. A person serving in a class, excluded from overtime provisions, who is required to work on a holiday provided for in the Education Code or on a holiday approved by the County Superintendent of Schools, he/she shall be paid, in addition to his/her regular pay for the holiday or given compensatory time off, at a rate not less than his/her normal rate of pay (Education Code Section 45130).

15.05 Rest Periods

Managerial employees shall be entitled to rest periods in accordance with the Labor Code.

Represented employees are entitled to rest periods in accordance with collective bargaining unit agreements. Rest periods shall not be cumulative and shall not be used to shorten the workday, lengthen the lunch period or make-up time of the employee.

15.06 Initial Salary Placement

The basic plan consists of the salary ranges and the assignment of classes to such ranges as provided in the classified salary schedules. Each classified employee shall be paid within the range for his/her class, according to the following provisions, unless otherwise noted in the salary schedules.

Newly appointed managerial and represented employees shall be placed at the first step. However, a managerial or represented employee may be placed at an advanced step whenever his/her prior total compensation for similar or related work (salary and health/welfare benefits) is above the total compensation (with salary placed at the first step) of the County Office of Education. To receive initial placement at an advanced step, a new employee shall, on or before his/her employment date, provide evidence of his/her prior salary, earnings or paid-benefits to the Director who may recommend, where applicable, a salary step beyond the first step.

The Assistant Superintendent, Human Resources or his/her designee shall be the approval authority for advanced salary step placements for new represented employees. Initial salary step placements for new managerial employees, except those managerial positions belonging to the Commission, require the approval of the County Superintendent of Schools.

Advanced salary step placements shall become effective as of the date of hire. In no case shall a new employee's initial salary step placement exceed the maximum salary step of the appropriate range. Initial salary step placements may not be appealed to the Personnel Commission.

15.07 Salary Step Advancement

- A. Classified employees placed at the first step of a range will advance to the second step on the first of the pay period (month) following completion of 130 days, six (6) months or twelve (12) months of service in their class in accordance with the appropriate collective bargaining unit agreement or managerial unit in which domiciled. Each succeeding step will be attained one year from the preceding date. New employees placed at an advanced salary step (beyond the first step) shall advance on one-year intervals until the maximum step is achieved.
- B. A part-time employee becoming full-time in the same class will be given full credit for each year of service in determining the annual increment.

15.08 Salary Placement: Promotion

A represented employee who has been promoted shall be placed on the step in the higher class according to the appropriate collective bargaining unit agreement.

A managerial employee who is promoted shall be placed at a step in the higher range that reflects an approximate salary increase of five-percent increase in annual salary or the first step, whichever is greater. In no case shall a salary placement exceed more than the maximum salary step of the higher range. Length of service compensation increments and other stipends to which entitled shall then be added.

15.09 Salary Placement: Transfer (Reassignment)

A transfer shall not affect the employee's salary rate, salary increment date, accumulated illness leave, accumulated vacation, or in any other manner reflect adversely upon his/her rights, as provided by law and these rules.

15.10 Salary Placement: Alternate Class Series Advancement

A classified represented employee who is reassigned from the lower level to the next higher level within the same class series, shall be placed on the higher range at the step closest to, but not less than, his/her current salary step.

An anniversary date shall not change unless the class series advancement is the first step of the next higher level. In which case, the represented employee shall proceed to the second step at the beginning of the month after a period of six (6) months or 130 days whichever is longer.

15.11 Salary Placement: Return from Unpaid Leave of Absence

Unpaid leave time shall not be counted for step advancement purposes; therefore, an employee upon return from unpaid leave shall be placed on the range of his/her class and at the same step prior to commencement of his/her unpaid leave of absence.

15.12 Salary Placement: Demotion

- A. When an employee who has permanence in a higher classification takes a voluntary demotion, that employee's salary placement shall be at the highest step in the lower range that does not exceed that employee's salary in the higher range.
- B. When an employee who has permanence in a higher classification and who is the recipient of one or more longevity increases takes a voluntary demotion, that employee's salary placement shall be at the highest step in the lower range which does not exceed that employee's current base salary. Any longevity or other increment to which entitled shall be added to the base salary at the lower range.
- C. When an employee who has not achieved permanence in a higher classification takes a voluntary demotion, that employee's salary placement in the lower range shall be at the highest step previously attained in the lower classification.
- D. When an employee who has not achieved permanence in a higher classification and who is the recipient of one or more longevity increases takes a voluntary demotion, that employee's salary placement in the lower range shall be at the highest step previously attained in the lower classification but any longevity or other increment to which entitled shall be added to that salary.
- E. The Personnel Commission's order in an involuntary demotion shall specify the step of the schedule at which the employee shall be placed. Step advancement shall be in accordance with Rule 15.07.

15.13 Salary Placement: Reclassification

- A. When a classified employee (managerial or represented) is reclassified upward along with his/her position to a class with a higher maximum salary in the same bargaining unit or domiciled unit, the employee shall be placed at the higher range at the same salary step of his/her former class.
- B. When a classified represented employee is reclassified upward along with his/her position to a classification designated as management, supervisory or confidential, the employee shall be placed in the salary range for the higher class. The Director shall recommend (as part of his/her narrative report) the employee's salary step placement. The Commission, as part of its approval, shall make the final decision.
- C. Base salary excluding longevity, salary differential or any paid stipend shall be used to determine the salary placement of a reclassified employee.

15.14 Salary Placement: Position Reallocation

- A. When the review of the position requires a reallocation to a class with a higher maximum salary, the employee shall be placed without examination on higher range at the step that is equal to his/her salary step. When no equivalent step is available, the employee shall be placed at the next succeeding step on the range of the higher class that provides an increased salary.
- B. Base salary excluding longevity, salary differential or any paid stipend shall be used to determine the salary placement of an employee in a reallocated class.

15.15 Salary Placement: Work Out-of-Classification

- A. Salary placements for represented employees who are required or agree to perform inconsistent duties of a higher classification, within the same bargaining unit, shall be compensated in accordance with the appropriate collective bargaining unit agreement.
- B. When a represented employee is required to work out-of-class in a higher managerial classification for six or more days within a 15-calendar-day period, that employee's salary shall be placed at the first step of the salary range for the management, supervisory or confidential class or paid a 15% salary differential, whichever is less. Working out-of-class salary placement shall be based on the current or present salary, including longevity stipends and differentials. When a managerial employee who is required or agrees to temporarily work out-of-class in a managerial classification with a higher maximum salary rate, that employee shall be compensated with approximately a five percent (5%) increase over his/her present annual base salary by placement on the appropriate step on the higher range or at Step 1, whichever is greater.
- C. When a managerial employee is required or agrees to temporarily assume a significant increase in duties and responsibilities not normally assigned to any class, the County Superintendent of Schools or his/her designee may authorize that employee to be additionally compensated by five percent (5%) above his/her present base annual salary.
- D. Salary adjustments shall be for the entire period that employee is required to work out-of-classification.

15.16 Salary Differential (Differential Compensation)

A. Definitions

“Differential compensation” means either a reduction in the number of required hours actually worked, or an increase in salary. “Shift” means the number of hours worked and shall include a duty-free meal period of not less than one-half hour which, in the case of seven- or eight-hour shift, shall occur approximately at the midpoint of the shift. This Rule shall not apply to employees working six hours or less or assigned to a split shift.

B. Determinations and Practices in Private Industry

The Commission shall, insofar as it is possible to do so, determine the practices relating to morning and night shift differentials in the private employment fields in which it must compete for classified employees and shall consider the feasibility of providing comparable salary differentials for its classified staff.

C. Differential Compensation for Certain Duties

The County Superintendent of Schools may provide differential compensation to those classified employees who perform duties of a distasteful, dangerous, or unique nature when such compensation is reasonably justified.

Such differentials shall be based upon findings and recommendations of the Commission and shall not be applied in a manner contrary to the principle of like pay for like service.

D. Assignment of Duties to Represented Employees

Assignment of duties to classified represented employees for which differential compensation is designated, other than a temporary assignment of less than 20 working days, shall be made in accordance with collective bargaining unit agreements.

E. Demotion Prohibited

No classified employee assigned to a work shift differential compensation shall be demoted in class as a result of such assignment.

F. Temporary Assignment

A classified employee receiving differential compensation on the basis of his/her shift shall not lose such compensation if he/she is temporarily, for 20 working days or less, assigned to a shift not entitled to such compensation. The regular rate of pay for all purposes of an employee assigned to a shift that provides differential compensation shall be the differential rate.

Reference: Education Code Sections 45180, 45181, 45182, 45183, 45184 and 45185

15.17 Compensation for Bilingual or Biliterate Certification

- A. A represented certified employee shall receive bilingual or biliterate compensation in accordance with his/her collective bargaining unit agreement. The County Superintendent of Schools may establish a bilingual or biliterate compensation plan for managerial employees.
- B. Compensation for bilingual or biliterate compensation to any newly certified employee shall become effective on the date the employee successfully passed the required examination(s) or as approved by the Director.
- C. Reinstatement of compensation for bilingual or biliterate proficiency to a previously certified employee shall require the approval by the Director.
- D. Notwithstanding Paragraph B or Paragraph C, the Director may authorize retroactivity for bilingual or biliterate compensation to a maximum of twenty (20) working days.

15.18 Longevity or Length of Service Increments

Classified represented employees shall be paid longevity increments in accordance with collective bargaining unit agreements.

Employees in classified management, supervisory, and confidential positions shall receive longevity or length of service increments or stipends equal to those provided by the County Superintendent of Schools to certificated management and supervisory employees.

Unless otherwise designated by the Commission, the Director, Personnel Analyst and (Confidential) Administrative Assistant shall also receive length of service increments or stipends equal those provided to other management, supervisory and confidential employees.

15.19 Holiday Pay

- A. All probationary or permanent employees that are part of the classified service shall be entitled to payment for authorized holidays, provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday and provided they are in an employed status with the County Office of Education on the holiday (Education Code Section 45203).
- B. Specific paid holidays for probationary and permanent employees are provided in accordance with bargaining unit agreements or the unit in which the position is domiciled. By law, holidays shall include: January 1; the third Monday in January, known as "Dr. Martin Luther King Jr. Day," or Monday or Friday in the week January 15th occurs; February 12 known as "Lincoln Day"; the third Monday in February known as "Washington Day"; the last Monday in May known as "Memorial Day"; July 4; the first Monday in September known as "Labor Day"; November 11 known as "Veteran's Day"; that Thursday in November proclaimed by the President as "Thanksgiving Day"; December 25; and every day appointed by the President or the Governor of this state as a public fast, thanksgiving or holiday, or any day declared a holiday for public schools of this state by the County Superintendent of Schools under 1318 or 37222 for regular classified employees (Education Code Section 45203).
- C. When a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be a holiday in lieu of the day observed. When a holiday herein listed falls on a Saturday, the Friday preceding shall be deemed as the holiday in lieu of the day observed (Education Code Section 45203).
- D. When a permanent or probationary classified employee is required to work on any of said holidays, he/she shall be paid compensation or given compensating time off for such work in addition to the regular pay received for the holiday at the rate specified in accordance with collective bargaining unit agreements or law (Education Code Section 45203).
- E. The provisions of Article 3 commencing with Education Code Section 37220 shall not be construed to in any way limit the provisions of this section, nor shall anything in this section be construed to prohibit the County Superintendent of Schools/Board of Education from providing holiday pay for employees who have not been in paid status on the days specified herein.

- F. Prior to July 1 of any school year, the Board of Education may designate other days during such year as the holidays to which permanent or probationary classified employees are entitled in lieu of the holidays on February 12 known as "Lincoln Day", the third Monday in February known as "Washington Day", the last Monday in May known as "Memorial Day", November 11 known as "Veterans' Day" provided that such designated days will provide for at least a three-day weekend. Probationary or permanent classified employees shall be required to work on the regular holiday for which another day is designated pursuant to this section. For work of eight hours or less or ten hours or less, if a ten-hour workday has been authorized, probationary or permanent classified employees shall be paid compensation at their regular rate of pay.
- G. If any probationary or permanent classified employee would be entitled to a regular paid holiday but would not be in a paid status during any portion of the working day immediately preceding or succeeding the day so designated in lieu of such holiday and therefore would not be entitled to the regular holiday, he/she shall be entitled to the regular holiday; however, if he/she is required to work on such holiday, he/she shall be paid compensation at the rate of time and one-half of his/her regular rate of pay in addition to the regular pay received for the holiday.
- H. If the County Office of Education requires any probationary or permanent classified employee to work a workweek other than Monday through Friday, or if such a permanent or probationary classified employee consents to a workweek including Saturday or Sunday or both, pursuant to Education Code Section 44048, and as a result thereof the employee loses a holiday to which he/she would otherwise be entitled, the County Office of Education shall provide a substitute holiday for such employee, or provide compensation in the amount to which the employee would have been entitled had the holiday fallen within his/her normal work schedule (Education Code Section 45206).
- I. In accordance with the provisions of Education Code Section 45206.5, if the Board of Education does not designate September 9, known as "Admission Day" as a paid holiday for probationary or permanent classified employees, the County Office shall provide a substitute holiday for such employees.

15.20 Wage and Salary Administration

The Personnel Commission shall be responsible for salary administration for all classified service positions, except those belonging to senior and executive management, in accordance with its statutory classification and salary relationship functions. As such, the Commission shall determine salary relationships including, salary differentials between classifications within the same occupational group or class family; and the amount of salary differential between occupational groups or class families, each with its own benchmark classes.

The Director shall prepare salary recommendations for approval by the Commission relating to allocation of classes to salary schedules including, establishment of salary relationships for new classes and revision of existing salary relationships within occupational groups or class families, arising in the course of the Commission's exercising its statutory classification and salary relationship functions.

Recommendations for the allocation of classes to salary schedules for approval by the Commission shall consider the following factors:

- A. Wages and salaries for similar work in: 1) other county offices of education, both locally and in counties with similar sized student populations and programs and 2) other public school employers, education and governmental agencies competing with the County Office of Education, in the labor market.
- B. Contributions for health and welfare benefit programs by paid employers or agencies in Sub Rule A, above.
- C. The principles of like pay for like work within the classified service.
- D. Appropriate differentials between related classes to reflect differences in duties and responsibilities, as established in the classification plan.
- E. Such other information as the Commission may require.

15.21 Wage and Salary Studies

- A. A wage and salary study shall be made: 1) Whenever a new class is created including those created by reclassification; 2) Whenever the County Superintendent of Schools or designee proposes significant revision to an existing class; and 3) When directed by the Commission.
- B. Employees, employee organization representatives, or the administration with the endorsement of the County Superintendent of Schools, may request a salary study of a class or classes by directing written communication to the Commission and setting forth the reasons for the study.

- C. Data obtained in a salary study shall be made available to interested parties, including employee organization representatives. The Director shall indicate his/her tentative recommendations to, and shall meet with, employee organization representatives and the administration. Due consideration shall be given to the views of the County Office administration and employee organization representatives. Efforts shall be made to ameliorate all differences before recommendations are submitted to the Commission.

15.22 Recommendations from Wage and Salary Studies

- A. After making its findings, the Commission shall present salary recommendations to the Board of Education/County Superintendent of Schools for approval. The County Superintendent of Schools/Board of Education may approve, amend, or reject the recommendation, but may not alter the relationships among classes as established by the classification plan.
- B. A salary recommendation shall be made each time a new class is created. Salary recommendations shall be based on clear evidence that the class in question is substantially overpaid or underpaid in relation to local wages, salaries and other forms of paid compensation or requires realignment with other classes within the classified service.
- C. By adoption of this rule, the County Superintendent of Schools/Board of Education shall increase or decrease the wages and salaries of classified employees, at any time during the fiscal year in accord with its approval of the recommendations of the Personnel Commission (Education Code Section 45162).

**CHAPTER XVI
MISCELLANEOUS PROVISIONS**

16.01 Conflict Resolution

A. Purpose

The Personnel Commission recognizes the importance of affording all classified employees with an expeditious and effective manner to resolve conflicts or problems that may periodically arise during their employment with the Santa Clara County Office of Education. As such, managerial employees should seek remedy through the process prescribed, herein. Represented employees should seek redress of their grievances through the appropriate collective bargaining unit agreement.

B. Definition

For the purpose of this rule, a "conflict" shall be defined as difference of opinion between a managerial employee and his/her immediate supervisor regarding the interpretation or application of a policy, rule, or regulation of the Santa Clara County Office of Education.

C. Matters Excluded from the Conflict Procedure

The following matters are excluded from the conflict procedure unless laws, regulations, rules or policy have been violated:

1. Accusatory charges relating to the moral or professional fitness of another managerial employee.
2. Complaints about the subject matter of a policy or administrative procedure, rather than the administration of the policy, or procedure. A managerial employee with such a complaint should direct his/her suggestions for change through administrative channels to the appropriate body or official who established it.
3. Written charges recommending suspension, demotion, or dismissal.
4. The function of a department, program or school, school or department organization, assignment of personnel, work hours, workweek, benefits, promotion, and performance evaluations.
5. Complaints or concerns about subject matter contained in these rules of the Personnel Commission. A managerial employee with such a complaint should express his/her concerns in accordance with Rule 16.02.

D. Informal Step

Within ten (10) work days of the time a managerial employee know or reasonably should have known of the conflict, the employee will meet and discuss the conflict with his/her immediate supervisor.

E. Step I

1. Within five (5) workdays of meeting with the immediate supervisor, if the conflict is not resolved, the employee shall state in writing the specific conflict, sign it, and submit it to the immediate supervisor.
2. The Statement of Conflict shall name the employee involved, shall state the contention of the employee, and shall describe the relief requested.
3. Within five (5) workdays, after receipt of the Conflict Statement, the immediate supervisor shall respond in writing to the employee.

F. Step II

1. If the conflict is not resolved in Step I, the managerial employee may, within ten (10) workdays of receipt of the supervisor's response at Step I, submit to the appropriate assistant superintendent or branch head, a written Statement of Conflict signed by the employee. At that time, a copy shall be submitted to the immediate supervisor involved.
2. The assistant superintendent (or branch head) shall give the employee a response in writing no later than ten (10) workdays after receipt of the written Statement of Conflict. If further investigation is needed, additional time may be allowed by mutual agreement of the assistant superintendent (or branch head) and the employee.

3. The decision of the assistant superintendent (branch head) shall be final. If the assistant superintendent's decision contains a recommendation of financial award or results in any financial impact to the County Office of Education, the decision shall be advisory only and forwarded to the County Superintendent of Schools for approval.

16.02 Complaint Regarding Personnel Commission Rules

- A. Any person who believes that the provisions of these rules have been violated, misinterpreted, or misapplied may notify the Director in writing of the alleged violation, misinterpretation, or misapplication. The Director shall respond in writing within ten (10) workdays of the receipt of complaint. The response shall include a proposed solution to the complaint.
- B. If the person filing the complaint is not satisfied with the resolution proposed by the Director, he/she may request that the complaint be placed on the agenda for the next regular meeting of the Commission for its consideration. Depending on the subject matter, the Commission may hear the complaint in "executive session." The decision and any subsequent action deemed appropriate by the Commission shall be final.

16.03 Nepotism

This rule is intended to establish a minimum exclusion regarding supervisor/subordinate relationships. The Personnel Commission recognizes that the Board of Education may adopt more restrictive regulations and that the County Superintendent of Schools may alter specific supervisor/subordinate relationships as needed to assure the orderly conduct of business.

- A. All appointing authorities with responsibilities that include the assignment of employees shall avoid assignment of close relatives or cohabitants to work in positions or situations where conflicts of interest could arise.
- B. No appointing authority shall employ or participate in the employment process of an employee he/she is closely related to or cohabiting with.
- C. No appointing authority shall assign an employee he/she is closely related to or cohabiting within a subordinate position or to a position that is supervised by a subordinate manager or supervisor.
- D. For the purpose of this rule, "employees" shall be defined as members of the classified service in regular, limited-term or provisional status as well as persons employed outside the classified service as professional experts, community representatives or student worker. "Close relative" is defined as spouse, domestic partner, brother, brother-in-law, sister, sister-in-law, parent, parent-in-law, child or grandchild of the employee, and of the spouse or domestic partner of the employee. "Domestic Partner" is defined as an adult person who lives with and has an exclusive committed relationship with an employee.

16.04 Political Activity

A. Political Activity Freedom

Every classified employee may, during off-duty hours, participate in any political activity not specifically prohibited by relevant provisions of the Education Code.

B. Causes for Disciplinary Action

A classified employee may be disciplined for engaging in political activity that involves:

1. The use of any County Office property, equipment, or facility for any political purpose unless law thereof authorizes the use for such purposes and the employee has obtained prior required approval.
2. The use of any County Office property, equipment, or facility for any political purpose or the performance of any political act during regular hours of duty.
3. Active campaigning on behalf of any candidate, including himself/herself, for public office whether by speaking, soliciting funds or support, distributing handbills, or otherwise, during his/her assigned hours of employment.
4. Attempting to gain any advancement or privilege through political activity prohibited by law or County Office rules.

C. Personal Candidacy

Any employee may be a candidate for any political office for which he/she may file without suffering any loss of employment status in the County Office of Education unless he/she violates the provisions of Cause for Disciplinary Action.

D. Leave of Absence

An employee who files for a political office may request and shall be granted an unpaid leave of absence which shall commence not earlier than one month prior to the concerned election and continue until the election processes have been completed insofar as his/her candidacy is concerned. Such leave is required if the employee is a candidate for election to the Board of Education.

E. Election to a Political Office

An employee who is elected or appointed to the Board of Education must resign his/her position with the County Office of Education in conformance with Education Code Sections 1006 and 35107.

F. Intent

It is the Personnel Commission's intent and purpose in enacting these rules to allow employees their lawful privilege of political freedom and activity, but to insure that political activities are not engaged in during normal duty hours and normal duty assignments. The County Office of Education has a reasonable obligation to make certain that personnel are aware of their political rights and may exercise those rights but at the same time to insure that its employees do not wrongfully use their duty hours or County Office facilities for political purposes.

16.05 Wearing of Uniforms or Identification Badges

The County Superintendent of Schools may require the wearing of a distinctive uniform or employee identification badges by members of the classified service. The cost of the purchase, lease or rental of any uniforms, equipment, identification badges, emblems, and business cards shall be borne by the County Office (Education Code Section 45138).

16.06 Physical Examinations

A. Initial Employment

1. Every person being initially employed by the County Office of Education, whether in a regular position, as a substitute, relief, limited-term, provisional or other type of employee, shall comply with the provisions of Education Code Section 49406 (Examination for tuberculosis).
2. Prior to employment, each person shall submit a written certification from the examining physician that he/she was found free from active tuberculosis. The examination must have been conducted within a 60-day period, preceding the date of employment.

B. After Employment

1. Every employee shall undergo an examination to determine that he/she is free from active tuberculosis at least once every four years after employment and shall submit written certification from the examining physician.
2. Human Resources shall maintain records of the results of skin tests, x-ray examinations, and related matters.
3. When the examination is conducted at a clinic sponsored by the County Office of Education, the cost of such examination shall be borne by the County Office of Education.

C. Positive Skin Tests

A positive intra-dermal tuberculin test shall be followed by an x-ray of the lungs taken by a competent and qualified x-ray technician and interpreted by a licensed physician and surgeon. Appropriate medical personnel shall determine the need for follow-up care.

D. Transferring School Employees

1. A person transferring employment from another school district or county office to the Santa Clara County Office of Education shall be deemed to meet the requirements of Education Code Section 49406 if the person can produce a certificate showing that he/she was examined within the past four years and was found to be free of communicable tuberculosis.
2. A person transferring employment from a private or parochial school to the Santa Clara County Office of Education shall be deemed to meet the requirements of Education Code Section 49406 if

that person can produce a certificate as provided for in Section 121525 of the Health and Safety Code showing he/she was examined within the past four years and was found to be free of communicable tuberculosis.

E. Drug Testing

Persons to whom a conditional offer of employment has been made, including all candidates for employment in safety-sensitive positions or positions requiring a school bus driver's certificate or commercial driver's license shall be subject to testing for illegal drugs in accordance with current County Office Procedures and Policies and a collective bargaining agreement. Employees in positions requiring a school bus driver's certificate or commercial driver's license shall also be subject to the random and post-accident drug tests set forth in County Office Procedures and Policies and a collective bargaining agreement.

16.07 Reimbursement of Expenses for Employment Candidate

When an employment candidate is requested by the County Office of Education to travel to its headquarters, school site or program office for the purpose of being interviewed or examined prior to or for employment, the County Office of Education may reimburse such candidate for expenses necessarily incurred in traveling from his/her place of residence to the place of interview or examination (Education Code Section 44016).

16.08 Fingerprinting of Prospective Classified Employees

- A. Each person to be employed in any regular classified position or provisional, substitute or limited term classified assignment shall be required to submit legible rolled and flat impressions of the prospective employee's fingerprints and personal description data to the State Department of Justice.
- B. No person shall be employed in a classified position until it is determined from any arrest and conviction information provided by the State Department of Justice that the person is eligible for employment.
- C. No person shall be employed or retained in employment by the County Office of Education who has been convicted of a sex offense as defined in Education Code Section 44010 (Education Code Section 45123).
- D. No person shall be employed or retained in employment by the County Office of Education who has been convicted of possession or sale of a controlled substance or offense as defined in Education Code Section 440100 (Education Code Section 45123).
- E. No person shall be employed or retained in employment by the County Office of Education who has been determined to be a sexual psychopath under the provisions of Article I (commencing with Section 6300), Chapter 2, Part 2, Division 6, of the Welfare and Institutions Code or under similar provisions of law of any other state (Education Code Section 45124)
- F. No person shall be employed or retained in employment by the County Office of Education who has been convicted of a serious and violent felony.
- G. All criminal record reports shall remain confidential. Any employee having responsibility for receiving, transmitting, and/or reviewing such reports, who divulges information contained therein to an unauthorized person is subject to disciplinary action in accordance with the law and these rules.
- H. A restored, reinstated or returning employee with a break in service exceeding six (six) months shall be fingerprinted prior to reemployment in the same manner as if he/she were a candidate for initial employment (Education Code Sections 45125, 45125.1 and 45125.5).

16.09 Volunteers

- A. Notwithstanding any other law, any person, except a person required to register as a sex offender pursuant to Section 290 of the Penal Code, may be permitted by the County Office of Education to serve as a non-teaching volunteer under the supervision and direction of the certificated personnel to perform non-instructional work which serves to assist the certificated personnel in the performance of teaching and administrative responsibilities.
- B. The non-teaching volunteer shall not be an employee of the County Office and shall serve without compensation of any type or other benefits accorded to classified employees, except as provided in Section 3364.5 of the Labor Code.
- C. The County Office of Education shall not abolish any classified position and utilize a volunteer, as authorized by this rule, in lieu of an employee who is laid off as a result of the elimination of his/her

position or a reduction in workforce. The County Office shall not refuse to employ a person in a classified position and use volunteers in lieu of filling such position.

- D. The County Office of Education shall request a criminal records check from the State Department of Justice of any prospective non-teaching volunteer in order to ascertain whether the prospective non-teaching volunteer has been convicted of any sex offense as defined in Education Code Section 44010. No prospective volunteer shall be assigned to a school or program where school age children are present until it is determined from any arrest and conviction information provided by the State Department of Justice that the prospective volunteer has not been convicted of a sex offense as determined by law (Education Code Sections 35021 and 35021.1).

16.10 Classified School Employee Week

- A. The third full week in May shall be designated, in accordance with law, as Classified School Employee Week.
- B. Each year, the County Office of Education shall annually observe that week in recognition of classified school employees and the contributions they make to schools, children and the educational community. The observance shall be integrated into the school programs of the County Office of Education (Education Code Section 45460).

APPENDIX A

CLASSIFICATION PLAN: EXEMPT OCCUPATIONAL GROUPS

OCCUPATIONAL GROUP (CLASS FAMILY)	RANGE	EXAMINATION
Senior Management		
Assistant Superintendent, Business Services	Flat	Unranked
Executive Director, Center for Educational Planning (CEP)	Flat	Unranked
Executive Director, Communications Services	Flat	Unranked
Management		
Administrator, Recruitment	6.0	Dual Certification
Assistant Controller	6.0	Open/Promotional
Assistant Director, Center for Educational Planning (CEP)	4.0	Dual Certification
Chief Information Officer, Regional Technology Center (RTC)	A	Dual Certification
Chief Systems Architect, Regional Technology Center (RTC)	2.0	Dual Certification
Controller	3.0	Open/Promotional
Director, Classified Personnel Services	2.0	Dual Certification
Director, District Business Services	1.0	Dual Certification
Director, General Services	2.0	Dual Certification
Director, Information Technology	1.0	Dual Certification
Director, Integrated Technology Services	1.0	Dual Certification
Director, Internal Business Services	1.0	Open/Promotional
Manager, Adaptive Technology and Network Systems	4.0	Dual Certification
Manager, Applications Support and Programming	2.0	Dual Certification
Manager, Career and Work Development Programs	8.0	Dual Certification
Manager, District Business Advisory Services	5.0	Dual Certification
Manager, Employee Benefits and Work Place Compliance	7.0	Dual Certification
Manager, Evaluation and Research	5.0	Dual Certification
Manager, Facilities	4.0	Dual Certification
Manager, Financial Services	5.0	Dual Certification
Manager, Head Start Planning and Support – Restricted	5.0	Dual Certification
Manager, Head Start Support Services - Restricted	8.0	Dual Certification
Manager, Human Resources Operations	7.0	Dual Certification
Manager, Network and Technical Support Systems	2.0	Dual Certification
Manager, Payroll Services	7.0	Dual Certification
Manager, Purchasing Services	4.0	Dual Certification
Manager, Risk and Contracts	4.0	Dual Certification
Manager, Staff Development	5.0	Dual Certification
Manager, Television and Media Productions	8.0	Dual Certification
Manager, Unemployment Insurance	7.0	Dual Certification
Senior Network Engineer	3.0	Dual Certification
Senior Systems Administrator	3.0	Dual Certification
Supervisory		
Administrator, Child Care Services	9.0	Dual Certification
Administrator, SELPA Financial Services	6.0	Dual Certification
Administrator, Special Projects	6.0	Dual Certification
Advisor, Attendance Accounting Services	11.0	Dual Certification
Advisor, Business Services	7.0	Dual Certification
Applications Support Coordinator	7.0	Dual Certification
Employee Return-to-Work Coordinator	10.0	Dual Certification

APPENDIX A

CLASSIFICATION PLAN: EXEMPT OCCUPATIONAL GROUPS

OCCUPATIONAL GROUP (CLASS FAMILY)	RANGE	EXAMINATION
Health Services Coordinator – Restricted	9.0	Dual Certification
Personnel Analyst, Classified Personnel Services	10.0	Dual Certification
Supervisor, Business-Operations Support, Environmental Education	11.0	Dual Certification
Supervisor, Clerical/Support Services	12.0	Dual Certification
Supervisor, Clerical/Support Services - Restricted	12.0	Dual Certification
Supervisor, Communication Services	9.0	Dual Certification
Supervisor, Computer Operations	10.0	Dual Certification
Supervisor, Construction and Special Projects	9.0	Dual Certification
Supervisor, Credential Services	9.0	Dual Certification
Supervisor, District Accounting-Fiscal Services	8.0	Dual Certification
Supervisor, District Payroll/Retirement Audit	9.0	Dual Certification
Supervisor, Family Services	11.0	Dual Certification
Supervisor, Family Support Services	10.0	Dual Certification
Supervisor, Family Support Services - Restricted	10.0	Dual Certification
Supervisor, Food Services - Restricted	11.0	Dual Certification
Supervisor, Maintenance and Operations	10.0	Dual Certification
Supervisor, Print Shop Services	11.0	Dual Certification
Supervisor, ROP Support Services	9.0	Dual Certification
Supervisor, School Districts' Dental Plan	9.0	Dual Certification
Supervisor, Senior Web Programmer	5.0	Dual Certification
Supervisor, Support Services/Operations - Restricted	11.0	Dual Certification
Supervisor, Transportation Services	12.0	Dual Certification
Supervisor, Warehousing Services	13.0	Dual Certification
Executive Secretarial (Confidential)		
Administrative Assistant, Classified Personnel Services	13.0	Dual Certification
Administrative Assistant, Communication Services	13.0	Dual Certification
Administrative Assistant, Human Resources	13.0	Dual Certification
Assistant to County Superintendent of Schools	9.0	Unranked
Executive Assistant, County Superintendent's Office	10.0	Unranked
Executive Assistant to Assistant Superintendent	11.0	Unranked
Executive Assistant to the County Superintendent of Schools	10.0	Unranked

APPENDIX B

CLASSIFICATION PLAN: NON-EXEMPT OCCUPATIONAL GROUPS

OCCUPATIONAL GROUP (CLASS FAMILY)	UNIT	RANGE	EXAMINATION
Building and Facility Maintenance			
Custodian	OSS	36.5	Open
Custodian – Restricted	OSS	36.5	Open
HVAC Mechanic	OSS	49.0	Dual Certification
Maintenance Custodian	OSS	38.5	Open/Promotional
Maintenance Custodian – Restricted	OSS	38.5	Open/Promotion
Maintenance Mechanic	OSS	45.0	Dual Certification
Maintenance Worker I (ACS I)	OSS	40.0	Open/Promotional
Maintenance Worker I – Restricted (ACS I)	OSS	40.0	Open/Promotional
Maintenance Worker II (ACS II)	OSS	42.0	Open/Promotional
Maintenance Worker II – Restricted (ACS II)	OSS	42.0	Open/Promotional
Education Program Support			
Child Development Specialist	OTBS	47.5	Dual Certification
Child Development Specialist – Restricted	OTBS	47.5	Dual Certification
Education Outreach Specialist, AVID	OTBS	47.5	Dual Certification
Education Program Analyst, SELPA	OTBS	54.0	Dual Certification
Education Program Coordinator, Vocational Services	OTBS	46.0	Dual Certification
Education Services Specialist	AIDES	42.0	Open/Promotional
Eligibility Enrollment Specialist I (ACS I)	OTBS	38.5	Open/Promotional
Eligibility Enrollment Specialist I – Restricted (ACS I)	OTBS	38.5	Open/Promotional
Eligibility Enrollment Specialist II (ACS II)	OTBS	42.5	Open/Promotional
Eligibility Enrollment Specialist II – Restricted (ACS II)	OTBS	42.5	Open/Promotional
Environmental Education Liaison/Recruiter	OTBS	44.5	Dual Certification
Family Support Specialist I (ACS I)	OTBS	37.0	Open
Family Support Specialist I – Restricted (ACS I)	OTBS	37.0	Open
Family Support Specialist II (ACS II)	OTBS	40.0	Open
Family Support Specialist II – Restricted (ACS II)	OTBS	40.0	Open
Family Support Specialist, Senior	OTBS	45.0	Dual Certification
Family Support Specialist, Senior – Restricted	OTBS	45.0	Dual Certification
GED Testing Examiner	OTBS	44.5	Dual Certification
GED Testing Proctor	OTBS	37.0	Open
Homeless Education Liaison	OTBS	42.0	Open/Promotional
Job Development Specialist	OTBS	44.5	Dual Certification
Job Training Specialist	AIDES	41.5	Open/Promotional
Migrant Education Program/Community Liaison	OTBS	41.0	Open/Promotional
Migrant Education Tutor/Advisor	AIDES	45.0	Dual Certification
Parent Education Specialist	OTBS	47.5	Dual Certification
Supportive Services Clerk	OTBS	36.5	Open/Promotional
Transition Staff Assistant, Alternative Schools	OTBS	46.0	Dual Certification
Fiscal Services and Related			
Accountant I (ACS I)	OTBS	47.5	Dual Certification
Accountant I – Restricted (ACS I)	OTBS	47.5	Dual Certification
Accountant II (ACS II)	OTBS	49.5	Dual Certification
Accountant II – Restricted (ACS II)	OTBS	49.5	Dual Certification
Accountant, Senior	OTBS	52.5	Dual Certification
Accounting Specialist	OTBS	46.0	Dual Certification

APPENDIX B

CLASSIFICATION PLAN: NON-EXEMPT OCCUPATIONAL GROUPS

OCCUPATIONAL GROUP (CLASS FAMILY)	UNIT	RANGE	EXAMINATION
Accounting Technician (ACS I)	OTBS	42.5	Open/Promotional
Accounting Technician – Restricted (ACS I)	OTBS	42.5	Open/Promotional
Accounting Technician, Senior (ACS II)	OTBS	44.0	Open/Promotional
Accounting Technician, Senior – Restricted (ACS II)	OTBS	44.0	Open/Promotional
Dental Insurance Claims Assistant (ACS I)	OTBS	39.5	Open/Promotional
Dental Insurance Claims Examiner (ACS II)	OTBS	41.0	Open/Promotional
Fiscal Technician	OTBS	41.0	Open/Promotional
Payroll Audit Specialist	OTBS	43.0	Dual Certification
Payroll Services Specialist	OTBS	43.0	Dual Certification
Payroll/Retirement Deduction Specialist I (ACS I)	OTBS	43.5	Dual Certification
Payroll/Retirement Deduction Specialist II (ACS II)	OTBS	45.0	Dual Certification
Food Service and Nutrition			
Cook	OSS	36.0	Open/Promotional
Cook, Lead	OSS	40.0	Open/Promotional
Cook, Lead – Child Development Center	OSS	40.0	Open/Promotional
Cook, Lead – Restricted	OSS	40.0	Open/Promotional
Nutrition/Food Services Specialist - Restricted	OTBS	46.0	Dual Certification
Food Service Worker	OSS	29.0	Open
Food Service Worker – Restricted	OSS	29.0	Open
Food Service Worker/Delivery	OSS	33.0	Open
Food Service Worker/Delivery – Restricted	OSS	33.0	Open
General Administration			
Conference Center Coordinator	OTBS	41.0	Open/Promotional
Communications/Public Relations Specialist	OTBS	46.0	Dual Certification
Graphic Design Specialist	OTBS	44.0	Dual Certification
Graphic Designer	OTBS	46.0	Dual Certification
Language Translator (English/Other Foreign Language) – Restricted	OTBS	42.0	Dual Certification
Language Translator (English/Spanish) – Restricted	OTBS	42.0	Dual Certification
Language Translator (English/Vietnamese) – Restricted	OTBS	42.0	Dual Certification
Postal Services Assistant	OTBS	38.0	Open/Promotional
Print Services Technician	OTBS	39.5	Open/Promotional
Print Services Technician, Senior	OTBS	42.0	Dual Certification
Print Support Technician I (ACS I)	OTBS	36.0	Open
Print Support Technician II (ACS II)	OTBS	37.5	Open
Research Analyst, Assistant (ACS I)	OTBS	44.0	Dual Certification
Research Analyst, Assistant – Restricted (ACS I)	OTBS	44.0	Dual Certification
Research Analyst, Associate (ACS II)	OTBS	47.0	Dual Certification
Research Analyst, Associate – Restricted (ACS II)	OTBS	47.0	Dual Certification
Research Analyst, Instructional Services Branch	OTBS	50.0	Dual Certification
Research Analyst, Senior	OTBS	54.0	Dual Certification
Risk Management Specialist	OTBS	44.0	Dual Certification
Telecommunications Analyst	OTBS	53.5	Dual Certification
Health Services			
Occupational Therapist	OTBS	56.0	Dual Certification
Physical Therapist	OTBS	56.0	Dual Certification

APPENDIX B

CLASSIFICATION PLAN: NON-EXEMPT OCCUPATIONAL GROUPS

OCCUPATIONAL GROUP (CLASS FAMILY)	UNIT	RANGE	EXAMINATION
Human Resources-Personnel Commission			
Classified Personnel Recruitment Specialist	OTBS	42.5	Dual Certification
Credential Services Specialist	OTBS	42.5	Dual Certification
Employee Benefits Specialist	OTBS	43.0	Dual Certification
Human Resources Specialist	OTBS	43.0	Dual Certification
Personnel Support Specialist, Classified Personnel	OTBS	40.0	Open/Promotional
Staff Development Specialist	OTBS	48.0	Dual Certification
Substitute Staffing Specialist	OTBS	41.0	Open/Promotional
Information Technology			
Applications Support Analyst	OTBS	48.0	Dual Certification
Applications Support Specialist (ACS II)	OTBS	45.0	Open/Promotional
Applications Support Technician (ACS I)	OTBS	42.5	Open/Promotional
Computer Operations/Systems Specialist (ACS II)	OTBS	47.0	Dual Certification
Computer Operations/Systems Technician (ACS I)	OTBS	44.5	Dual Certification
Network Analyst (ACS II)	OTBS	53.0	Dual Certification
Network Enterprise Engineer	OTBS	56.0	Dual Certification
Network Technician (ACS I)	OTBS	51.0	Dual Certification
Systems Engineer	OTBS	58.0	Dual Certification
Technology Support Specialist	OTBS	46.0	Open/Promotional
Technology Support Specialist – Restricted	OTBS	46.0	Open/Promotional
Technology Trainer	OTBS	54.0	Dual Certification
Web Developer/Programmer	OTBS	54.0	Dual Certification
Web Master	OTBS	50.0	Dual Certification
Web Master, Lead	OTBS	56.5	Dual Certification
Instructional Aide and Related			
Environmental Education Naturalist	AIDES	46.0	Dual Certification
Environmental Education Specialist	AIDES	40.0	Open/Promotional
Evening Program Specialist, Environmental Education	AIDES	42.0	Open/Promotional
Instructional Aide	AIDES	37.0	Open
Instructional Materials Technician	AIDES	38.5	Open/Promotional
Interpreter/Tutor, Deaf/Hard of Hearing Program	AIDES	42.5	Dual Certification
Modified/Migrant Education Instructional Aide	AIDES	37.0	Open
Outdoor Recreation Leader	AIDES	38.0	Open
Special Education Aide	AIDES	37.0	Open
Student Assessment Technician	AIDES	39.0	Open/Promotional
Teacher Assistant I	AIDES	33.0	Open
Teacher Assistant I – Restricted	AIDES	33.0	Open
Teacher Assistant II	AIDES	34.5	Open/Promotional
Teacher Assistant II – Restricted	AIDES	34.5	Open/Promotional
Library-Media and Related			
Library Resources Specialist I (ACS I)	OTBS	42.5	Open/Promotional
Library Resources Specialist II (ACS II)	OTBS	46.0	Open/Promotional
Library Services Assistant	OTBS	38.0	Open/Promotional
Library Technical Specialist	OTBS	47.5	Dual Certification
Television Media Assistant	OTBS	39.5	Open/Promotional
Television Operations Coordinator	OTBS	46.0	Dual Certification

APPENDIX B

CLASSIFICATION PLAN: NON-EXEMPT OCCUPATIONAL GROUPS

OCCUPATIONAL GROUP (CLASS FAMILY)	UNIT	RANGE	EXAMINATION
Television Video Specialist	OTBS	43.0	Dual Certification
Purchasing and Warehouse Operations			
Buyer	OTBS	46.0	Open/Promotional
Buyer, Senior	OTBS	49.5	Dual Certification
Delivery Driver	OSS	37.5	Open/Promotional
Delivery Driver, Lead	OSS	40.5	Open/Promotional
Purchasing Technician I (ACS I)	OTBS	41.0	Open/Promotional
Purchasing Technician II (ACS II)	OTBS	42.5	Open/Promotional
Utility Worker	OSS	38.5	Open/Promotional
Utility Worker – Restricted	OSS	40.5	Open/Promotional
Warehouse Person	OSS	38.0	Open/Promotional
Warehouse Person – Restricted	OSS	38.0	Open/Promotional
Warehouse Person, Lead	OSS	40.5	Open/Promotional
Warehouse Person, Lead – Restricted	OSS	40.5	Open/Promotional
Secretarial and Office Related			
Administrative Assistant I (ACS I)	OTBS	39.5	Open/Promotional
Administrative Assistant I – Restricted (ACS I)	OTBS	39.5	Open/Promotional
Administrative Assistant II (ACS II)	OTBS	41.0	Open/Promotional
Administrative Assistant II – Restricted (ACS II)	OTBS	41.0	Open/Promotional
Administrative Assistant III	OTBS	42.5	Open/Promotional
Administrative Assistant IV	OTBS	44.0	Dual Certification
Central Office Receptionist I (ACS I)	OTBS	36.5	Open/Promotional
Central Office Receptionist II (ACS II)	OTBS	38.0	Open/Promotional
Office Assistant I (ACS I)	OTBS	35.5	Open
Office Assistant I – Restricted (ACS I)	OTBS	35.5	Open
Office Assistant II (ACS II)	OTBS	37.0	Open
Office Assistant II – Restricted (ACS II)	OTBS	37.0	Open
Office Coordinator	OTBS	42.5	Open/Promotional
Office Coordinator – Restricted	OTBS	42.5	Open/Promotional
School Office Coordinator	OTBS	43.0	Open/Promotional
School Office Specialist	OTBS	41.5	Open/Promotional
Seminar Assistant	OTBS	41.0	Open/Promotional
Seminar Assistant – Restricted	OTBS	41.0	Open/Promotional
Seminar Specialist	OTBS	42.5	Open/Promotional
Staff Receptionist I (ACS I)	OTBS	36.0	Open
Staff Receptionist I – Restricted (ACS I)	OTBS	36.0	Open
Staff Receptionist II (ACS II)	OTBS	37.5	Open
Staff Receptionist II – Restricted (ACS II)	OTBS	37.5	Open
Substitute Assignment Specialist	OTBS	41.0	Open/Promotional
Substitute Assignment Specialist – Restricted	OTBS	41.0	Open/Promotional
Transportation and Related			
Bus Driver	OSS	38.5	Open/Promotional
Bus Driver, Lead/Scheduler	OSS	39.5	Open/Promotional
Mechanic I	OSS	42.5	Open/Promotional
Mechanic II	OSS	45.5	Dual Certification
Operations Specialist	OSS	45.0	Dual Certification

ACS I: 1st class level of an Alternate Class Series (ACS).
ACS II: 2nd class level of an Alternate Class Series (ACS).
AIDES: Class is a member of the Aides Unit, SEIU Local 715.
OSS: Class is a member of the Operations Support Services (OSS) Unit, SEIU Local 715.
OTBS: Class is a member of the Office, Technical and Business Services (OTBS) Unit, SEIU, Local 715.
Restricted: Positions in this class are paid at least 51% from funds budgeted for the Head Start Program.

08/22/03; PJG

APPENDIX C

CLASSES WITH ALTERNATE CLASS SERIES DESIGNATIONS

1ST Level Classification	2nd Level Classification	Unit	See Legend
Accountant I	Accountant II	5	B, E
Accountant I - Restricted	Accountant II – Restricted	5	B, E
Accounting Technician	Accounting Technician, Senior	5	A, E, F
Accounting Technician - Restricted	Accounting Technician, Senior - Restricted	5	A, E
Administrative Assistant I	Administrative Assistant II	5	A, E
Administrative Assistant I - Restricted	Administrative Assistant II - Restricted	5	A, E
Applications Support Technician	Applications Support Specialist	5	B
Central Office Receptionist I	Central Office Receptionist II	5	A
Computer Operations/Systems Technician	Computer Operations/Systems Specialist	5	B, D
Computer Terminal Operator I	Computer Terminal Operator II	5	A
Dental Insurance Claims Assistant	Dental Insurance Claims Examiner	5	A
Eligibility Enrollment Specialist I	Eligibility Enrollment Specialist II	5	A, E
Eligibility Enrollment Specialist I - Restricted	Eligibility Enrollment Specialist II - Restricted	5	A, E
Family Support Specialist I	Family Support Specialist II	5	A, E
Family Support Specialist I - Restricted	Family Support Specialist II - Restricted	5	A, E
Library Resource Specialist I	Library Resource Specialist II	5	B, C
Maintenance Worker I	Maintenance Worker II	6	A, C
Maintenance Worker I - Restricted	Maintenance Worker II - Restricted	6	A, C
Network Technician	Network Analyst	5	B, D
Office Assistant I	Office Assistant II	5	A
Office Assistant I – Restricted	Office Assistant II - Restricted	5	A
Payroll/Retirement Deduction Specialist I	Payroll/Retirement Deduction Specialist II	5	B, E, F
Print Support Technician I	Print Support Technician II	5	A,
Purchasing Technician I	Purchasing Technician II	5	A, E
Research Analyst, Assistant	Research Analyst, Associate	5	A, C
Research Analyst, Assistant - Restricted	Research Analyst, Associate - Restricted	5	A, C
Staff Receptionist I	Staff Receptionist II	5	A
Staff Receptionist I - Restricted	Staff Receptionist II - Restricted	5	A

LEGEND

- A: Generally, requires at least one year of service.
- B: Generally, requires two (2) years of service.
- C: Requires qualifications to be verified through position audit.
- D: Requires completed coursework or earned certificate.
- E: Requires qualifications to be verified through appropriate testing.
- F: Pursuant to side letter agreement, the salary step placement for employees, in positions as of July 1, 2001, shall be determined in the same manner as a promotion. Persons appointed to such positions, after July 1, 2001, shall have their salary step placement determined in accordance with Rule 15.10.

05: OTBS Unit

06: OSS Unit

Reference: Merit Rules 6.10 – 6.13, 8.09, 9.01(A) and 15.10.

APPENDIX D
SPECIFIC MERIT RULE ADOPTIONS AND AMENDMENTS

Rule	Rule Title	Adopted	Amended			
1.01	Definition	07/73	12/03			
1.02	Merit Rules for the Classified Service	07/73	12/03			
2.01	Terminology	07/73	12/03			
2.02	Definition of Terms	07/73	12/03			
3.01	Statutory Authority of Rules	07/73	12/03			
3.02	Printing and Distribution of Rules	12/03				
3.03	Procedures for Adopting or Amending Rules	07/73	09/77	03/83	07/03	
3.04	Judicial Review of Rules	07/73	12/03			
3.05	Status of Addenda to Rules	07/73	12/03			
3.06	Application of Rules to Represented Employees	07/73	02/81	12/03		
3.07	Application of Rules to Management and Confidential Employees	12/03				
4.01	Appointment of Personnel Commission Members	07/73	12/03			
4.02	Qualifications for Membership on Personnel Commission	12/03				
4.03	Terms of Office	07/73	12/03			
4.04	Vacancies; Announcement of Intended Appointees; Open Hearings	12/03				
4.05	Discharge of Duties until Successor Appointed	12/03				
4.06	Commission Officers	07/73	12/03			
4.07	Compensation of Commission Members	07/73	04/77	03/81	12/03	
4.08	Quorum and Majority	07/73	12/03			
4.09	Open Public Meetings	07/73	07/79	12/03		
4.10	Agenda and Supporting Data	07/73	07/75	09/76	12/03	
4.11	Official Minutes	07/73	12/03			
4.12	Regular Meetings	07/73	02/79	01/80	07/90	12/03
4.13	Special Meetings	07/73	07/79	12/03		
4.14	Closed Sessions	07/73	07/79	12/03		
4.15	Personnel Commission Staff	07/73	12/03			
4.16	Director of Classified Personnel Services	07/73	03/83	12/03		
4.17	Expenditure of Funds for Commission Staff Training	12/03				
4.18	Non-Permanent Commission Employees and Positions	12/03				
4.19	Official Communications	07/73	12/03			
4.20	Budget of the Personnel Commission	07/73	12/03			
4.21	Legal Counsel for the Commission	12/03				
4.22	Annual Report of the Commission	07/73	12/03			
4.23	Office Accommodations for the Commission	12/03				
4.24	Roster of Employee and Positions	12/03				
4.25	Administrative Reports and Transactions	07/73	12/03			
5.01	The Classified Service	07/73	12/03			
5.02	Positions Belonging to Commission Staff	07/73	12/03			
5.03	Senior Management Positions	12/03				
5.04	Restricted Positions	07/73	12/03			
5.05	Executive Secretarial Positions	12/03				
5.06	Staff Assistant Positions	12/03				
5.07	Exemption of Certain Employees and Positions	07/73				
5.08	Exemption of Professional Expert Positions	07/73	12/90	12/03		
5.09	Exemption of Community Representatives	12/03				
6.01	Classification Plan	07/73	12/03			
6.02	Classifying Positions; Assignment of Duties	07/73	12/03			

APPENDIX D
SPECIFIC MERIT RULE ADOPTIONS AND AMENDMENTS

Rule	Rule Title	Adopted	Amended			
6.03	Class Specifications	07/73	12/03			
6.04	Interpretation of Class Specifications	07/73	12/03			
6.05	Creation of Positions	07/73	06/77	03/83	12/03	
6.06	Positions with Special Requirements	07/73	12/03			
6.07	Changes to Assigned Duties of Positions	07/73	12/03			
6.08	Work Out-of-Class	07/73	09/76	09/80	12/03	
6.09	Class Studies; Review of Positions	07/73	04/76	09/76	03/80	12/03
6.10	Alternate Class Series; Positions Designated	12/03				
6.11	Alternate Class Series; Definition and Distinction	12/03				
6.12	Alternate Class Series; Employees Advancing in Series	12/03				
6.13	Alternate Class Series; Effective Date for Series Advancement	12/03				
6.14	Reclassification of Positions; Basis for Reclassification	07/73	04/76			
6.15	Reclassification Position Studies; Commission Approval	07/73	03/83			
6.16	Reclassification Effective Date for Positions Approved	03/73	11/89	04/94	11/96	12/03
6.17	Reclassification Effects on Employees	07/73	06/78	12/03		
7.01	Examination Bulletins	07/73	12/03			
7.02	Filing of Applications and Materials; Filing Deadlines	07/73	12/03			
7.03	Entrance Qualifications	07/73	12/03			
7.04	Reasonable Accommodation	12/03				
7.05	Who May Compete	07/73	12/03			
7.06	Reason(s) for Rejection or Disqualification	07/73	01/91	12/03		
7.07	Appeal(s) from Rejection or Disqualification	07/73	12/03			
8.01	Examination Plan	07/73	06/80	12/03		
8.02	Types of Examinations	07/73	11/77	07/81	12/03	
8.03	Examination Requirements for Certain Classes	07/73	07/81	12/03		
8.04	Examination Test Parts	07/73	12/03			
8.05	Examination Papers and Records	07/73	12/03			
8.06	Test Administration	07/73	12/03			
8.07	Qualification Appraisal Interviews (QAI)	07/73	01/81	03/82	12/03	
8.08	Bilingual Proficiency Tests	12/03				
8.09	Employee Testing for Series Advancement	12/03				
8.10	Reexamination of Disqualified Persons or Repeating Competitors	07/73	01/81	12/03		
8.11	Notification of Test Results and/or Rank Standing	07/73	12/03			
8.12	Service Credit	07/73	12/81	12/03		
8.13	Veteran's Credit	07/73	02/78	12/03		
8.14	Review of Test Parts or Materials	07/73	04/78	12/03		
9.01	Preparation of Eligibility List; Arrangement of Eligible Persons	07/73	12/03			
9.02	Establishment and Duration of Eligibility Lists	07/73	12/81	12/03		
9.03	Reemployment List	07/73	12/03			
9.04	Reinstatement List	12/03				
9.05	Demotion List	12/03				
10.01	Type of Appointment	07/73	12/03			
10.02	Request for Certification of Eligible Persons	07/73	12/03			
10.03	Notices for Position Opening(s)	12/03				
10.04	Order of Certification	07/73	12/81	04/82	12/03	
10.05	Other Sources of Eligibility	07/73	06/75	04/89	02/94	12/03
10.06	Method of Certification	07/73	04/80	12/03		
10.07	Withholding Names from Certification	07/73	12/81	04/82	12/03	

APPENDIX D
SPECIFIC MERIT RULE ADOPTIONS AND AMENDMENTS

Rule	Rule Title	Adopted	Amended			
10.08	Waiver of Certification	07/73	12/03			
10.09	Restoring Names to Certification	07/73	12/03			
10.10	Appointment	04/80	12/03			
10.11	Provisional Appointment	07/73	12/03			
10.12	Emergency Appointment	07/73	12/03			
10.13	Substitute Appointment	12/03				
10.14	Limited-term Appointment	03/75	03/77	03/82	08/82	12/03
10.15	Employment of Professional Expert Persons	07/73	12/90	12/03		
10.16	Employment of CALPERS Retired Members	07/73	09/78	06/82	12/03	
11.01	Employment Data	12/03				
11.02	Probationary Period	07/73	12/03			
11.03	Rights of Probationary Employees	07/73	12/03			
11.04	Assignment of Disabled Employees	07/73	12/03			
11.05	Performance Evaluations	07/73	12/03			
11.06	Personnel Files	07/73	12/03			
11.07	Resignation	07/73	12/03			
11.08	Payrolls	07/73	12/03			
11.09	Benefits for Part-time Employees	07/73	12/03			
12.01	Vacation	07/73	02/75	12/03		
12.02	Interruption or Termination of Vacation Leave	07/73	02/75	12/03		
12.03	Sick Leave	07/73	10/81	12/03		
12.04	Personal Necessity Leave (PNL)	07/73	12/03			
12.05	Bereavement Leave	07/73	12/03			
12.06	Family Care Leave	12/03				
12.07	Extended Illness Absence	12/03				
12.08	Industrial Illness and Accident Leave	07/73	12/03			
12.09	Jury Duty and Witness Leave	07/73	12/03			
12.10	Absence for Examination	07/73	12/03			
12.11	Absence for Medical and Dental Appointments	07/73	12/03			
12.12	Military Leave	07/73	12/03			
12.13	Leave of Absence for Health and Safety	12/03				
12.14	Leave of Absence for Study or Retraining	07/73	12/03			
12.15	Unpaid Leave of Absence	07/73	12/03			
13.01	Definitions	07/73	12/03			
13.02	Seniority (Order of Layoff)	07/73	12/03			
13.03	Computation of Seniority	12/03				
13.04	Seniority Lists	12/03				
13.05	Reductions in Force (RIF)	07/73	12/03			
13.06	Rights in Lieu of Layoff	07/73	08/92	12/03		
13.07	Reemployment	12/03				
13.08	Notice of Layoff Due to Expiration of Restricted Funded Programs	12/03				
13.09	Limited-Term, Provisional and Substitute Assignments	07/73	12/03			
14.01	Definitions	07/73	12/03			
14.02	Causes for Suspension, Demotion and Dismissal	07/73	12/03			
14.03	Procedures for Suspension, Demotion and Dismissal	07/73	09/77	03/79	12/03	
14.04	Appeal of Disciplinary Action	07/73	12/03			
14.05	Hearing Procedure	07/73	09/77	12/03		
15.01	Workday and Workweek	07/73	12/03			

APPENDIX D
SPECIFIC MERIT RULE ADOPTIONS AND AMENDMENTS

Rule	Rule Title	Adopted	Amended			
15.02	Overtime Defined	07/73	12/03			
15.03	Compensation for Overtime	07/73	12/03			
15.04	Classifications Exempt from Overtime Compensation	07/73	10/77	12/77	10/78	12/03
15.05	Rest Periods	07/73	03/75	12/03		
15.06	Initial Salary Placement	07/73	12/03			
15.07	Salary Step Advancement	07/73	04/81	12/03		
15.08	Salary Placement: Promotion	07/73	12/03			
15.09	Salary Placement: Transfer (Reassignment)	07/73	12/03			
15.10	Salary Placement: Alternate Class Series Advancement	12/03				
15.11	Salary Placement: Return from Unpaid Leave of Absence	07/73	12/03			
15.12	Salary Placement: Demotion	07/73	12/03			
15.13	Salary Placement: Reclassification	12/03				
15.14	Salary Placement: Position Reallocation	07/73	12/03			
15.15	Salary Placement: Work Out-of-Class	07/73	09/74	08/80	12/03	
15.16	Salary Differential (Differential Compensation)	07/73	12/03			
15.17	Compensation for Bilingual Certification	12/03				
15.18	Longevity or Length of Service Increments	12/03				
15.19	Holiday Pay	07/73	12/03			
15.20	Wage and Salary Administration	07/73	12/03			
15.21	Wage and Salary Studies	07/73	12/03			
15.22	Wage and Salary Study Recommendations	07/73	12/03			
16.01	Conflict Resolution	07/73	02/94	12/03		
16.02	Complaints Regarding Personnel Commission Rules	12/03				
16.03	Nepotism	12/03				
16.04	Political Activity	07/73	12/92	12/03		
16.05	Wearing of Uniforms or Identification Badges	12/03				
16.06	Physical Examinations	07/73	12/03			
16.07	Reimbursement of Expenses of Employment Candidate	12/03				
16.08	Fingerprinting of Prospective Classified Employees	07/73	12/03			
16.09	Volunteers	12/03				
16.10	Classified School Employee Week	12/03				

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