

Los Angeles County
Office of Education



RULES

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PERSONNEL COMMISSION RULES

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SECTION 4200

4200.1 DEFINITION OF TERMS

The following words and terms when used in these rules shall have the meaning indicated below unless the context or prevailing law clearly indicates otherwise.

The use of the singular shall be construed to include the plural unless in conflict with reasonably applied logic.

4250	1.	Abandonment Of Position:	When an employee is absent without notice (unauthorized) for a specified period of time.
4255	2.	Absence:	Time away from duties during regularly assigned time.
4250	3.	Absence Without Leave:	Any unauthorized absence.
4215	4.	Accelerated Hiring Rate:	An initial pay rate at other than the first step of the salary range.
4205	5.	Act Or The Act:	Refers to those sections of the Education Code of the State of California and any other applicable Codes applying to the merit system for classified employees. It shall include all of the provisions of Article 6, Chapter 5, Part 25, as well as the provisions of Chapter 1 and Articles 1 to 4 of Chapter 5 in Part 25.
4240	6.	Administrative Class:	A class meeting the criteria for the certification from eligibility lists established to exempt certain positions according to the Fair Labor Standards Act and exclusion from overtime provisions of the Education Code.

4210 4215	7.	Allocate Or Allocation:	The official placing of a position in a given class by the Commission, and the assignment of a class title to the position, or the assignment of a class to the salary schedule or range of pay.
4215	8.	Alternate Work Schedule:	Generally a schedule consisting of either a 40-hour work week in which the employee works fewer than five days per week (most typically called a 4/40 schedule) or 80 hours in two weeks in which the employee works fewer than ten days (most typically called a 9/80 schedule).
4210 4215	9.	Anniversary Date:	The date upon which an employee is granted, or is to be granted, earned salary advancement. The anniversary date is subject to change only as specified in these rules unless otherwise agreed upon in a collective bargaining agreement.
4220 4225	10.	Appeal:	A formal complaint to the Commission, either following an unsuccessful protest to the Personnel Director, or other action actually or potentially detrimental to an employee or applicant.
4220	11.	Applicant:	A person who has filed a form for employment.
4230	12.	Appointing Authority:	The Los Angeles County Superintendent of Schools, or the Personnel Commission for members of its staff.
4230	13.	Appointment:	The official act of the appointing authority in authorizing the employment of a person.
4210	14.	Assignment:	Placement of a person in a position. It also refers to the position to which the employee is placed.

4255	15.	Authorized Absence:	Any absence which is taken in accordance with the office policy or contract provisions and with appropriate administrative approval.
4220	16.	Bar:	The rejection of an applicant or candidate from competing in examinations for a specified period of time for violation of a Personnel Commission rule(s) or Education Code provision(s).
4255	17.	Bereavement Leave:	A paid leave of limited duration granted to an employee upon the death of a member of the immediate family.
4205	18.	Board Of Education:	The Los Angeles County Governing Board.
4245	19.	Bumping Rights:	The right of an employee, under certain conditions, to displace another employee with less seniority within the same class or a prior class in which the person has seniority.
4220	20.	Candidate:	A person who has participated or competed in one or more portions of the Commission's selection process.
4250	21.	Cause:	Those specific activities, behaviors, or events which are listed within these rules or other rules, regulations or statutes as being reason for disciplinary action.
4210	22.	Certificated Service:	Those persons and positions required by law to possess credentials issued by the Commission on Teacher Credentialing of the State of California permitting those persons to teach in a public school system (also includes those non-teaching positions requiring an administrative credential).

4230	23.	Certification:	The submission of names by the Personnel Director of candidates from an appropriate eligibility list (established by the Commission), or from some other source of eligibility, to the appointing authority or designee authorized to make selections subject to the approval of the appointing authority.
4210	24.	Class:	A single position or group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be used and the same minimum requirements are needed to qualify (sometimes referred to as classification - synonymous with job).
4210	25.	Classification:	The act of classifying and titling in position classification. Only the duties and responsibilities of positions are classified.
4210	26.	Classification Allocation:	The action of the Commission in the allocation of positions to appropriate classifications, arrangement of classes into groups (job families), and determining the reasonable percentage relationships between classes and groups of classes.
4210	27.	Classification Plan:	All the classes which are used by an organization, class specifications, or the act of keeping the classifications current.
4210	28.	Classified Service:	All employees and positions in office to which "The Act" applies.
4210	29.	Classifying:	The action of the Commission in the allocation of all positions to an appropriate "class", whether new or existing.

4210	30.	Class Specification:	A written description of job components such as duties and responsibilities of the positions in the class illustrated by examples of typical tasks and of the minimum qualifications required to compete in the examination for the class.
4210	31.	Class Title:	A definite descriptive name applied to a class and to all positions of the class. The class title is to be as descriptive as possible of the duties assigned to the class and should be typical of that used in the occupational field.
4205	32.	Commission:	The appointive body established pursuant to the requirements of "The Act" to govern the merit system and oversee the personnel management function related to the classified service, and to oversee the actions of the appointing authority in carrying out the requirements of the Education Code and the rules and regulations of the Personnel Commission of the Los Angeles County Office of Education. (See "Personnel Commission".)
4225	33.	Continuous Recruitment:	An ongoing procedure or procedures for attracting applicants in which the last day for filing of applications is not specified, and examinations are conducted as the needs of the service require.
4245	34.	Demotion:	A change in assignment of an employee from a position in one class to a position in another class with a lower maximum salary rate. It may also be a reduction in hours, days or months of assigned time, or a reduction of salary within class. A demotion may be voluntary, the result of a reduction in force, or the result of a disciplinary action.

	35.	Differential Or Differential Pay:	A salary allowance in addition to the basic salary rate or schedule based upon additional skills, responsibilities, or specifically scheduled working hours. It also relates to the size of the internal relationship between steps on a salary range and/or the salary rates (ranges) of related classes.
4250	36.	Discharge Or Dismissal:	Involuntary separation from the classified service for cause in accordance with the rules and regulations of the Personnel Commission. Requires action by the Superintendent or Personnel Commission (for its own staff).
4245	37.	Displacement:	The act of removing an employee from a position as a result of a layoff.
4225	38.	Dual Certification:	An examination procedure which results in one integrated promotional and open eligibility list. Eligible promotional candidates shall have their scores adjusted for preferential credit points, to a maximum of five points (one-half point for each year of service).
4210	39.	Duties Statement:	A list of the specific duties and responsibilities assigned to an individual position.
4230	40.	Eligible (Adjective):	Legally qualified to be appointed to a position.
4230	41.	Eligible (Noun):	A person whose name appears on an eligibility list.
4230	42.	Eligibility List:	A rank ordered list of the names of persons who have qualified for employment consideration through a competitive examination process.

	43.	Emergency Appointment:	An appointment for a period not to exceed 15 working days to prevent the stoppage of public business. Emergency appointments need not be made from eligibility lists.
4235	44.	Employee:	A person who is legally an incumbent of a specific position or who is on an authorized leave of absence there from, or from a classification.
4230	45.	Employment List:	A list of names of qualified individuals who are eligible to fill vacancies in a specific job class from which certification(s) may be made.
4240	46.	Employment Status:	The condition of an employee's present appointment indicating the degree of permanency with the Office.
4225	47.	Entry Level	Lowest skilled/paid classification in an occupational group or within an occupational series.
4225	48.	Examination:	The process of assessing the extent to which applicants possess the critical skills, knowledge, abilities and traits required to successfully perform the critical duties in a particular classification, and the comparative strengths of the candidates in these factors.
	49.	Exempt Classes:	Refers to those positions and employees exempt from the regular classified service as provided in "The Act." It also refers to those positions and employees designated as executive, administrative, or professional which are exempted from overtime and meet the criteria of the Fair Labor Standards Act. (See Education Code 45130.)

4230	50.	Exhausted List:	A list of eligibles from which there are insufficient numbers (less than three ranks) of qualified candidates who are ready, willing, and able to accept an assignment on either a regular full-time or part-time basis and from which an appointing authority does not wish to make an appointment.
4230	51.	Field Of Competition:	The category of person from whom applications will be accepted. This is determined by the Commission or its designated representative and may consist of promotional (with promotional candidates taking precedence), dual certification, or open candidates.
4215	52.	Full Time:	A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is equal to or greater than eighty-seven and a half percent of the normally assigned time of the majority of employees in the classified service.
<u>SECTION</u> 4240	53.	Grievance:	An employee complaint concerning conditions of employment, or concerning the alleged violation, misinterpretation, or inequitable application of statutes, the Education Code, the Personnel Commission rules, or LACOE policies. This term does not apply to appeals from disciplinary actions, requests for classification study, or salary review.
4210	54.	Group:	A number of classes sufficiently related in duties and responsibilities to be placed in a hierarchical relationship (also called job family) to one another as promulgated by the Personnel Commission.

4225 4240 4250	55.	Hearing:	A formal meeting and review of evidence conducted by the Commission or a designated representative. A hearing may be authorized as a result of an employee appeal of disciplinary action imposed by the office.
4215	56.	Hire Date:	Date of original or most recent employment.
4255	57.	Immediate Family:	The mother, step mother, mother-in-law, father, step father, father-in-law, grandfather, grandmother, including grandfather and grandmother of spouse, spouse, a grandchild of the employee or the spouse, son, stepson, son-in-law, daughter, stepdaughter, daughter-in-law, brother, brother-in-law, half, step, sister, sister-in-law, half, step, or any relative living in the immediate household of the employee. (See SEIU and CSEA agreements.) (Revised 11/20/97)
4250	58.	Inattention To Or Dereliction Of Duty:	A pattern of continued neglect or dereliction in the performance of assigned duties.
4250	59.	Incompetence:	The inability to perform duties at a satisfactory level.
	60.	Incumbent:	An employee assigned to a particular position within a class.
<u>SECTION</u> 4255	61.	Industrial Accident:	An injury or illness which arose out of and in the course of employment.
4250	62.	Inefficiency:	A pattern of below standard work performance.
4250	63.	Insubordination:	Refusal to perform lawful and reasonably assigned duties.

4225	64.	Interview:	A structured oral examination part designed to evaluate the extent to which a candidate's background and/or personal traits have prepared the individual to perform the primary duties of the class. This term also applies to the selection or hiring interview conducted by the appointing authority or his designee to discuss the extent that an eligible's background and personal traits are related to a position within a class and to inform the eligible about the job.
4250	65.	Involuntary Leave:	Leaves of absence resulting from a disciplinary action; a suspension.
4210	66.	Job Analysis:	A systematic study of positions in a class to determine which, and to what degree, primary duties and tasks are essential to the job and to define and link those skills, knowledge, abilities, and traits which are necessary to successfully perform them.
4210	67.	Job Audit:	A systematic personnel job evaluation technique used to gather information in order to determine the appropriateness of a classification.
4215	68.	Lay Off:	Separation from a regular service because of a lack of work, lack of funds. A layoff shall include any voluntary reduction in hours of employment, or assignment to a class or grade lower than that in which the employee has probationary or permanent status or voluntarily consented to by the employee, in order to avoid interruption of employment by layoff.
<u>SECTION</u> 4255	69.	Leave Of Absence:	An approved absence from duty, with or without pay, for a prescribed period of time from a specific position or from a classification.

4215	70.	Limited Term Assignment:	Situations such as employment of a person on a temporary basis to substitute during the authorized absence of a permanent employee on temporary assignment or on paid or unpaid leave. (Also known as substitute position). It may also be employment of a person on a temporary basis to provide service on a work overload basis. Assignments of this nature may not exceed six calendar months or one hundred thirty days of paid service.
4235	71.	Loyalty Oath:	A statement that requires all new employees to declare their support to the United States and California Constitution as required by state law.
4205	72.	May:	A verb indicating that an action is permissive.
4230	73.	Merging:	The act of combining two or more equivalent eligibility lists for the same class in the rank order of scores of the eligibles. Even though the eligibility lists have been merged, each list individually expires one year following the date on which it was established by the Commission, not following the date on which they were merged.
4205	74.	Merit Principle:	The concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness.
4205	75.	Merit System:	A personnel management system as defined by the Act in which merit and fitness govern each individual's eligibility for selection, retention, employment, and progress in the classified service.
4255	76.	Military Leave:	Authorized absence to engage in ordered military duty.

	77.	Non-Represented	Personnel not covered by any union agreement (i.e., management, limited-term, and provisional staff).
4225	78.	Occupational Hierarchy	Related jobs in an occupational group with shared knowledge, skills, and abilities.
4205	79.	Office:	Shall mean the Los Angeles County Office of Education (also known as LACOE).
4230	80.	Open Competitive Examination:	An examination in which any qualified person may participate.
4215	81.	Part-Time Position:	A position for which the assigned time when computed on an hourly, daily, weekly, or monthly basis, is less than eighty seven and a half percent of the normally assigned time of the majority of employees in the classified service.
4240	82.	Performance Evaluation:	A formal written statement of evaluating the quantity and/or quality of the work performance and behavior and other pertinent characteristics by an employee.
4240	83.	Permanent Employee:	An employee who has completed an initial probationary period or, when used in reference to employment status in a specific class, an employee who has completed a probationary period for that class.
4240	84.	Permanent Position:	A position established for a continuing and indefinite or unlimited period of time, or for a fixed period of time in excess of six months.

4255	85.	Personal Necessity Leave:	A leave of absence with pay for a limited duration, which may be taken for reasons of personal need, as specified in the Education Code, the employee organization contract(s) and the Rules and Regulations of the Personnel Commission. Such leave is charged against the employee's earned cumulative sick leave bank.
<u>SECTION</u> 4205	86.	Personnel Commission:	A nonpartisan public body established pursuant to the requirements of "The Act" to govern the "Merit System" in the LACOE (also referred to as Commission).
4205	87.	Personnel Director:	The Personnel Director employed by the Commission, who shall also act as secretary of the Commission and may act as its designated representative in administering the "Merit System" (Civil Service) under the provisions of law and the Rules and Regulations established by the Personnel Commission. Also may be referred to as "Director of Classified Personnel."
4205	88.	Policy Interpretation:	The Personnel Director shall be responsible for interpreting all policy regarding employment of personnel.
4210	89.	Position:	Those duties and responsibilities assigned by appropriate authority which require either full-time or part-time employment of one person on a permanent or limited-term basis.
4240	90.	Probationary Period:	A trial period following appointment to a regular position from an appropriate eligibility list (as specified in Rule 4240). Probation is the last stage of the selection procedure in determining employee competency.

	91.	Probationary Employee:	An employee who has not yet completed the required probationary period.
4230	92.	Professional Expert:	A person of unique and special qualifications employed by the office in a professional capacity for a specific limited-term project. Such persons are excluded from the classified service.
4215	93.	Promotion:	A change in assignment of an employee from a position in one class to a position in a class with a higher maximum salary rate.
4230	94.	Promotional List:	An eligibility list resulting from a promotional examination limited to qualified regular employees.
4230	95.	Provisional Appointment:	The temporary appointment of a qualified person to fill a position, which is made in the absence of an appropriate eligibility list, for a period of time not to exceed ninety working days.
4230	96.	Provisional Employee:	A person employed temporarily in the absence of a viable eligibility list.
4215	97.	Range:	A series of consecutive salary steps that comprise the rate of pay for a class.
4225 4230	98.	Rank:	A position on the eligibility list wherein the eligibles final scores (including seniority and/or preferential credit points) on the examination have been included and rounded to the nearest whole number (percent). All eligibles with the same score are accorded the same rank on the list.
4210	99.	Reallocate Or Reallocation:	The reassignment of a class from one salary range or hourly rate to another salary range or hourly rate.

4210	100.	Reclassify Or Reclassification:	The reassignment of a position because of significant change in minimum qualifications, duties, or responsibilities. Reclassifications may occur only through a gradual accretion or growth of duties. Reclassification may or may not be accompanied by a change in salary range assignment; a change in class assignment (upward or downward) as a result of a change in duties.
4230	101.	Reemployment:	A reappointment of an employee/former employee who has been laid off from permanent position due to of lack of work, lack of funds, or who are otherwise eligible for reemployment in their former classification without examination within a period of thirty-nine months following the date of termination.
4230	102.	Regular Appointment:	An appointment of more than six months duration made from an appropriate eligibility list of persons who are legally qualified.
4215	103.	Regular Employee:	An employee in the classified service who has probationary or permanent status.
4230	104.	Rehire Date:	The date of most recent regular employment with LACOE.
4230	105.	Reinstatement:	The reappointment of a former employee within a period of thirty-nine months following the date of resignation, without examination to a position in a class or classes formerly held, or in a related former class as determined by the Commission. Such reappointment requires the restoration of all rights and benefits earned by the person prior to resignation. (See CSEA & SEIU agreements.)

4210	106.	Reorganization:	<p>The restructuring of the job duties of a position to the extent that a different classification(s) is created. If there is not an incumbent performing the newly created work, then:</p> <ol style="list-style-type: none"> 1. The previously classified position shall be eliminated and; 2. A new classified position shall be established and; 3. An appropriate recruitment shall be conducted.
4250	107.	Reprimand:	A criticism of work less severe than a suspension, demotion or dismissal. An oral reprimand is the first step in due process and a written reprimand is the second.
4240	108.	Resignation:	The voluntary termination of employment by an employee who is the initiating party.
4230	109.	Restoration:	The reinstatement to duty of an employee with all rights, benefits, and burdens held prior to the break in service. This term includes reemployment and reinstatement following demotion or dismissal when an appeal is sustained by the Personnel Commission.
4210	110.	Restricted Positions:	Specially funded classes, positions, and employment where competition is limited to persons in low-income groups, from designated impoverished areas, and who meet other limitations as defined in the Education Code which restrict the privileges of all citizens to compete for employment. Persons in such positions shall be classified employees for all purposes except as related to obtaining permanency, seniority credits, and promotional eligibility.

4230	111.	Rule Of Three Ranks:	The scope of choice available to the appointing authority for making its selection from the first three ranks of eligibles who are ready, willing and able to accept appointment to a specific position.
4215	112.	Salary Range:	A series of consecutive salary steps that comprise the rates of pay for a classification.
4215	113.	Salary Range Placement:	The act of the Personnel Commission of placing a specific classification onto a specified range of the salary schedule or schedule matrix.
4215	114.	Salary Rate:	The amount of money authorized to be paid on an hourly, daily, weekly, monthly or annual basis for a specific classification, position, assignment, or contract.
4215	115.	Salary Schedule:	The complete list of ranges, steps, and rates established for the classified service.
4215	116.	Salary Step:	A specific rate in a salary range.
	117.	Salary Survey:	The collection and compilation of current wage, benefit and salary data of benchmark classes from other public and private sector employers in the pertinent labor market area. The data is used for comparison with LACOE classes and benefits and may be the basis for compensation recommendations for the classified service. The term also includes the written report containing the data collected.

4240	118.	Seniority:	Status secured by length of service (in a classification) to which certain rights attach including but not limited to, determining the order of employment when positions are available for transfer or demotion (downgrade) or when positions within a classification are eliminated (layoff).
4240	119.	Separation:	The termination of employment of an employee or the ending of all status as a regular employee. Termination includes resignation, dismissal, and layoff. It means the ending of all status as a regular employee.
4210	120.	Series:	Classes related by the nature of the work assigned, qualification requirements and arranged in hierarchical order. (e.g., the accounting series). The occupational hierarchies established by the Commission are composed of various series of classes.
4230 4240	121.	Shall And Will:	These verbs indicate that the action is mandatory.
4230	122.	Status:	The condition of an employee's present appointment such as provisional, part-time, probationary, limited-term, permanent or regular.
4215	123.	Step Advancement:	Movement to a higher step on the salary range for the class as a result of having served the required number of months in that class or until the maximum step of the range has been achieved.
4225	124.	Subject Matter Expert:	An individual who, because of the level of education, experience, and/or training gained, is recognized as being very knowledgeable in a field or occupation and is called upon to provide information for job analysis or examination development purposes.

4215 4230	125.	Substitute Employee:	An employee temporarily occupying a position during the absence of a regular employee.
4205 4215	126.	Superintendent:	The Los Angeles County Superintendent of Schools.
4250	127.	Suspension:	An enforced involuntary absence with or without pay for disciplinary purposes or pending investigation of charges that have been filed against an employee.
4240 4250	128.	Termination:	The ending of an incumbent's assignment or appointment.
4225	129.	Test Types:	Written, performance, general fitness interview, technical oral, experience evaluation, in-basket exercise, role-play, group discussion exercise, writing assessment, oral presentation, assessment center exercises, job simulation, or any other method of assessment deemed appropriate by the Commission upon recommendation of the Personnel Director.
4215	130.	Transfer:	The movement of an employee from one position to another in the same class or to a position in a similar or related class with the same salary range.
4210	131.	Unclassified Service:	Positions and employees not in the classified or certificated services. This includes part time playground positions, full time day students employed part-time, part-time students employed part-time in defined programs (ref. Ed Code 43256) apprentices, and professional experts employed on a temporary basis for a specific project.

4220 4225	132.	Veterans Credit:	Five points (or ten points for persons disabled as the result of military service) for military or related service rendered during time of war or national emergency. The points are to be added to the final score of such person competing in an open or dual certified examination. Veteran credits are only applicable to entry level examinations.
4215 4240 4245	133.	Voluntary Demotion	A demotion requested by an employee in order to retain employment when layoff from his position is imminent or for other reasons where the action is entirely voluntary on the part of the employee.
	134.	Waiver Of Eligibility	The voluntary relinquishment by an individual of any right to consideration for appointment from an eligibility list.
	135.	Workday:	That part of a twenty-four hour period during which an employee is assigned by LACOE to work (in accordance with a specific assignment.) [See CSEA and SEIU agreements].
	136.	Y-Rating:	Retaining or "freezing" an employee's current salary range and step in the event his/her position is moved from a higher class to a lower class such as a voluntary demotion in lieu of layoff or downward reclassification of the position. "Y" rating does not apply to a demotion imposed for disciplinary reasons.

PC RULES COMBINED

SECTION 4205

4205.1 INITIAL TERMS OF OFFICE

The Personnel Commission is composed of three persons who must be registered voters, reside within Los Angeles County, and be known adherents to the principles of the merit system.

- A.** One member is appointed by the County Superintendent. A second member is appointed by the classified bargaining unit having the largest membership. These two members shall in turn appoint the third member.
- B.** No one shall be eligible for appointment, reappointment, or continuance as a member of the Commission, who is simultaneously an employee of the Los Angeles County Office of Education or the County Superintendent.

The term of each Commissioner is three years and expires at noon, December 1, upon completion of the third year. Appointments shall be made in such a way as to assure that the term of one Commissioner expires each year.

Reference: Education Code Sections 45244 through 45247

4205.2 SUBSEQUENT TERMS OF OFFICE

On or about August 1 of each year, the Personnel Director shall notify the County Superintendent of the name and home address of the Commissioner whose term will expire, and whether or not that Commissioner will accept reappointment. The notification shall also list the appointing authority and indicate that the County Superintendent shall follow the provisions of the Education Code.

When the vacancy is the County Superintendent's appointee, the County Superintendent shall publicly announce by September 30, the name of its intended appointee. At a Board meeting held after thirty days, but within forty-five days of the date the County Superintendent publicly announced the name of its intended appointee, there shall be a public hearing to provide the public, employees, and the employee organizations the opportunity to express their views on the candidate's qualifications.

When the vacancy is the classified employee's appointee, the classified employees shall submit the name of its nominee to the County Superintendent at least thirty days prior to the date on which the vacancy will occur. Timely manner

compliance with this rule means that the name shall be submitted in sufficient time to be placed on a Board agenda during the month of November. The County Superintendent shall appoint the nominee to be effective on the date on which the vacancy occurs.

When the vacancy is the other two members' appointee, those two members shall publicly announce by September 30, the name of the person they intend to appoint. If the County Superintendent's appointee and the classified employees' appointee are unable to agree upon a nominee, the Superintendent of Public Instruction shall, within thirty days after December 1, make the necessary appointment.

Reference: Education Code Sections 45244-45248
Government Code Section 1302

4205.3 ELECTION OF OFFICERS

- A.** The officers of the Personnel Commission shall be designated as Chair and Vice Chair.
- B.** At its first meeting in December of each year, the Personnel Commission shall elect one of its members to serve as Chair for a period of one year. A Chair may serve more than one term.
- C.** At the same time and in the same manner, the Personnel Commission shall elect one of its members to serve as Vice-Chair.
- D.** The Chair shall be the presiding officer at all regular and special meetings of the Commission. In the event of the absence of the Chair, the Vice-Chair shall preside.

4205.4 EVENTS CAUSING VACANCY BEFORE EXPIRATION OF TERM

Personnel Commissioners shall be expected to attend all regular and special meetings of the Personnel Commission. If a member is unable to attend a scheduled meeting, the member shall contact the Personnel Director to inform the Commission of the expected absence. A member of the Personnel Commission shall be deemed to have vacated the seat of the Commission before the expiration of the prescribed term in case of any of the following events.

- A.** The death of the Commissioner or an adjudication pursuant to a quo warrant to proceeding, declaring that the Commissioner is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the Commissioner will not be able to perform the duties of the office for the remainder of the term.

- B.** The Commissioner's resignation.
- C.** The Commissioner's removal from office by a court of competent jurisdiction.
- D.** The Commissioner's ceasing to meet all the legal requirements to continue to be a Commissioner as outlined in this rule.
- E.** The Commissioner's ceasing to discharge the duties of the office for a period of three consecutive months, except when prevented by sickness.
- F.** The Commissioner's unexcused absence exceeding four total regular meetings in a fiscal year.
- G.** The Commissioner's conviction of a felony or of any offense involving a violation of the official duties of a Commissioner as required by these rules and/or the law. A Commissioner shall be deemed to have been convicted under this rule when trial court judgment is entered.
- H.** The decision of a competent tribunal declaring void the Commissioner's appointment.
- I.** The Commissioner's commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, or inebriate. In this event, the office shall not be deemed vacant until the order of commitment has become final.

Reference:

Government Code Sections 1060 et seq., 1750, 1770, 3000, 3001, 3100, and 3753

Penal Code Sections 1026, and 1368 et seq.

Welfare and Institutions Code Section 5008, and 6300 et seq.

Education Code Sections 45244, 45245, 45246, and 45247

4205.5 REMOVAL OF COMMISSIONER FOR CAUSE BY COMMISSION

Unless one of the causes for vacating a Commissioner's position is ordered by a court of competent jurisdiction, the Commission may declare a position vacant pursuant only to Rule 4205.4. Such action must be taken at a regular or special meeting of the Commission, and the proposed declaration of vacancy must be listed as an action item on the official published agenda for said meeting. A copy of the agenda must be delivered in the usual and prescribed manner required by these rules to the Commissioner being subjected to possible removal, except in cases of a decedent. The Commission shall solicit input from the County Superintendent and the employee organization(s), if any, prior to the final vote. Only a majority vote by the Commission will effect a valid vacancy. If the majority of the Commissioners vote to declare a seat vacant, the Commission shall direct the Personnel Director to so inform the removed Commissioner in writing. The

Personnel Director shall initiate the necessary legal steps to fill the vacancy as mandated by the Education Code and by these rules and regulations.

Reference:

Government Code Sections 1060 et seq., 1750, 1770, 3000, 3001, 3100, and 3753

Penal Code Sections 1026, and 1368 et seq.

Welfare and Institutions Code Sections 5008, and 6300 et seq.

Education Code Sections 45244, 45245, 45246, and 45247

4205.6 EMERGENCY APPOINTMENT OF COMMISSIONER

Notwithstanding these rules, the County Superintendent, at the request of the Personnel Director, shall declare that an emergency exists when any of the items listed in Rule 4205.4 exist, and shall make an interim appointment to fill a vacancy or vacancies to insure the continuance of the functions of the Personnel Commission. An interim appointment shall terminate on the date the notification of permanent appointment is received by the interim appointee.

- A.** An interim appointee must meet the requirements of the Education Code and Rule 4205.1 and be free of the restrictions contained therein.
- B.** In no event shall an interim appointment be valid for more than sixty calendar days.

Reference: Education Code Sections 45244, 45246, and 45248

4205.7 COMPENSATION OF COMMISSION MEMBERS

Upon approval of the County Superintendent, members of the Personnel Commission shall receive compensation at the rate of fifty dollars (\$50) per meeting, not to exceed two hundred fifty dollars (\$250) per month. Upon approval of the County Superintendent, members of the Commission shall also be entitled to the same insurance plans as regular classified management employees.

Reference: Education Code Section 45250

4205.8 MEETINGS

Subject to cancellation or proper change, the Personnel Commission shall adopt a regular schedule of meeting dates and establish their time and location. Whenever the regularly scheduled meeting date happens to fall on a holiday, the Commission shall take action to designate some other day for its meeting.

4205.9 GUIDELINES FOR THE CONDUCT OF COMMISSION MEETINGS

- A.** All public meetings shall be tape recorded.
- B.** The recording secretary will only attend closed session upon the request of the Personnel Commission.
- C.** There will be no debate from the audience during discussion of business items. Questions pertinent to the subject matter may be asked and answered.
- D.** Recommendations on action items should be so stated that they may be incorporated as part of a motion. If the Commission decides not to follow the recommendations, a different motion is in order.
- E.** Any persons addressing the Commission shall:
 - 1. Be recognized by the Chair.
 - 2. Identify themselves by giving their name, their work location and classification (title), and the topic or topics of their concern.
- F.** Items identified by individuals will be considered in their order on the agenda and a person shall be allowed five minutes to speak to the item.

4205.10 ADJOURNED REGULAR MEETINGS

The Commission may adjourn any regular or previously adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the reconvened meeting is a regular meeting for all intents and purposes. Within twenty-four hours after the adjournment, a copy of the order or notice of adjournment must be conspicuously posted on or near the door where the adjourned meeting was held. When an order of adjournment of a regular meeting or of a previously adjourned meeting fails to state the hour at which the reconvened meeting is to be held, it shall be held at the hour normally designated for regular Commission meetings.

4205.11 RULES OF ORDER

The Commission shall conduct the business of its regular meetings using "Rosenberg's Rules" developed by Judge David Rosenberg (2011) as an adaptation of Robert's Rules of Order for boards, commissions and small governing bodies. Where procedure is not addressed in Rosenberg's Rules, Robert's Rules of Order shall be consulted or specific procedures be adopted by vote.

Revised 02.21.13.

4205.12 ORDER OF BUSINESS

The order of business at each meeting of the Commission shall be established when the agenda is adopted.

4205.13 AGENDA

- A.** The Personnel Director shall prepare an agenda for each meeting of the Commission. The agenda shall be delivered to each Commission member at least twenty-four hours prior to said meeting.
- B.** An agenda shall be prepared for all special meetings of the Commission that are called or requested to be called.
- C.** The Personnel Director shall cause to be posted at the Commission office a copy of the agenda at least seventy-two hours prior to said meeting.

4205.14 ADDENDA TO AGENDA

The Personnel Director may submit addenda to the agenda in writing prior to a regular meeting. The Commission may act upon the addenda.

4205.15 QUORUM, VOTING, ABSENCE, ABSTENTION, AND RECUSAL

- A.** Two members of the Commission shall constitute a quorum and may transact business.
- B.** With the exception of two recusals (see "D" below), a majority vote of the full Commission (2 of 3) shall be required to pass or approve a motion.
- C.** Commissioners are expected to vote on all matters presented for action. An absent commissioner or an abstention shall have the same effect as a "no" vote. A "tie" vote shall have the same effect as a failed motion.
- D.** A commissioner may be recused from a vote in the case of conflict of interest, personal involvement in the issue (e.g., issues involving a friend or relative), or absence from a prior meeting for the approval of its minutes. For a recusal, the commissioner shall be present (to differentiate from absence and to approve the subsequent minutes), but

shall not participate in the discussion or voting on the action. In the event of two commissioners being recused, a motion may carry or fail with the single vote of the remaining commissioner without the motion being seconded. In the event of an absent commissioner and a recusal, the motion shall be carried over to a future meeting.

- E.** Meeting minutes shall reflect each commissioner's vote ("yes" or "no") on an action. In the case of an abstention or recusal, the general reason shall be recorded in the meeting minutes. Revised 02.21.13.

4205.16 SPECIAL MEETINGS

- A.** The Secretary of the Commission may call a special meeting of the Commission as necessary, or if requested to do so by a member of the Commission.

In special situations, the Commission may meet at some other time and/or place provided that notice is given to the County Superintendent, and recognized employee organization representatives, as well as being posted at the Commission office at least seventy-two hours in advance of said meeting.

- B.** The members of the Commission shall be notified of each special meeting by written notice delivered to them personally, or by mail, at least twenty-four hours in advance of the meeting. The time and place of the meeting shall be specified in the call. Only those items of business listed in the call will be considered at the meeting.

4205.17 CLOSED SESSION

- A.** A closed session that has been called with proper notification may be conducted only during a regular or special meeting of the Personnel Commission. Prior to or after holding a closed session, the Commission shall state the general reason(s) for the closed session and may cite the statutory or other legal authority under which the session is/was being held. In the closed session, the Commission may consider only those matters covered in its statement of reasons. In the case of a special, adjourned, or continued meeting, the statement of reasons shall be made as part of the written meeting notice for such special, adjourned, or continued meeting. In giving the general reason or reasons for holding a closed session, the Commission is neither required nor authorized to give names or any other information which might constitute an invasion of privacy, or otherwise divulge protected facts and information for which the closed session is being held.

B. The Commission shall publicly report, in the public portion of the meeting in which the closed session is being held, or at its next public meeting, any action taken by the Commission in the closed session; and any roll call vote taken on such items as appointment, employment, or dismissal of any classified employee arising during the closed session.

C. The following are exceptions which permit closed meetings.

1. Appointment, employment, dismissal, or evaluation of employees.
2. Consideration of complaints or charges brought against employees.
3. Consideration of matters affecting public security.
4. Consideration of legal matters pertaining to litigation, coming within the purview of the attorney/client relationship.
5. Providing testimony in private before a grand jury, either as individuals or as a body.
6. Discussions relative to negotiations, conciliation, mediation, or other matters affecting classified employee labor relations as provided for in the Government Code. A meeting on this item may be held only if the Commission has a representative involved in the negotiating process. If the Commission has no representative and is not conducting negotiations itself, it cannot hold a closed session relative to discussing matters within the scope of negotiations.

D. Any violation of the confidentiality of a closed session by a member of the Personnel Commission constitutes a misdemeanor under the provisions of the Government Code. Repeated violations of the confidentiality of closed sessions by a Commissioner may be considered grounds for removal from office.

Reference:

Education Code Sections 35146 and 49073.

Government Code Sections 1222, 1770, 3543, 3543.2, 3549.1, 54956.9 (a.b.c.), 54957, 54957.1, 54957.2, 54957.6, and 54957.7

4205.18 MINUTES

The Personnel Director shall record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners. When requested by a Commissioner, any dissent or approval and its reasons shall be recorded. The minutes shall be written and shall be presented for correction and/or approval at the next regular meeting. The minutes or a true copy thereof shall be made available for public inspection. Copies of the official minutes shall be distributed to

the Superintendent and Assistant Superintendents, Directors, and recognized employee organization representatives, as well as being posted at the Commission office.

4205.19 ROSTER OF EMPLOYEES AND POSITIONS

The Personnel Director and Personnel Commissioners shall have unrestricted access to the central roster of employees and other such information as they may deem reasonably appropriate to monitor the rules of the Personnel Commission. Such roster and information shall be maintained by the Superintendent.

Reference: Education Code Section 45311

4205.20 COMMUNICATIONS TO THE COMMISSION

Communications and requests shall, when practicable, be made in writing. Communications and requests shall be acknowledged and replied to, noting official Commission action whenever appropriate.

Individuals or groups who wish to present proposals for action by the Commission shall present their requests to the Personnel Director for placement on the Commission agenda. Although the Personnel Commission may, on occasion, designate one of its staff to investigate a specific subject or matter, it shall be the policy of the Commission to take up or consider proposals at open (public) meetings. Individuals or groups who seek interviews with particular Commissioners regarding matters which may later be placed before the Personnel Commission for consideration, shall be referred to the Commission office. Such individuals or groups will be asked to put the matter(s) in writing so that they may be properly placed on a Commission agenda.

4205.21 RULE CHANGES, AMENDMENTS, DELETIONS, OR ADDITIONS TO RULES

All proposals from any source, to amend, delete, or add to these rules and regulations will be considered for a "first reading" at the meeting in which they are first presented to the Personnel Commission. They will not be acted upon when presented for a first reading unless an emergency exists.

- A.** On a first reading, the Personnel Commission will set a date for Commission action on a proposal. Such date shall normally be the next regularly scheduled Commission meeting.
- B.** The Personnel Director will refer the proposed rule changes to the designated representatives of recognized employee organizations for the Office's classified employees, Superintendent, Assistant Superintendents, Directors, and any others who have indicated their interest in such matters in order to provide them with an opportunity to submit their comments or recommendations.
- C.** If possible, the interested parties shall submit their reactions and/or recommendations to proposed rule changes in writing on or before the stipulated agenda deadline date. However, those who also want to speak to the item(s) at the Commission meeting will be given that opportunity as provided in Personnel Commission rules.

4205.22 COMMISSION BUDGET

The Personnel Director shall prepare and submit to the Commission a proposed annual operating budget for the next ensuing fiscal year in accordance with statutes, County Superintendent policies, and Administrative regulations of the Superintendent. The budget shall be prepared for a public hearing by the Commission to be held not later than May 30 of each year. Prior to the public hearing, the Commission shall forward a copy of the proposed budget to the County Superintendent, and designated employee organization representatives, indicating the time, date, and place for the public hearing of the budget, and shall invite all to attend and present their views. The Commission shall fully consider any views and opinions expressed prior to adoption of its proposed budget. The Commission shall then take action and forward its adopted budget to the Superintendent.

If the Superintendent proposes to reject the budget as submitted by the Commission, within thirty days after submission of the budget, a public hearing shall be held on the proposed rejection. In the absence of agreement between the parties regarding the amount of money to be budgeted for the Commission's operation, the amount of the prior year's budget adjusted upward for any salary and fringe benefits granted to classified employees by the Office shall determine the amount of the new Personnel Commission budget. The result of the Superintendent's public hearing will then determine the amount of the budget for the balance of the current fiscal year.

After adoption of the budget by the Superintendent, the Personnel Director shall be the Administrator of the Commission's funds and shall be responsible for appropriate expenditures. The Personnel Director shall make periodic reports of

the expenditure of Commission funds as necessary or as requested by the Commission.

Reference: Education Code Section 45253

4205.23 JUDICIAL REVIEW AND RELIEF

If the Commission's adopted budget is rejected by the Superintendent, and if the Personnel Commission by majority vote feels that the resulting budget does not provide sufficient funds to adequately carry out the functions of "The Act," the Personnel Commission reserves the right to seek judicial review and relief.

Reference: Education Code Section 45253

4205.24 LEGAL COUNSEL FOR THE PERSONNEL COMMISSION

The legal counsel for the County Superintendent shall also aid and represent the Personnel Commission in all legal matters. If such counsel is not available or appropriate due to a possible conflict of interest or other reasons, the Commission may employ its own legal counsel and the reasonable cost therefore shall constitute a legal charge against the Office general funds, whether or not the funds for such legal services appear in the Commission's budget.

Reference: Education Code Section 45313

4205.25 ANNUAL REPORT

The Personnel Director shall prepare an annual report of the Commission's activities. When approved by the Commission, the annual report shall be submitted for its review to the County Superintendent at a regular Board meeting. The report shall cover the Personnel Commission's activities for the preceding year.

Reference: Education Code Section 45266

4205.26 COMMISSION EMPLOYEES

The Personnel Director and other persons required to carry out the day-to-day responsibilities of the Personnel Commission shall be employees of the Personnel

Commission. The Personnel Director shall be selected by the Personnel Commission, and the Personnel Director shall select, organize, and supervise the Personnel Commission staff. The Personnel Director, under the oversight of the Commission, shall decide what functions those employees will perform, and the assigned time of each employee reporting. However, the persons so employed shall be a part of the classified service and subject to all of the rules, procedures, benefits, and burdens thereof. Reference: Education Code Sections 45250, 45253, 45256, and 45264

4205.27 GENERAL DUTIES OF THE PERSONNEL DIRECTOR

The Personnel Director shall perform all of the duties assigned and carry out all of the functions imposed upon this position by law and by these rules and regulations. The Personnel Director shall act as Secretary to the Personnel Commission and shall issue and receive all notifications on its behalf. The Personnel Director shall select, direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law, as well as the proper functioning of the office and staff of the Personnel Commission.

Under agreement with the County Superintendent and the Personnel Commission, the Personnel Director shall also perform all functions of administering the classified personnel management program, and shall serve as the advisor to the County Superintendent on classified personnel matters.

The Personnel Director shall be responsible for interpreting all Policy regarding the employment of personnel in the classified service.

Reference: Education Code Sections 45264, 45266, and 45312

4205.28 COMMISSIONERS' CODE OF PROFESSIONAL CONDUCT

- A.** All personnel commissioners shall be provided an opportunity to affirm and accept the Commissioners' Code of Professional Conduct.
- B.** In the Order of Business of the meeting in which a new commissioner is sworn-in (usually the December meeting), the personnel director shall place on the agenda a recommendation that the Commission accept the Resolution of the Personnel Commissioners Code of Professional Conduct (Resolution). The Commission Chair will ask for a motion that the Resolution be accepted. If seconded, the new commission member will be given the opportunity to sign a copy of the Resolution.

C. The signed Resolution shall be made a part of the personnel commissioner's individual service file maintained by the Commission Recording Secretary. If the Resolution is not signed by a dissenting commissioner, the unsigned Resolution shall be made part of the commissioner's service file and annotated as "unsigned." The dissenting commissioner may attach written comments.

D. Resolution of the Personnel Commissioners' Code of Professional Conduct

Whereas, the Personnel Commission shall base all actions and decisions on merit, fairness and efficiency regardless of outside influence, and

Whereas, Commissioners shall publicly champion and vocally encourage others to embrace the principles of merit in all decisions and actions related to Human Resources Management, and

Whereas, Commissioners shall act and vote independently and objectively regardless of their source of appointment, and

Whereas, although Commissioners should routinely meet with the County Superintendent, and employee representatives to discuss general Human Resources concerns, Commissioners shall direct individuals who privately contact them about specific Commission issues to address their Director, and then the full Commission, and

Whereas, the Commission is to provide counsel and direction to their Director at the policy level rather than become involved in the day-to-day operations of the staff, and

Whereas, Commissioners understand and recognize that the power and decision-making authority over the Personnel Commission and its staff or over actions that impact the Classified Service lies only with the full Commission and not with an individual opinion or one Commissioner, and

Whereas, Commission members are expected to attend and participate in all Commission meetings and become fully informed of the issues being considered at those meetings, and

Whereas, Commission members who receive expressions of concern regarding issues that impact the Classified Service should share that information with the entire Commission, and

Whereas, Commission members should avail themselves of opportunities to inform and educate themselves about current Human Resources practices and employment law by individual study and/or through participation in programs providing related information, and

Whereas, the Commission shall encourage regular and impartial performance evaluations of all Classified employees, and

Whereas, the Commission shall encourage training programs for all Classified employees, and

Whereas, the Commission shall ensure a continuous review of positions in the Classified Service and recognize that classification designations are based on assigned duties not attributes of individual incumbents, and

Whereas, Commissioners shall not publicly engage in personal attacks on Commission staff or attempt to discipline any employee other than the Director of their staff, and

Whereas, Commission members shall recognize that the Chair of the Commission is the official voice of the Personnel Commission and that members have the responsibility when meeting privately with others to differentiate their views from those of the Commission as a whole, and

Whereas, Commissioners shall respect the confidentiality of all privileged information, including that discussed in closed session, and

Whereas, Commissioners shall comply with the accepted Rules of Order and the Brown Act in the conduct of their meetings, and shall enforce the accepted Rules of Order for attendees at their meetings, and

Whereas, Commissioners shall support and ensure that all candidates for classified employment are provided with equal employment opportunity and that selection procedures are based on merit and fitness, and

Whereas, the Commission shall recognize the value of diversity in the workplace and encourage recruitment outreach to members of underrepresented groups, and

Whereas, the Commission shall adjudicate disciplinary and examination appeals on the basis of relevant substantial evidence and not on personal, prejudicial, or extraneous information, feelings, or beliefs, and

Whereas, the Commission shall abide by related provisions of the California State Education Code and federal, state and local legislation and regulations;

Therefore, be it resolved that Personnel Commissioners, agree to and support this Code of Conduct.

SECTION 4210

4210.1 THE CLASSIFIED SERVICE

A. All positions not required by law to have certification qualifications or which are specifically exempted in these rules shall be designated as classified. The classes of positions in the classified service are listed on the salary schedule.

All employees serving in the Office's classified positions shall be classified employees and the employees and positions shall be known as the classified service.

Reference: Education Code Section 45104

B. Positions which do not require certification qualifications but which are exempted from the classified service are as follows:

1. Full-time students who are employed on a part-time basis;
2. Part-time students employed part-time in any college work study program, or in a work experience program conducted by a community college district and financed by state or federal funds;
3. Apprentices;
4. Professional experts employed on a temporary basis for a specific project.
5. Part-time playground positions; those in which employees are assigned less than thirty-five hours per week;

6. Architectural and engineering firms employed on a temporary basis for a specific project when so designated by the Personnel Commission.

Reference: Education Code Sections 45256 and 45263

C. Positions exempted from the classified service shall not be eligible for benefits under these rules.

D. Persons employed in specially funded positions which are restricted to the employment of persons in low income groups, from designated impoverished areas or other criteria, which restrict competition for employment, shall be employed in restricted positions in their respective classes. The categories of positions for which the Personnel Commission may establish restrictions are: (a) specially-funded Paraeducator positions; or (b) any other specifically-funded positions involving personal contacts with pupils or parents, that are established to assist school staff personnel responsible for school-community relations, educational support services for such areas as counseling, library, health, or the correction of prevention of behavioral problems. Persons employed in restricted positions shall have all the rights, benefits, and burdens of other classified employees except that:

1. They shall not be accorded permanency in any non-restricted classification for which they are not otherwise entitled.
2. There shall be no probationary period for restricted positions.
3. They shall not acquire seniority credit for the purpose of lay-off for lack of work, lack of funds or abolishment of a position in the restricted positions.
4. Employees serving in restricted positions, after the completion of six months of satisfactory service, shall be given the opportunity to take such competitive examinations as are required for all persons to be employed in regular positions in the same class of the regular classified service, when they are made available by the Personnel Commission. If the employees serving in restricted positions satisfactorily complete the qualifying examinations, regardless of the final numerical listing on an eligibility list, they shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. Their service in the regular classified service shall be counted from the original date of employment in the "restricted" position.

Reference: Education Code Sections 45105, 45108 and 45259

4210.2 PREPARATION AND ADOPTION OF THE CLASSIFICATION PLAN

- A.** The Superintendent shall prescribe the duties to be assigned to all positions in the classified service except those on the Personnel Commission staff. When, pursuant to Paragraph D of this Rule a new position is classified to an existing class, the duties of that new position, as recommended by the division head, shall be the duties prescribed for the position, provided the Superintendent approves same before action is taken to fill the position.

Reference: Education Code Sections 45109 and 45276

When a new position is recommended for classification to a new class, under Paragraph D of this Rule, the Superintendent shall take an official action prescribing the duties.

- B.** The Personnel Commission shall classify existing and new positions including, but not limited to the following: assigning a job classification title; establishing minimum qualifications for regular employment; allocating positions to appropriate classes; arranging classes into occupational hierarchies; recommending reasonable relationships between classes, within occupational hierarchies, and overall internal alignment; and preparing written class specifications.
- C.** The Personnel Commission may create new classes and abolish or divide or merge existing classes with the classification plan, as the needs of the classified service require. In doing so, the Personnel Commission shall establish the relative ranking within occupational hierarchies.

Reference: Education Code Sections 45241, 45256, 45268, and 45276

- D.** Whenever the Superintendent or a designated representative proposes to establish a new position, or to revise the duties of an existing position, the significant facts shall be reported, including a statement of proposed duties, in writing to the Personnel Director. The Personnel Director shall:

1. Determine if the position is included in the classified service after consultation with the appropriate administrative officials.
 - a. If the Personnel Director's determination is challenged, the Credential Coordinator in LACOE's Certification Section shall be called upon to review the statements of the proposed duties for the new or revised position to determine whether a person performing the duties and functions must be the holder of valid teaching or service credential.

- b. If the Credential Coordinator does not agree with the Personnel Director's determination, and they are not able to reach a consensus, the Director shall include the Coordinator's determination in the recommendation to the Commission.
2. If the Personnel Director's original determination remains unchanged, the Director shall:
 - a. Classify the position to an appropriate existing classification or;
 - b. Recommend to the Personnel Commission the creation of a new classification and its allocation on the salary schedule.

Reference: Education Code Sections 45104, 45109, and 45276

Revised 3/27/06

4210.3 CLASS SPECIFICATIONS

- A.** Class specifications are descriptive and explanatory only; they are not restrictive. They indicate the kinds of duties performed across the classification but do not necessarily prescribe the duties and responsibilities for any one position.
- B.** For each class of positions initially established or subsequently revised by the Commission, the Personnel Director shall establish and maintain a class specification, which shall include:
 1. The official class title, which should be as descriptive as possible of the duties performed, and in concert with prevailing titles.
 2. The definition of the class indicating the general type of duties and responsibilities of the class and the amount of supervision received and exercised.
 3. A statement of typical tasks to be delegated to persons employed in positions assigned to the class and the critical knowledge, skills, and abilities required.
 4. Minimum entrance requirements for admission to examination and regular service in the class.
 5. For purposes of the American with Disabilities Act, identification of essential functions to be performed by all incumbents.
 6. Any special certificates or licenses required as a condition of employment.

C. Minimum qualifications shall not require a teaching, administrative, or other credential, nor may the required work experience restrict applicants to credential holders. Titles shall not be assigned that may restrict competition to holders of credentials.

Reference: Education Code Sections 45104, 45109, and 45276

4210.4 CLASSIFICATION OF POSITIONS

As specified in Rule 4210.2 sub-paragraphs D and E, the Personnel Director shall be responsible for classifying positions to existing classes or recommending the creation of a new class to the Personnel Commission. In determining this action, all positions substantially similar as to duties performed and the responsibilities exercised by the incumbents for various positions, and as to their qualifications and requirements, shall be assigned to the same class and salary range.

Reference: Education Code Section 45256

4210.5 WORKING OUT OF CLASS (TEMPORARY)

A. When it becomes necessary to temporarily assign additional higher level duties to an employee, including the temporary assignment of duties normally performed by an absent higher level employee, the following conditions shall govern such assignment, if the employee is to receive additional compensation:

1. The assignment of higher level duties must exceed five working days within a twenty-calendar day period.
2. The assignment of duties must be found to exceed those fixed and prescribed for the position in the official class specifications to an extent significant enough to warrant upward salary adjustment. Line management shall make every reasonable effort to prepare recommendations in advance of the assignment of duties under this section.
3. Upon concurrence of management and the Personnel Director, the latter shall recommend an appropriate classification and recommend salary advancement beginning the first day of the assignment. Salary placement shall be at the first step of the appropriate salary range schedule which is next higher in dollar amount above that of the

employee's current salary, but not less than one full step, or the maximum of the salary range for the assigned class.

If the higher level duties assigned to the employee are determined to more appropriately compare with those of an intermediary classification, rather than the classification of the employee being replaced, the employee will be compensated according to the salary range of that classification.

4. Requests for salary advancement shall be reported to the Personnel Director within ten working days of the assignment of higher level duties, or the request must be forwarded to the Personnel Commission for its approval.
5. Assignments under this subsection shall in no way be interpreted as a promotion or reclassification. The employee's anniversary date, benefit accrual, and other employment status shall not change.
6. Approval for the assignment under this subsection shall not exceed ninety working days.

Reference: Education Code Sections 45110, 45276, and 45310; SEIU and CSEA Contracts.

4210.6 RECLASSIFICATION OF POSITIONS

- A. The basis for reclassification of a position with an incumbent must be a gradual accretion of duties and not a sudden change caused by reorganization. Recommendations as to gradual accretion will be made by the Personnel Director. The Commission shall be the final approving authority.
- B. Requests for classification studies of existing positions may be initiated by an employee, administrator, a recognized employee organization, or the Personnel Commission.
- C. When positions are reclassified to a class at a higher salary level the following shall apply:
 1. Gradual accretion of duties must be determined for at least the two full years immediately preceding the request for the classification study.
 2. Incumbents whose positions are reclassified must meet the minimum requirements of the new classification in order to be reclassified with the position.

3. When all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have a continuous employment record of regular service in the class for two or more years shall be reclassified without an examination. Incumbents who do not have a continuous employment record of regular service in the class for two or more years and gradually assumed new duties shall be provided an opportunity to compete in an examination for the higher classification. If a valid eligibility list exists, the affected incumbents shall be offered a special administration of examination and, if successful, be merged onto the eligibility list. If a valid eligibility list does not exist, the affected incumbents shall be offered a new examination limited to promotional employees. Incumbents, who are unsuccessful in the examination, or not reachable on the eligibility list, may be transferred, demoted, or lastly, laid off.
4. When one or more but not all positions of a class are reclassified to a higher class, any incumbent who has a continuous employment record of regular service of two or more years in one or more of the positions being reclassified may be reclassified without an examination. Incumbents who do not have a continuous employment record of regular service in the class for two or more years and gradually assumed new duties shall be provided an opportunity to compete in an examination for the higher classification. If a valid eligibility list exists, the affected incumbents shall be offered a special administration of examination and be merged onto the eligibility list. If a valid eligibility list does not exist, the affected incumbents shall be offered a new examination limited to promotional employees. Incumbents, who are unsuccessful in the examination, or not reachable on the eligibility list, may be transferred, demoted, or lastly, laid off.
 - a) Reclassification to a higher position without an examination is indicated when duties are higher level in kind, technical content, and/or responsibility for the work performed by others. Any advancement through reclassification without an examination will require a documented performance appraisal for each of the prior two years reflecting at least satisfactory overall performance. In the event that the affected employee does not have the two performance reviews on record, the employee must qualify through passing an unranked examination that is the same as, or equivalent to, the passing standard used for establishing an eligibility list for the classification.
 - b) Reclassification to a higher position without an examination shall not be made within a progressive series of classifications for which gradual accretion in complexity, task variety, and independent decision making is expected through experience and development within the series. For a position reclassification within a progressive

series, the affected employee shall compete through a promotional examination.

c) Reclassification may be moot if the out-of-class duties are removed from the position and the employee is compensated for the higher-level duties performed.

5. Incumbents whose positions are reclassified to a higher classification must pass a mandatory probationary period in the higher classification to attain permanency in the classification.

D. When an incumbent's position is reclassified to a class at a similar or lower salary range, the incumbent is considered as having been laid off from the position due to lack of work. The incumbent may be transferred, demoted, or laid off in accordance with the rules (see Rule 4245.8 Displacement Rights). (Revised: 10.19.17)

E. When a position is abolished the incumbent may be transferred, demoted, or laid off, as determined by these rules.

F. An employee who has been reclassified with a position shall be ineligible for subsequent reclassification with the position on the basis of gradual accretion of duties for a period of at least two years from the date the position was reclassified.

G. Changes in classification and salary resulting from the permanent reclassification of a position shall be effective no earlier than whichever of the following dates is applicable:

1. The date of the meeting at which the Personnel Commission approves reclassification of the position, provided the employee is eligible to be reclassified with the position without examination as specified in these rules.
2. The date of the employee becomes fully qualified for the position by successfully completing all parts of the examination and is selected from among the top three ranks of candidates from an appropriate eligibility list by the appointing authority.

H. Any position which is created or changed as a result of a sudden reorganization or assignment of new duties and responsibilities shall be filled through the normal selection process as provided in these rules.

I. This rule shall apply only to positions which are occupied at the time of reclassification. If reclassification occurs in a vacant position, the position shall be filled through the normal selection process as determined by these rules.

Reference: Education Code Section 45285 Revised: 04/17/08, 04/20/17, 10/19/17.

4210.7 REVIEW OF POSITIONS

- A.** The Personnel Commission shall maintain the classification system and will conduct studies as necessary to review classifications and maintain internal alignment in the classified service.
- B.** The Personnel Director shall establish a procedure whereby the duties and responsibilities of a position will be reviewed to determine their proper classification. Such review may be initiated by an employee, the Administration, or the Personnel Director.
- C.** Upon receipt of a request for a classification review, the Personnel Director shall notify the requester of the following:
 - 1. The date the request was received in Personnel Commission;
 - 2. The anticipated date of completion of the review.

Should the review of any occupied position require longer than six months to complete, the Personnel Commission will be notified in order that they may consider the use of other available resources for the accomplishment of the review.

- D.** As approved by the Commission, the Personnel Director may recommend reallocation of a class to a new salary range based on internal relationships and without significant change in title, minimum qualifications and duties assigned. The employee shall be entitled to the increased salary, if any, as determined by these rules, without examination.
- E.** Cases of reassignment of a position where there has been significant change in title, duties or minimum qualifications, shall be considered as a reclassification and subject to Rule 4210.6 of this section.

Amended by the Personnel Commission on June 21, 2001

4210.8 CONSOLIDATION OF CLASSIFICATIONS

Consolidation is defined as the merging of two or more existing classifications into one classification when the duties, responsibilities, and requirements of the positions are sufficiently similar to be assigned to the same classification.

- A.** When positions are consolidated to a classification with an equivalent or lower salary level, incumbents who have permanent status in the former

classifications shall retain permanent status and retain the seniority from their former classifications in the consolidated classification.

B. When positions are consolidated to a classification at a higher salary level, incumbents shall serve a new probationary period to attain permanency in the consolidated classification

4210.9 SPLITTING A CLASSIFICATION

Splitting a classification is defined as dividing a classification into two or more classifications when the duties and job requirements are sufficiently dissimilar to justify specialized classifications. The split can result in new separate classifications and the abolishment of the original classification, or the split can result in one or more specialized classifications with positions remaining in the original classification.

A. When a classification is split into two or more specialized classifications at the same salary level, incumbents who have permanent status in the original classification, and who have been performing the duties of the new specialized classification for the equivalent of a probationary period (six months for FLSA non-exempt classifications and one year for FLSA exempt classifications), and have received successful formal performance evaluations encompassing that period, shall be reclassified with the position, retain their salary level, and shall not be subject to a new probationary period in the new classification.

1. If the original classification is abolished, all seniority in the original classification shall transfer to positions in the specialized classifications.
2. If the original classification is not abolished when a specialized classification is split from it, seniority for positions in the specialized classification shall be split between the classifications based upon the date the incumbent continuously assumed the duties of the specialized position as determined by the Director of Classified Personnel.
3. If the performance period for the specialized duties is less than a regular probationary period, the probationary period for the specialized classification shall be computed from the date the incumbent continuously assumed the duties of the specialized position as determined by the Director of Classified Personnel.

B. When a classification is split into two or more dissimilar classifications at differing salary levels, incumbents in the lower specialized classification may accept a demotion if lower in salary, or exercise displacement rights to a less senior position in the original classification if positions in the original classification remain. Permanency shall transfer to the lower classification, and rules that govern determination of seniority in the lower classifications

shall apply. In the case of the split of a classification to which the salary is higher, the rules that govern a reclassification or misclassification to a higher position shall apply.

SECTION 4215

ADMINISTRATION OF THE SALARY PLAN

4215.1 GENERAL PROVISIONS

The Superintendent shall employ, pay and otherwise control the services of classified employees only in accordance with the provisions of the Merit System Act of the State of California Education Code, these rules and negotiated agreements.

Reference: Education Code Section 45241

4215.2 PERSONNEL COMMISSION RECOMMENDS SALARY SCHEDULE

As required by law, the Personnel Commission recommends salary schedules to the County Superintendent. The County Superintendent may approve, amend or reject the recommended schedules. No amendment shall be adopted until the Commission is first given a reasonable opportunity to comment on the effect the amendments will have on the principle of like pay for like work.

4215.3 COUNTY SUPERINTENDENT ADOPTS SALARY SCHEDULE

- A.** The County Superintendent shall fix the annual salaries for all classified employees and other employees not requiring certification qualifications employed by the office, unless otherwise prescribed by law. The fixing of annual salaries shall be interpreted to mean that the County Superintendent shall adopt a salary schedule or matrix with specific dollar amounts for each range and step.
- B.** The County Superintendent shall not take any action without the Commission's prior approval to adopt any classified salary schedule which would alter the internal alignment (including compensation and percentage

relationships, and salary range placements) between the various classes as established by the Personnel Commission.

4215.4 ANNUAL ACTION BY THE COUNTY SUPERINTENDENT

- A.** The County Superintendent shall, not later than the date prescribed by the Education Code for approval of the publication budget of every year, fix the salary schedule for the ensuing school year for all classified employees. The County Superintendent may, at that time, include an increase in such salary schedule, all or part of which increase is conditional upon the actual receipt by the office of anticipated revenue from all sources. If the revenue actually received is less than that anticipated, the County Superintendent may, at any time during the school year, reduce such salary schedule by an amount not to exceed the amount which was granted for the current fiscal year, subject to the receipt of such revenues.
- B.** Any action taken by the County Superintendent pursuant to this rule must be in compliance with the Personnel Commission's Rules and Regulations.

Reference: Education Code Sections 45160, 45163, and 45267

4215.5 SALARY SCHEDULE PROCEDURE AND CONTENT

- A.** The Personnel Director shall cause to be conducted, together with Human Resource Services, an annual salary and benefits survey among public agencies and private industry within the labor market, to determine prevailing wage and salary rates and benefits practices.
 - 1. The Personnel Director shall work cooperatively with the administration and employee organizations in an effort to present joint recommendations to the Commission.
 - 2. The Personnel Director's salary and benefit recommendations to the Commission shall be based on the principle of like pay for like work.
- B.** The Personnel Director shall prepare recommended salary schedules for the Personnel Commission. The salary schedule(s) approved by the Personnel Commission shall be presented to the County Superintendent. The Commission's recommended salary schedule shall take into account the following factors:
 - 1. The wages and salaries paid for similar work in private industry in the recruitment area.

2. The wages and salaries paid by other governmental agencies in the recruitment area.
3. The principle of like pay for like work within the classified services.
4. Such other information as the Commission may require.

Reference: Education Code Sections 45162, 45181, 45256, 45268, and 45310

4215.6 COMMISSION SHALL DETERMINE SALARY RANGE PLACEMENT

- A. The Personnel Commission shall determine the salary range placement of every position and classification within the Classified Service of the Office pursuant to its obligation to set reasonable relationships between and among the various classifications. The Commission may make modifications to the range placement as part of its statutory obligations only after consultations with the Office Administration and any exclusive bargaining agent who might represent impacted employees. The Personnel Commission adopted schedule of range placements for all classifications is contained in the salary schedule, which by reference is incorporated as a part of these rules and regulations.
- B. Salary placement of employees shall be within the range established for the classification. No salary shall be above or below the established range. Calculation of a salary for a new assignment or promotion shall be determined by base salary or a skill based compensation (e.g. shorthand or bilingual) and not differential.

Reference: Education Code Sections 45162, 45181, 45256, 45268, and 45310

Revised: 2/6/97 PC Meeting

4215.7 SALARY RANGE CHANGES

- A. Unless otherwise provided by special resolution of the Personnel Commission, when the salary range of a class moves upward, the salary of each incumbent shall be adjusted to that range and to the same step on the approved effective date. When the salary range of a class is moved downward, the salary of each incumbent shall be adjusted to that range and to the same step on the approved effective date. The employee's original anniversary date shall remain unchanged unless so ordered by the Commission.

- B. No person within the classified service shall be presented to the County Superintendent for action unless the Notice of Personnel Action bears the signature of the Personnel Director certifying that the person named and the assignment are in accordance with these rules and the Education Code.
- C. The Personnel Director shall establish procedures to assure that salaries are paid to classified employees in accordance with these rules.
 - 1. The Personnel Commission staff shall, when irregularities occur, immediately call such irregularities to the attention of the Superintendent or a designated representative in an attempt to resolve the irregularities.
 - 2. The Personnel Director shall call any unresolved irregularities to the attention of the Commission. The Commission may, after a public hearing, order that no salary warrant be thereafter drawn to the employee so appointed or paid. Any violation of this rule as it may apply to examination procedures shall constitute grounds for disciplinary action.

4215.8 SALARY ON EMPLOYMENT

- A. Appointment to any position in any class shall, unless otherwise provided in these rules, be made at step one of the salary schedule.
- B. If unusual difficulty is anticipated in recruitment or employment for a particular class, Personnel Commission Rule 4215.10 or 4215.11 may be considered.
- C. A regular classified employee who is appointed at other than step one of the appropriate range, shall be entitled to advancement to the next step and subsequent steps at yearly intervals from the date of the appointment, subject to satisfactory performance evaluations and recommendation by the immediate manager. The date of appointment shall be the employee's anniversary date.
- D. Appointments at a step other than recommended by the Personnel Director shall not be made without approval of the Personnel Commission.

Reference: Education Code Section 45121

4215.9 SALARY INCREMENTS

- A. A regular classified employee who is appointed at step one of the appropriate range, shall be entitled to step two of the range after completion of six months' probation and receipt of a satisfactory performance

evaluation by the immediate supervisor. Management employees designated as exempt serve a one year probationary period with advancement to the next step on the salary range at that time, contingent upon receipt of satisfactory or better performance evaluations. The date step two is attained shall be the employee's anniversary date for purposes of salary.

1. Subsequent step advancement shall be made at yearly intervals, subject to satisfactory performance evaluation by the employee's immediate supervisor.
2. For the purposes of this rule, a satisfactory evaluation shall mean one in which the overall rating is satisfactory, above average or outstanding.
3. When salary step advancement is to be withheld, the provisions of Rule 4240.17 regarding the handling of grievances shall apply.

The employee shall be entitled to advancement to the next step on the month following an evaluation which results in a satisfactory performance rating. The employee's anniversary date shall not change.

- B.** Vacation, sick leave, holidays and other paid leaves of absence shall not interrupt salary increments unless otherwise provided by law.
- C.** Unless otherwise provided by law, unpaid leaves in excess of the major portion of a calendar month, shall cause the anniversary date to be adjusted in one-month increments. A major portion of a calendar month is equal to fifty percent or more.
- D.** No adjustment in the anniversary date shall be made for the two months when ten month employees do not regularly work.

Reference: Education Code Sections 45192, 45269, and 45308

4215.10 ADVANCED STEP PLACEMENT

The Superintendent may approve advanced step placement for a new employee, with the approval of the Personnel Director.

- A.** Advance step offers of employment may be made because of difficulty in obtaining an employee in a class at the minimum step. The appointing authority shall request the appointment in writing for approval by the Personnel Director, and the Administrator, Human Resource Services. Guidelines for the request should be based on the following factors:

1. In situations where demonstrated difficulty is experienced in attracting qualified candidates (e.g., the classification requires such specialized background that there are very few qualified candidates available in the labor market.)
2. Additional education, experience, skills or other qualifications of the candidate, when related to the classification, that make that person especially qualified for the position.

B. Information on prior experience of a candidate shall be verified with previous employers in determining accelerated step placement.

C. Candidates will not be requested or prompted to provide previous salary history information. If an applicant voluntarily and without prompting discloses salary history information, it may be considered in determining salary step advancement.

Rev. 02-15-18

4215.11 ACCELERATED HIRING STEP PLACEMENT

A. The Personnel Director may establish an accelerated hiring rate for any position in the classified service when unusual difficulty is anticipated in obtaining an employee for that class at the minimum rate. Accelerated hiring rate shall be described on the job announcement bulletin, and notice shall be provided to the appropriate union for bargaining unit jobs.

1. An accelerated hiring step may be established in demonstrated situations where difficulty is experienced in attracting qualified candidates. This difficulty may be demonstrated by an inadequate number or unacceptable quality of candidates.
2. If an accelerated hiring step is established, the Superintendent and the Commission shall be notified.

B. When an accelerated hiring step is established, all employees hired from the eligibility list established pursuant to the job announcement bulletin, shall be hired at the higher step.

C. When an employee is hired using an accelerated hiring rate, all current employees in the class receiving less than the approved accelerated rate shall be advanced to that rate and shall begin a new cycle of step advancement.

4215.12 LONGEVITY COMPENSATION

The Office shall provide longevity pay for management and confidential employees who meet the service eligibility requirements outlined below and shall be entitled to and receive longevity increments based on the following criteria.

- A.** In determining eligible service credit, the date of hire shall be used.
- B.** In determining creditable time for management employees, running time (a year is a year) shall be used. Each portion of a year worked shall be counted as one full year.
- C.** In determining eligible service credit, management and administrative service shall be considered synonymous.
- D.** Longevity increment payments shall be made on a one-tenth basis for ten month management and confidential employees, and on a one-twelfth basis for twelve month management and confidential employees.
- E.** For employees who leave the service of the office and return to a position of eligible service, the prior service and current service shall be cumulative, provided the return to service occurs within a period of thirty nine months.
- F.** Confidential service and management service shall be granted as cumulative service time in determining eligibility.

Reference: CSEA and SEIU Contracts

4215.13 SALARY ON REEMPLOYMENT/REINSTATEMENT, OR RE-HIRE

- A.** Any classified management or confidential employee who is reemployed following a layoff (Reduction in Force (RIF)); or reinstated following a resignation, in a regular or limited term position which is in the same classification or equal in entry requirements (i.e., skills, knowledge or abilities) within thirty nine months from the date employee last held permanent status, shall be appointed on the same step of the range for the class which was held at the time of layoff or resignation.
- B.** A former employee who voluntarily resigns may be reinstated within thirty nine months of separation from paid service in a classification formerly held, or related class at the same or lower level. Salary placement shall be at the same step as the higher class or at a higher step as determined by the Personnel Director, but no higher than the maximum step of the range of the classification.
 - a.** Such an employee shall be reemployed or reinstated with all rights and benefits, including seniority accrual and accumulated sick leave benefits, except that sick leave for which the employee received payment in lump sum in accordance with Rule 4255.5. Only such

time the employee was actually employed or on an approved leave of absence shall count toward seniority accrual.

- b. The adjusted anniversary date shall become that date upon which the employee was reemployed or reinstated in accordance with these rules.
- c. The anniversary date shall be the first day of the month to which the date of reemployment or reinstatement is closest.

Reference: Education Code Section 45309

- C. A former employee who is involuntarily laid-off or voluntarily resigns in good standing and within 39 months is re-hired from an eligibility list to a classification that is *higher* than that from which termination occurred shall be placed on a salary step at an amount that is not less than that received at the time of termination.

4215.14 SALARY ON PROMOTION

- A. When regular classified employees, whether probationary or permanent, are promoted to positions in a higher class, those employees shall receive the next higher dollar amount on the new salary range as of the date the new appointments become effective.
- B. If that amount is less than a one-step increase (approximately 5-1/2%), the employee shall be placed at the next higher step over that authorized in Paragraph A. The new salary step placement shall not exceed the highest step on the range in the new classification.
- C. After unusual difficulty is experienced in obtaining an employee for a particular class at the minimum rate, or if the employee has unusual qualifications such as experience, education or training, or based on present or past salary, the Personnel Director may, upon request of the manager with authority to fill a vacant position in the class, recommend to the Administrator, Human Resource Services appointment at a salary step above the minimum rate.
- D. When it is to the employee's advantage to retain an anniversary date, it shall be retained. When it is a disadvantage, the effective date of the promotion shall become the new anniversary date.
- E. In the event a promotion occurs on the same date as a salary reallocation, as provided in Rule 4215, the employee shall first be placed on the existing step of the newly allocated salary range, and then placed at the next higher dollar amount on the salary range appropriate for the classification to which promoted. The employee anniversary date shall be determined by this rule.
- F. Regular classified employees who are appointed to a limited-term promotional position shall be paid in accordance with paragraphs A and B.

4215.15 SALARY ON DEMOTION

A. When a regular classified employee is displaced (bumped) and exercises displacement rights in lieu of layoff to a lower class with prior regular service in the class, the employee shall be placed on the step of the lower salary range that provides the same salary rate achieved in the higher class or least reduction in salary rate. A classified employee in a position designated as confidential shall be "Y" Rated in a manner equivalent to SEIU represented employees.

Revised: 2/06/97 Personnel Commission Meeting

Revised: 1/18/01 Personnel Commission Meeting

Revised: 8/21/03 Personnel Commission Meeting

B. Notwithstanding the provisions of paragraph A above, when a regular classified employee, for purposes of cross-training or long-term career advancement is selected for temporary reassignment to a position in a classification with a lower salary range, and which position is specifically designated as a trainee position, the following items shall apply.

1. The employee's anniversary date shall remain the same.
2. The employee shall continue to be paid at the same range and step as if the employee had not left the higher class.
3. In order to elect demotion and compensation under this rule, an employee must have met the minimum qualifications for the lower classification.

4215.16 OTHER DEMOTIONS (VOLUNTARY AND DISCIPLINARY)

A. If demotion is for reasons other than that provided in Rule 4215, above, salary placement shall be at the step in the lower salary range to which the employee would have progressed if the employee's services had been continuous in the lower class. The employee's salary anniversary date shall not change.

B. A regular classified employee subject to layoff, deemed to be qualified by the Personnel Director, may accept a voluntary demotion to a vacant position, subject to the Superintendent's approval. Employees eligible under this rule shall be considered before all other eligibles, except those on a reemployment list.

4215.17 SALARY ON RECLASSIFICATION

- A.** The salary of an employee, who remains assigned to a position which has been reclassified to a class on a higher salary range, shall be treated as a promotion and governed by Rule 4215.14.
- B.** The salary of an employee, who remains assigned to a position which has been reclassified to a class on a lower salary range, shall be treated as a demotion and governed by Rule 4215.15.

4215.18 SALARY ON REALLOCATION

When a class has been reallocated to a higher or lower salary range by the Personnel Commission, the employees shall be placed on the same step of the new salary range which they held prior to the time of the reallocation. The employees' anniversary dates shall not change.

4215.19 EFFECTIVE DATES OF SALARY CHANGES

The effective date of all salary changes shall be in accordance with these rules and regulations or the negotiated agreement of the unit member, but no earlier than the date recommended by the Personnel Commission and specified by the County Superintendent.

4215.20 SALARY ON TRANSFER

When an employee is transferred from a position to another position in the same class, or to another position in any class having the same salary range, that employee shall be compensated at the same step in the salary range previously held. The employee's salary anniversary date shall not change.

4215.21 HOLIDAY PAY

The salary of employees, who are required to work on holidays, shall be determined by Rule 4215.24, or as determined by the negotiated agreement affecting the individual unit member.

4215.22 SHIFT DIFFERENTIAL COMPENSATION

Differential compensation shall be paid in specified amounts on the salary schedule recommended by the Personnel Commission and approved by the County Superintendent. Shift work shall be defined as time worked during a day when the major portion of the scheduled work day is between 5:00 p.m. and 8:00 a.m.

Reference: Education Code Sections 45180-45182, and 45186

4215.23 BILINGUAL COMPENSATION

- A.** The Personnel Director may initiate or accept an employee's or supervisor's request to study a position to determine the need for bilingual proficiency. The study will determine the need to speak, read, and/or write a second language. The Personnel Director shall determine the examination procedures and qualifications of the examinees. Employees shall receive compensation for the bilingual skill in accordance with the negotiated agreements with the bargaining units.

The authorized stipend shall remain in effect until withdrawn by the supervisor, or after an audit of the position by the Personnel Commission's staff indicates that the proficiency is not being used to a significant extent.

- B.** The effective date of the change in salary shall be no sooner than the date of certification of qualification to perform.

Reference: Education Code Sections 45400 and 45403

4215.24 WORK SCHEDULES AND OVERTIME

- A.** The establishment and assignment of workday and workweek schedules is at the sole discretion of the Office unless provided otherwise in these rules. The regular workweek is five consecutive days in a seven day period usually Monday through Friday. The employee shall be allowed one compensated fifteen minute rest period for each complete four hours worked and not less than a one-half hour uncompensated lunch period for a scheduled six hour work period or more. Changes in workday or workweek schedules shall be in accordance with these rules and the negotiated agreements.

The Office shall have the right to assign and reassign daily hours of work and shifts to meet the operational needs of the office. When such a change

is made, the supervisor shall notify the employee in writing at least five working days prior to the effective date of the change whenever possible.

- B.** The designation, authorization, approval, authority to require, and allocation of any overtime shall rest solely with the Office. The Office will make every effort to assign overtime as equitable as possible in the same classification and work unit.
 - 1.** Overtime is in excess of eight hours in any one day and forty hours per workweek or as determined by the Superintendent.
 - 2.** All overtime and compensatory time off shall comply with federal and state laws.
- C.** Regular employees with part-time work schedules of less than eight hours per day and more than four hours per day for five consecutive days per week shall receive overtime compensation for working on the sixth and seventh days of the workweek. Regular employees with a part-time work schedule of less than four hours per day shall receive overtime compensation for working the seventh day of the workweek.
- D.** Compensation for overtime work shall be at the rate of one and one-half times the regular rate of pay or compensatory time off (CTO) at the rate of one and one-half times the overtime hours worked. CTO shall be taken within twelve calendar months following the month in which the overtime was worked. CTO not used in this period shall be paid off.
- E.** Employees on an alternate work schedule such as 4/10 (four ten hour days worked each week) or 9/80 (eighty hours worked in nine days within each two week period) shall receive overtime compensation if they are assigned work in excess of their regular daily hours or forty hours per week.
- F.** All hours worked by an employee on any holiday designated by these rules, or by the Superintendent shall be compensated at the overtime rate of pay in addition to regular pay received for that day or compensatory time off shall be provided.
- G.** For the purpose of computing overtime hours worked, time in paid status shall be considered as time worked by the employee.
- H.** Management classes designated as exempt shall be excluded from overtime compensation. Such employees required to work on a holiday shall be compensated with vacation time or at the regular rate of pay and additional compensation at no less than the regular rate of pay or compensatory time off. A periodic listing of exempt positions shall be published.

Reference: Educational Code Sections 45127 and 45132

4215.25 SALARY FOR LIMITED-TERM AND PROVISIONAL ASSIGNMENTS

- A.** (deleted at 4/15/99 PC Meeting; replaced with Board of Education policy 4041R approved on 4/20/99)
- B.** When it is known at the beginning of the limited-term (substitute) assignment that an appointment in lieu of an absent employee will exceed six months, a person hired for such assignments shall be employed at a salary in accordance with these rules, and shall be eligible for all fringe benefits for which that person qualifies. No assignment shall be made under this rule which exceeds the authorized absence of said employee.
- C.** Salary placement for permanent employees during a limited-term or provisional assignment shall be considered a promotion and determined by these rules as working in an higher class, except the employee's anniversary date shall not change.

4215.26 SUMMER EMPLOYMENT

- A.** For purposes of assignments at times other than the regular academic year, all classified employees shall be deemed to be employed for twelve months during each school year regardless of the number of months in which they are normally in a paid status. Should school sessions be maintained at times other than the regular September-June academic year, regular classified employees shall be assigned for such time. Such assignment shall be made on the basis of qualification, and no classified employee whose regular yearly assignment excludes all or any period of the regular academic year shall be required to perform services during such period.
- B.** Each classified employee whose regular assignment is nine, ten or eleven months each year shall, for services required to be performed during the summer or any other recess period, be paid in the regular classification on a pro-rata basis the regular step on the appropriate salary range schedule. Each shall receive on a pro-rata basis the regular fringe benefits and seniority which are applicable to that classification during the regular academic year. Should the assignment be in other than the employee's regular classification, the employee shall be considered a limited-term appointee, and all applicable rules related to working out of classification shall apply.

4215.27 INCREASE OF ASSIGNED TIME

In order to acquire fringe benefits on a pro-rata basis, any part-time classified employee who works a minimum of thirty minutes per day in excess of a regular assignment for a period of twenty consecutive working days or more, shall have that basic assignment changed to reflect the longer hours. If the 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 the average assigned time by fifty minutes or more per working day in any quarter, the hours paid per day for compensable leaves of absence and holidays shall be adjusted in the next quarter. For purposes of this rule, all overtime is excluded.

Reference: Education Code 45136

4215.28 ADDITIONAL HOURS FOR PART-TIME EMPLOYEES

- A. When additional hours are available as a permanent assignment, they shall be offered to the employee with the greatest seniority at the site. If the senior employee declines the assignment, it shall be offered to the remaining employees in the class at the site in descending order of seniority.
- B. Should there be no part-time employee willing to accept the assignment, the site administrator may assign the hours to a current employee at the site or offer them to the most senior employees of the Office in descending order of seniority.

4215.29 SALARY ON CONSOLIDATION OF CLASSES

When two or more classes are consolidated, the affected employee shall be placed on the same step of the new salary range.

SECTION 4220

4220.1 AUTHORIZATION TO FILL VACANCY

- A. The Personnel Commission shall direct and conduct the administration of examinations for the purpose of filling current or anticipated vacancies in the classified service.
- B. No examination announcement may be published and no test part of any examination may be administered for a new classification until the

Superintendent has designated the position duties, and the Commission has completed the position classification action required. This action includes approval by the Personnel Commission of the class specification, assignment of a class title, establishment of minimum qualifications and appropriate placement on the salary schedule.

4220.2 JOB EXAMINATION ANNOUNCEMENT BULLETIN

- A. Whenever it becomes necessary to fill existing or anticipated vacancies, and an appropriate eligibility list does not exist (as determined by these rules), the Personnel Director shall recruit applicants to compete in a competitive examination for the class(es).
- B. The Personnel Director shall prepare, or cause to be prepared, job announcement bulletins to publicize an examination(s).

4220.3 BULLETIN DISTRIBUTION AND POSTING

- A. The Personnel Director shall determine the distribution of the job examination bulletin and advertise as needed. The Director shall ensure efforts are made to attract protected group members which are underrepresented in the job family for which the examination is held.
- B. Public announcement of the examination(s) shall be made at least once a month in compliance with Rule 4220.4.
- C. All bulletins shall be sent to all Office work locations.
- D. Requests for transfers and change of location shall be maintained, and eligible candidates routinely certified to the appointing authority, along with names of appropriate applicants from employment lists.

Reference: Education Code Section 45278

4220.4 WAIVER OF POSTING REQUIREMENT

The Personnel Director may waive the posting time requirement referenced in Rule 4220.3B provided that:

- A. Published summary examination bulletins are distributed to all work locations at least once each month.
- B. Requests for transfers and change of location shall be maintained, and eligible candidates shall be certified to the appointing authority, along with names of appropriate applicants from employment lists.

Reference: Education Code Section 45278

4220.5 FILING OF APPLICATIONS

- A.** Unless otherwise instructed, only application forms which are authorized by the Personnel Commission will be accepted as official applications to compete in examinations.

Applicants taking more than one examination shall file a separate and complete application for each examination.

- B.** Application forms must be received in the office of the Personnel Director by the date indicated on the job announcement bulletin. It shall be the applicant's responsibility to ensure that a mailed application is received and processed.
- C.** Exceptions may be made by the Personnel Director when it is in the best interest of the Office and in fairness to the applicant.
- D.** For affirmative action and federal/state reporting purposes, questions regarding ethnicity, sex, sexual preference, age, and disabling condition shall be placed on a separate form. Answers to such questions shall be solicited on a voluntary basis and kept confidential and shall not be considered by or made available to anyone who will assign subjective scores during the examination process.

4220.6 CONFIDENTIALITY OF APPLICATIONS AND EXAMINATIONS

Applications and examination papers are confidential and become the property of the Personnel Commission, and shall not be returned to the applicant.

Reference: Education Code Sections 45260 and 45272

4220.7 GENERAL QUALIFICATIONS OF APPLICANTS

- A.** Applicants must meet the qualifications established for the class. Every applicant must, in all respects, be mentally and physically competent to perform the essential functions of the position for which applied.
- B.** Every qualified applicant shall have an opportunity to seek, obtain, and hold permanent employment without discrimination because of race, religion,

creed, color, national origin, ancestry, disabling condition, medical condition, employee organization membership or non-membership and legal activities related thereto; marital status, sex, sexual preference or age.

- C. Residency within the county shall not be a condition for filing applications or for employment except in the case of restricted positions which require specific residency.
- D. No maximum age limit shall be set as a condition for initial or continued employment within the Office.
- E. Disabled persons shall be provided with equal employment opportunities, and accommodations to compete for employment.

Reference: Education Code Sections 45111, 45122-45124, and 45272
Labor Code Section 2805
Government Code Sections 12921 and 12926

4220.8 DISQUALIFICATION OF APPLICANTS, CANDIDATES, AND ELIGIBLES

An applicant, candidate, or eligible may be barred from an examination; disqualified from an examination, or removed from an eligibility list for any of the following reasons, or for other reasons deemed to be detrimental to the classified service, as determined by the Personnel Director.

- A. Failure to meet the general qualifications.
- B. Advocacy of the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- C. Conviction, either by a plea of guilty or nolo contendere, a court decision or a jury verdict to a charge of a sex or narcotics offense as defined in the Education Code.
- D. A history of drug or alcohol addiction or other substance abuse without acceptable evidence of rehabilitation.
- E. Conviction, either by a plea of guilty or nolo contendere, a court decision or a jury verdict of a felony or serious crime, or a record of one or more convictions which would indicate that the person is a poor employment risk. A conviction record will be evaluated on the following basis: nature, seriousness and circumstances of the offense(s); age of the person at the time and recency of the offense; number of convictions; relationship of the offense to the position applied for; evidence of rehabilitation and maturing including the employment record with respect to job responsibility and duration; truthfulness in admitting to the offenses; person's attitude; and the duties of the class.

- F. Making a false statement or omitting a statement as to any material fact requested on the application form.
- G. Practicing any deception or fraud in connection with an examination or to secure employment. Obtaining or attempting to obtain either directly or indirectly, privileged information regarding test questions or examination content.
- H. Dismissal from a previous employment for cause.
- I. Discharge under other than honorable conditions from the armed forces of the United States.
- J. Refusal to furnish testimony, other than self-incriminating testimony, at a hearing before the Commission, the Board of Education, or the County Superintendent.
- K. Previous dismissal from the Office or resignation in lieu of dismissal.
- L. A record of unsatisfactory service within the Office as evidenced by a disciplinary action, a work improvement, or unsatisfactory job performance notice.
- M. Failure to meet the general qualifications as specified in the Education Code.
- N. Attempting to or making contact with any member of the Board of Education, Superintendent, the Personnel Commission or anyone involved in the examination process with the intent of inappropriately attempting to influence the outcome of any recruitment, examination, and/or selection process in any way. Exempted from this restriction would be any formal appeal of the recruitment/examination/selection process to the Personnel Commission as a whole by any candidate through the established appeal process.
- O. Failure to report for duty after an assignment has been offered and accepted.
- P. Any other reason determined to be, according to these rules, cause for disciplinary action of a regular classified employee.

Reference: Education Code Sections 44009, 44010, 45111, 45122-45125, 45134, and 45303

4220.9 APPEAL FROM DISQUALIFICATION

- A. The Personnel Director shall be responsible for notifying in writing, applicants, candidates, and eligibles who have been disqualified. Those individuals may appeal to the Personnel Director for administrative review, subject to the following conditions.
 1. The protest is made within six working days from the date of postmark of the notice.

2. The appeal is made in writing and states the reason upon which the appeal is based.
3. After receipt of a timely written appeal, the Personnel Director shall review the matter and render a decision. The decision shall be transmitted in writing to all concerned.
4. Failure to appeal the disqualification shall make the action final and conclusive.
5. Anyone who has pending a decision on an appeal of disqualification may be permitted to participate conditionally in the examination process.

B. If there has been an administrative review by the Personnel Director, as provided above, promotional applicants, any candidate and any eligible shall have the further right to appeal to the Personnel Commission subject to the following conditions.

1. The appeal is made in writing and received by the Personnel Director within six working days from the date of postmark of the notice.
2. The appeal is based upon a charge that the disqualification constitutes a violation of law, misapplication of the rules of the Personnel Commission, abuse of discretion or that the reasons for rejection are inconsistent with the facts. The facts supporting such a charge shall be clearly set forth in the appeal.
3. After receipt of a timely written appeal, the Commission shall set a date for a review at which time the evidence shall be considered, and the Commission will render a decision. The decision shall be transmitted in writing to all concerned and shall be final.
4. If a disqualification is not sustained by the Personnel Director, or the Personnel Commission, the Personnel Director shall immediately institute action to ensure the rights of the applicant, candidate, or eligible. However, regular appointments made in the interim shall not be disturbed except in cases of promotional examinations where no regular appointments shall be made if a timely appeal has been filed.

Reference: Education Code Sections 45111, 45122-45124, 45134, 45274 and 45303

4220.10 CONFIDENTIALITY OF INFORMATION

A. Unless these rules specifically designate otherwise, all documents related to the selection process shall be considered confidential information, and the property of the Personnel Commission of the Los Angeles County Office of Education (LACOE), and shall not be returned.

- B.** The names of the applicants or candidates or eligibles in any examination shall not be made public, nor open to inspection, except as designated in these rules.
- C.** Examination records shall be open to inspection by an applicant, candidate, eligible or a representative of same at times designated by the Personnel Director.

Reference: Education Code Sections 45260, 45261, and 45274

4220.11 VETERANS' PREFERENCE

- A.** A veteran as defined in this rule, shall mean an individual who has served at least thirty days of active duty in the Army, Navy, Marine Corps, Coast Guard, or Air Force, between the dates listed below:
 1. World War I - April 6, 1917 to November 11, 1918
 2. World War II - December 7, 1941 to December 31, 1946
 3. Korea - June 27, 1950 to January 31, 1955
 4. Vietnam - February 1, 1961 to August 5, 1973
 5. Persian Gulf - August 20, 1990 to present.
- B.** Applicants shall be informed that all open applicants may obtain veteran's preference points. Applicants bear the responsibility of furnishing official documentation (DD214) as proof of qualifying military service and disability, if applicable, prior to the date of the first part of the examination.

Failure to establish Veteran's status at the time the application is filed shall result in no veteran's credit being considered or added to any passing score. Information on the number of points allowable is contained Rule 4225.8C.

SECTION 4225

EXAMINATIONS

4225.1 DETERMINATION OF EXAMINATIONS

The Personnel Director shall determine the standards of proficiency to be required for each examination and determine the test parts and weights as they relate to successful job performance required at entry. These shall be administered

objectively in a technically acceptable manner as determined by the Personnel Director.

The Personnel Director shall ensure that personnel selection procedures are based on the principles of merit and comply with Federal and State regulations and professional standards and are planned, designed, constructed and administered in an efficient, cost effective manner.

All examinations, including individual test parts shall be based on an analysis of the job. They should reliably assess those critical skills, knowledges, abilities and traits required to perform successfully the primary functions of the job at the entry level. Commission staff may consult with subject matter experts and office staff to aid in determining the relative weight of test parts.

Examinations may be administered as:

- A.** Open Competitive,
- B.** Promotional,
- C.** Promotional and Open Competitive, with the promotional list taking precedence,
- D.** Continuous,
- E.** Merged - certain positions or
- F.** Dual Certification.

Whenever an adequate number of qualified promotional candidates are available, preference is to be given to the promotional field.

Reference: Education Code Sections 45272, 45282 and 45284

4225.2 EXAMINATION SEGMENTS AND SCHEDULES

- A.** The Personnel Director shall be responsible for determining the test parts of the examination and establishing a schedule of completion dates that will create eligibility lists in a timely manner.
- B.** Competitors in an examination must take the test parts at the prescribed time and date unless otherwise approved by the Personnel Director.
- C.** Candidates with confirmed physical or mental disabilities shall be provided with testing accommodations when appropriate but will still have to exhibit the critical skills, knowledges, abilities and traits required to perform the essential functions of certain individual positions in the class.

- D. Examinations may consist of one or more test parts that assess the skills, knowledges, abilities, competencies, and traits required to perform the critical duties of the classification.
- E. All test parts shall be administered in accordance with professionally acceptable test standards. All subjectively rated test parts, including interviews, shall be standardized to the extent possible. A minimum of two raters shall be used to evaluate candidates; however, one evaluator only may be used in those instances where minimum judgment is exercised in assigning scores.

4225.3 SUBJECTIVELY RATED TEST PARTS

- A. If a part of an examination is an evaluation of the applicants' training and experience, based solely on the screening of application material, the evaluation shall be individually and independently conducted by at least two members of a committee other than the oral interview panel.
- B. If the Personnel Director deems that the examination requires an oral interview panel, the following rules shall be followed:
 1. When the oral interview panel is directed to assess technical knowledge and skill, at least two members of the panel shall be technically qualified in the knowledge being assessed. Additional panel members need not be technical experts if their assessments only pertain to non-technical competencies. In every case, however, all interview panelists must be qualified on the basis on education, training and experience for the competencies they are to assess.
 2. The County Superintendent, members of the Board of Education or members of the Personnel Commission shall not serve on an oral interview panel.
 3. First or second level supervisors of any current vacant positions in the class for which the examination is conducted shall not sit on the oral interview panel.
 4. Current first or second level supervisors of candidates in the examination shall not sit on the oral interview panel of the subordinate employee.
 5. Panel members shall not evaluate a candidate whose work performance is so familiar to the panel member, or knows the candidate personally or associates with the candidate in an employment setting in such a manner that the panel member is not able to evaluate the candidate objectively.
 6. Scores achieved by a candidate on other parts of the examination shall not be available to raters of other test parts including an oral interview panel.

7. No person from the Personnel Commission staff who is involved in the appeal process may serve on an oral interview panel.
8. In no case shall any evaluating interview panel or any other candidate involved in the process be provided with references which are confidential (not known) to the employees of the Office who are competing in promotional examinations.
9. Candidate may submit additional information on material for consideration in assessing the employees fitness for promotion.

Reference: Education Code Section 45273

4225.4 TAPE RECORDING INTERVIEWS

All interviews shall be tape recorded and filed in the Personnel Commission Office for at least one year, in such a way as to be available for review by candidates in conformance with these rules.

4225.5 ADMISSION TO EXAMINATION

- A. Candidates whose application has been accepted shall be notified in advance of the time, date, and place of the examination, and such notice shall be the candidate's authority to compete in the examination. No candidate may be admitted to any test part without this authorization or other satisfactory evidence of having filed an acceptable application. In addition, each candidate may be required to provide suitable identification such as valid picture ID at the time of admittance to take any examination.
- B. The job announcement bulletin shall state to whom the field of competition is limited. The Personnel Director shall be responsible for making this determination subject to these rules.

Reference: Education Code Section 45272

4225.6 EXAMINATION SECURITY

The Personnel Director has responsibility for establishing appropriate procedures for maintaining the confidentiality and privacy of all individual candidate records.

- A. Competitors or other unauthorized persons shall not have access to any test materials. Applicants may not serve as subject matter experts for the examination. Candidates who violate this section will be disqualified from further competition.

- B.** Written answer sheets shall be so managed that none of the test papers will disclose the name of any competitor until all papers of all competitors in a given examination have been marked and rated. The only exception to this rule shall be if the Commission maintains a computerized and automated test scoring system which will automatically and accurately score the exams of all competitors, and which has built-in safeguards to ensure that an individual examination score cannot be falsely altered.
- C.** A competitor in any examination who places an identifying mark upon test papers (other than the identifying mark prescribed at the time of the test administration) or who makes an attempt to disclose to others the identity of that competitor's papers prior to the completion of the examination may be disqualified.
- D.** The names, addresses, telephone numbers and other personal data of applicants, candidates or eligibles competing in any examination shall not be made public, nor open to inspection, except as designated in these rules.

Reference: Education Code Section 45273

4225.7 RATING REQUIRED (MINIMUM)

As determined by the examination plan, candidates may be required to attain a designated minimum score in each test part or in combined test parts of the selection process to qualify for participation in the next succeeding part.

Reference: Education Code Section 45273

4225.8 SCORING AND WEIGHTING OF TESTS

- A.** Relative test weights shall be assigned to represent the level of criticality of the primary functions for successful performance on the job as indicated by the skills, knowledges, abilities and traits linked to the job duties.
- B.** Final scores of candidates shall be rounded to the nearest whole percent after preferential credits are added.
- C.** Veterans shall be allowed an additional credit of five points to their composite score in entry level examinations only if they receive an overall passing score.
 - 1.** Disabled veterans shall be allowed an additional credit of five points in entry level examinations.

2. Disabled veteran is designated to mean an individual who is currently declared by the United States Veterans Administration to be ten percent or more disabled as a result of service in the armed forces.

Reference: Education Code 45294 and 45296

4225.9 OPEN EXAMINATIONS

Whenever possible, an open field of competition shall be provided for examination for entry level classes. Entry-level are generally those classes in an occupational hierarchy which are considered the first step in the hierarchy. These examinations shall be open to all qualified applicants.

4225.10 PROMOTIONAL EXAMINATIONS

A. In determining whether employment opportunities within the Office are to be limited to promotional applicants, factors to be considered include:

- 1.** The number of promotional candidates available to compete for the class and the likelihood that the examination will produce at least three ranks of eligibles.
- 2.** Affirmative action goals to seek and employ members of underrepresented groups in the occupational series.

B. Classified employees shall be eligible to apply if they have attained permanent status by the final filing date stated on the job announcement bulletin. Certificated employees shall be eligible if they have one year of continuous service by the final filing date stated on the job announcement bulletin. Employees who meet the above stated criteria, but are on an approved paid or unpaid leave of absence or are on a reemployment list as stipulated in these rules are eligible to apply for promotional examinations.

Employees not having regular status shall be excluded as a promotional candidate except as described in Rule 4225.10 C.

C. Any employee who has completed an initial probationary period and has subsequently maintained continuous service as a regular permanent employee whether or not the employee is in probationary status for an individual classification, is eligible to participate in the examination procedure as a promotional candidate.

D. The name of any promotional eligible who resigns during the life of the list shall automatically be moved to an open list for the same class if a viable list exists.

E. The name of any promotional eligible whose employment is terminated for cause during the life of the list, shall automatically be removed from all

eligibility list(s) and barred from future employment unless the Personnel Director determines that the action does not relate to the class for which the candidate is applying. This action is appealable to the Personnel Commission as allowed in these rules.

Reference: Education Code Sections 44065, 44882, 45103, 45272, and 45301

4225.11 OPEN AND PROMOTIONAL EXAMINATIONS WITH THE PROMOTIONAL LIST TAKING PRECEDENCE

- A.** Open and promotional examinations may be administered if an inadequate number or indications of an inadequate number of promotional applicants exist.
- B.** All candidates are evaluated on each test part without consideration of their promotional status.
- C.** The process shall result in two separate lists - promotional and open competitive with the promotional list taking precedence.

(updated 2/26/98)

4225.12 DUAL CERTIFICATION

- A.** Other sections of these rules notwithstanding or if the most recent promotional examination for the class failed to provide three ranks of eligibles to fill each regular vacancy during the first year of the life of the list, the Personnel Director may, prior to the examination, order dual certification.
- B.** This examination procedure shall result in one integrated promotional and open competitive eligibility list. Eligible promotional candidates shall have their scores adjusted for preferential credit points, to a maximum of five points.
- C.** Preferential credit shall consist of points added to the final total score based on length of service with the Office. The point system shall be as follows:

<u>Years of Service</u>	<u>Point Credits</u>
10+	5
9	4.5
8	4
7	3.5
6	3
5	2.5
4	2
3	1.5

2	1
1	.5

D. Candidates' placement on the list shall be in accordance with their scores after adjustment of any preferential credit has been added.

4225.13 CONTINUOUS TESTING

The Director, Classified Personnel is authorized to conduct continuous testing for classes of positions with high numbers of incumbents which have continuous openings and cannot be filled by promotional only examination.

Reference: Education Code 45292

4225.14 NOTICE OF RESULTS OF EXAMINATION

Notification of test results shall be provided to candidates as soon as practicable following administration of the test.

4225.15 RETENTION OF ALL EXAMINATION RECORDS

Examination records, including test answer sheets, and the rating sheets of each member of an oral interview panel shall be retained by the Personnel Commission for a period of three years.

Reference: Education Code Section 45274

4225.16 REVIEW, PROTEST AND APPEAL OF EXAMINATIONS

A. Examination records, such as identifiable ratings of oral panel members or references from previous employers, shall not be available for review by candidates, and shall be maintained in a confidential manner by the Personnel Commission staff.

Candidates or eligibles or representatives may not review the examination records of another person or confidential records from previous employers.

- B.** Candidates may only review their interview tape recording in the presence of a Commission staff member and only after they have formally reviewed their test results. Requests to listen to tape recordings must be addressed to the Personnel Director in writing and must be received by the Personnel Director within six working days from the postmark date of the interview results.
- C.** Candidates or eligibles may review their answer and rating sheets within six working days from the postmark date of the notice of the test results.
- D.** Candidates or eligibles may protest any test part within six working days from the postmark date of the notice of the test results.
 - 1. The protest shall be in writing and based solely on the following:
 - illegal discrimination;
 - abuse of discretion;
 - procedure or content error.
 - 2. The protest must include rationale to support the protest and the proposed remedy.
 - 3. A valid protest as described above may allow the protesting candidate to participate conditionally in the examination process or may temporarily suspend examination activities while the decision is pending.
- E.** Failure to review or protest within the times specified shall constitute waiver of the right to appeal that part of the selection process.
- F.** Appeals to the Personnel Commission shall be submitted in writing to the Commission Secretary within six working days of receipt of the decision of the Personnel Director in accordance with Rule 4220.9 of these rules.

Reference: Education Code Section and 45274

4225.17 VIOLATION OF THESE EXAMINATIONS RULES/LAW

Whenever the Personnel Commission, after a public hearing, finds that an appointment has been made in violation of the Education Code provisions of the merit system, or these rules as they apply to examination procedures, the Commission may order that no salary warrant shall thereafter be drawn to the employee so appointed, for services rendered after the date of said order. Any violation of the merit system sections of the Education Code or the rules of the Personnel Commission as they apply to examination procedures shall constitute

grounds for the recommended dismissal of the employee or employees guilty of such violation.

Reference: Education Code Sections 45310 and 45311

SECTION 4230

ELIGIBILITY LISTS AND APPOINTMENTS TO POSITIONS

4230.1 *ESTABLISHMENT AND CERTIFICATION OF LISTS*

The names of candidates are arranged by rank order of their final score from the examination process. The list of names becomes an eligibility list for a classification. The Personnel Director is authorized to establish and certify eligibility lists from which the hiring authority recommends persons for employment, unless provided otherwise in these rules.

- A.** To facilitate the orderly progress of business, the Personnel Director may submit eligibility lists for ratification and approval by the Commission subsequent to appointments from the list.
- B.** Eligibility lists certified shall be in accordance with this rule.
- C.** Appointments may be made from available eligibles pending final decision on protests and/or appeals; and appointments shall not be changed even though the outcome is in the appellant's favor, unless the Commission orders otherwise.

Reference: Education Code Sections 45272 and 45300

4230.2 *CONTENTS OF ELIGIBILITY LIST*

An eligibility list shall contain:

- A.** Information on the type of recruitment conducted to establish the list, (i.e., promotional; open competitive; promotional and open with the promotional list taking precedence; continuous; or dual certification).
- B.** The names of all eligibles in final rank order by total examination scores.
- C.** The weighted scores of each part of the examination.
- D.** The dates of each part of the examination.

- E.** The signature of the Personnel Director attesting to the accuracy of the information on the eligibility list.
- F.** The date indicating when the eligibility of named candidate terminates.
- G.** The date the list was ratified or approved by the Commission.

4230.3 REEMPLOYMENT LISTS

Reemployment lists shall be established for each class as necessary. A reemployment list shall take precedence over all other employment lists in filling vacant positions. It shall list the employees in rank order of seniority with the Office. This list shall contain the names of all regular classified employees who have been laid off for lack of work, funds, or exhaustion of benefits (sick leave).

- A.** An employee on this list, who is ready, willing and able to accept a position, shall be offered the opportunity of declining two vacant positions, without penalty, in the class in accordance with that employee's placement on the reemployment list by seniority. Upon declination of a second vacancy, the employee's name shall be withheld until a request or evidence is submitted establishing that the employee is ready, willing and able to accept a position. At this point, the employee must accept the position offered. The position location should be in accordance with the employees bargaining unit's geographical concept for placement to vacant positions as a result of layoff. Failure to do so will result in the employee's name being removed permanently from the reemployment list.

Reference: CSEA Article IX and SEIU Article XVI Contracts

- B.** Ready, willing and able to accept a position is defined as being able to begin work in a position within 15 calendar days or at a date agreed upon by the employing office. It also indicates that the employee can perform the duties of the Position (with or without accommodation) and has no limitations and/or restrictions which will prevent him/her from performing the essential functions of the position (or which would present a danger to the health and safety of the employee or others). Should the employee have limitations or restrictions which would prevent him/her from performing the essential functions of the position (or which would present a danger to the health and safety of the employee or others), they will be removed from the current selection process. However, his/her name will remain on the list and they will be eligible for future selection process until:

1. They have been offered three positions which they have waived or for which they have not been able to serve (at which time their name will be removed from the current list), or;
2. Their limitations/restrictions have changed to the point that they are able to perform the essential functions of the position (with or without accommodation) and no longer presents a danger to the health and safety of them self or others (at which time they may be offered and accept a position).

C. The life of the reemployment list for persons laid off shall be thirty-nine months.

D. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff, shall retain eligibility for reemployment for an additional period of twenty-four months, provided the same tests of fitness under which they qualified for original appointment still apply for the classification to which the employee is demoting, as determined by the Personnel Commission.

Reference: Education Code Sections 45114-45115, 45117-18, 45298, and 45308

4230.4 MILITARY ELIGIBILITY LISTS

Employees who require leaves of absence for military duty and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall have their names placed over all other names on the reemployment list in the class which they leave.

Employees returning from military leave shall be eligible for reemployment for a period not to exceed six months after discharge.

4230.5 APPOINTMENTS SHALL BE LIMITED TO CERTIFIED LISTS

- A.** Promotional List: List of eligibles resulting from an examination limited to qualified permanent employees only.
- B.** Open Competitive List: List of eligibles resulting from an examination open to all qualified applicants.
- C.** Promotional and Open Competitive List: Separate promotional and open competitive lists of eligibles resulting from a single examination, with the promotional list taking precedence.

- D. Transfer List: Consists of a roster of the names of all employees who request in writing lateral transfer or voluntary demotion to a class in the same job family. The Personnel Director shall be responsible for determining job family relationships. Transfers shall be made as stipulated elsewhere in these rules and/or by negotiated agreement.
- E. Reinstatement List: Former employees who left in good standing and have requested reinstatement to a vacant position in a class in which they held probationary or permanent status. Those who held probationary status that are reinstated and appointed under this provision must begin a new probationary period.

For the purpose of reinstatement, a consolidated class title shall be considered the former class of a person who resigned from a class that has been consolidated.

- F. Dual Certification List: If the most recent promotional examination for the class failed to provide three ranks of eligibles to fill each regular vacancy during the first year of the life of the list, the Personnel Director may, prior to the examination, order dual certification. This examination procedure shall result in one integrated promotional and open eligibility list. Eligible promotional candidates shall have their scores adjusted for preferential credit points. See Rule 4225.12.

4230.6 DURATION OF ELIGIBILITY LISTS

- A. All eligibility lists shall be established for a period of one year from the date the list is promulgated unless terminated earlier by the Commission, or until the list contains fewer than three ranks of available eligibles and the appointing authority is unwilling to make an appointment from that list. The appointing authority shall then request that additional eligibles be certified in order that there be three ranks available.

The Commission may approve the establishment of an eligibility list for a period of six months. Notification will be made when recruitment is announced.

- B. The Personnel Commission may, upon the recommendation of the Personnel Director, abolish the list before one year if there are insufficient eligibles ready, willing, and able to accept appointment.
- C. It is the general policy of the Personnel Commission not to extend any list beyond one year unless requested by management. However, the Personnel Director may extend a list for an additional period of time when necessary to facilitate the orderly progress of business. A report of the extension shall be made to the Personnel Commission at the next regularly

scheduled meeting. The total life of any eligibility list shall not exceed three years. Reference: Education Code Section 45300

- D.** Unless the Personnel Director determines otherwise, an extended eligibility list shall automatically expire upon the promulgation of a new eligibility list and not be merged with a new list.

4230.7 APPOINTING AUTHORITY

The appointing authority of employees to the office shall be the Superintendent. The appointing authority of Commission employees shall be the Personnel Commission.

4230.8 PROCEDURE FOR CERTIFICATION AND APPOINTMENT

- A.** The appointing authority shall request certification of eligibles from the Personnel Director. The Director shall certify eligibles in the following order:
 1. Persons on reemployment lists for the classification who have a right to a position and whose reemployment takes precedence over all other appointments.
 2. The top three ranks of eligibles from the appropriate list, employees requesting transfer, and reinstatement list.
- B.** The appointing authority shall consider and may appoint from the top three ranks, employees requesting transfer and from the reinstatement list certified by the Personnel Director. If the appointing authority chooses not to recommend an eligible, the Personnel Director shall not certify additional names unless a candidate waives further consideration for the position, or until the list is expired.

A position not filled in accordance with the above and occupied by an employee may be vacated by the Personnel Director and filled from the eligibility list unless ordered otherwise by the Personnel Commission.

- C.** Eligibles shall be placed on the eligibility list in rank order according to their score on the examination(s). The final scores of candidates shall be rounded to the nearest whole percent. All eligibles with the same percentage score shall be placed in the same rank. Certification from the list(s) shall be from the eligibles certified who are ready, willing, and able to accept the position(s) to be filled.
- D.** For classes approved for continuous testing, certification shall be made at the time the Personnel Director can first reasonably certify eligibles to the appointing authority and to the Commission for ratification.

- E.** The appointing authority shall notify the Personnel Director of the selection of an eligible from the list. The Personnel Director shall authorize the offer of employment and subsequent actions for employment if the eligible accepts.
- F.** The Personnel Director may, if determined feasible and desirable, certify a list of less than three ranks to the appointing authority.

4230.9 MULTIPLE POSITIONS VACANT - SAME CLASS

In the event of multiple authorized positions, the Personnel Director may certify a number of ranks which provide a number of eligibles that exceed the number of openings by two, plus any reinstatement or transfer eligibles.

4230.10 CERTIFICATION OF ADDITIONAL ELIGIBLES

If an eligible who has been certified declines an interview or fails to respond for an interview, the appointing authority shall notify the Personnel Director. When a request for additional eligibles is made, the Personnel Director may:

- A.** Investigate the matter to determine that any interview refusal is, in fact, voluntary.
- B.** Withhold further certification should the investigation determine that refusal was not voluntary.
- C.** Remove the names of those eligibles from the list who failed to report for interviews or who refused appointment to a position.
- D.** Certify additional eligibles as required by these rules.

4230.11 SELECTIVE CERTIFICATION

The appointing authority shall provide a written rationale for positions having bilingual, shorthand, or driver's license requirement. The Personnel Director shall authorize selective certification to fill the position. Appointment shall be made from the top three ranks of eligibles who meet the requirements.

The job announcement recruitment bulletin shall indicate the special requirements.

Reference: Education Code 45272 and 45277

4230.12 CERTIFICATION FROM LIST FOR ANOTHER CLASS

If there is no eligibility list for the class in which the vacancy occurs, certification may be made from a list for another class at the same or higher salary level provided the duties and qualifications of the class for which the examination was given include substantially all of the duties of the position to be filled; and the Personnel Director, subject to approval by the Commission, finds that the use of the list is in the best interest of the Office since the necessary skills and knowledge were adequately tested in the examination.

Reference: Education Code Section 45272

4230.13 MERGING OF ELIGIBILITY LISTS

- A.** During the life of an eligibility list, another examination process may be conducted and the resultant list merged with the first.

If a new examination for a class is given during the life of an existing list, the examination shall be sufficiently similar to the previous examination to ensure the comparability of the scores of eligibles. The new list shall then be merged with the existing list with eligibles ranked in order of examination score, plus additional points.

- B.** Eligibles' names shall be merged on the successive eligibility list in order of the total examination score.

When lists are merged under this rule, the earlier list shall be terminated according to the expiration date, and those eligibles' names from the first list shall be removed from the consolidated list. If the earlier list is extended, the eligibles shall remain on the list.

- C.** If a candidate who retests has a higher score on retesting, that score will be entered on the eligibility list. Those having lower scores will have the original higher score remain until expired, and then the lower score of retesting shall be entered for the balance of the specified life of that list, provided it is a passing score.

- D.** All candidates on an eligibility list which is terminated shall be notified of the time a new examination is scheduled for the class. Each candidate may retake the examination if a period of three months has elapsed since the candidate last took the examination. Notification is not required when an eligibility list expires.

Reference: Education Code Section 45291

4230.14 DUTIES OF ELIGIBLES

A. It shall be the duty of every eligible to respond promptly after receiving notice of certification. The eligible will be required to respond within five working days from the postmark date on the notification. Failure to respond within the above stated time may result in removal from the eligibility list. Three waivers may result in the removal of an eligible's name from the eligibility list.

An eligible is allowed to waive two offers to interview with an appointing authority or to accept an employment offer. The Personnel Director may remove the eligible's name from the list after the third waiver.

B. Eligibles are required to keep the Personnel Commission office informed as to current home address and telephone numbers where they can be reached to schedule employment interviews. Failure to keep the Personnel Commission office informed could result in the eligible being bypassed as unreachable on the eligibility list. In that event, the Personnel Director shall send a letter or telegram inquiring as to continued availability and interest. Failure to respond pursuant to these rules may result in the removal of an eligible's name from the eligibility list.

C. An eligible who has been selected for a permanent position and is unable or unwilling to report by the end of two full weeks, or one full month in the case of management classes, may be considered to have refused appointment and the appointing authority may request certification of additional eligibles in accordance with Rule 4230.10.

1. The date of the offer of appointment shall be the date on which the eligible is notified by the Personnel Director of selection.
2. Notification may be made by telephone, fax, telegram, registered, certified, or electronic mail.
3. The appointing authority, at its discretion, may establish a start time longer than two weeks.
4. When appointment is to a provisional or limited-term position, the eligible must be available on the date specified by the appointing authority.

Reference: Education Code Section 45272

4230.15 CERTIFICATION OF PROFESSIONAL EXPERTS

- A.** When the Administration proposes to recommend appointment of professional experts as defined in Section 4200 of these rules, it must have prior approval of the Personnel Director.
- B.** Professional Experts shall meet the conditions of these rules and the positions shall be established on a temporary basis for a specific project or when so designated by the Commission.

4230.16 APPOINTMENT OF PROFESSIONAL EXPERTS

In order to qualify as exempted from the classified service under these rules, the following condition must be met:

In no case may any person be appointed or paid from funds from the office, when that person's contribution consists solely of individual professional services, which are normally performed, or could be reasonably expected to be performed, by the classified employees.

Reference: Education Code Section 45256

4230.17 SUBSTITUTE AND LIMITED-TERM LISTS AND APPOINTMENTS

- A.** Situation such as the employment of a person on temporary basis to substitute during the authorized absence of a permanent employee on temporary assignment or on paid or unpaid leave. (Also known as substitute position). It may also be the employment of a person on a temporary basis to provide service on a work overload basis. Assignment of this nature shall not exceed six calendar months or one hundred thirty days of paid service.
- B.** Positions established to replace temporarily absent employees shall be considered limited-term (substitute) positions for the duration of the absence.
- C.** Appointments shall be made from the list of eligibles who are ready, willing, and able to accept limited-term or substitute positions.

If no eligibles on the appropriate list are ready, willing and able to accept a limited term (substitute or work overload) assignment, the Personnel

Director is authorized to certify ready, willing, and able applicants or candidates from other reasonably related lists.

- D. Eligibles who accept limited-term (substitute) assignments shall remain on the appropriate list and shall not have been considered as having waived their right to consideration for appointment to intervening positions.
- E. On such lists, all employees whose eligibility for regular employment expires shall retain their limited-term status, unless dismissed for cause or for failure to accept three consecutive offers of employment, provided they have maintained satisfactory service reports. They must again qualify by competitive examination for a place on a subsequent eligibility list from which regular employees are appointed.
- F. In the event no person is available for limited-term employment from reemployment or all other eligibility lists, an examination may be conducted for recruitment of persons for such employment only. The Commission, at its discretion, may designate simplified procedures in recruiting persons for such employment. No person shall attain permanent status in the classified service as a result of appointment to a limited term position even if appointed from an eligibility list.
- G. Regular employees who are serving in limited-term appointments while retaining regular status in another class shall continue to earn and be granted all rights and benefits of regular employees in their permanent class.
- H. All other limited-term employees shall be granted only those benefits provided by law. No seniority or credit toward completion of probation or any other benefit shall accrue from service in a limited-term appointment, except as provided under Paragraph G of this rule.
- I. Any nonpermanent, limited-term employee shall be considered an "At-Will Employee," and may be dismissed from such a status at any time and shall have no right of appeal from such action except as otherwise provided in these rules.

Reference: Education Code 45286

4230.18 PROVISIONAL APPOINTMENTS

- A. When an eligibility list does not exist for a position, the Personnel Director may authorize provisional appointments, subject to the following conditions:

1. The appointee must meet the minimum requirements of the class. The Personnel Director may make an exception in classifications where the pool of qualified candidates is limited.
2. The provisional appointment or appointments may accumulate to a total of ninety working days.
3. A ninety-day calendar interval shall then elapse before the person is again eligible to serve in any full-time capacity.
4. Under provisions of this section, no person may be provisionally employed in full-time positions for a total of more than one hundred twenty six working days in any fiscal year.
5. A position in which the assignment is less than thirty-five hours a week shall be considered part-time. Provided no one is available from an appropriate eligibility list, successive ninety working-day part-time provisional appointments may be in excess of one hundred twenty six working days in a given fiscal year.
6. A provisional appointment shall terminate within a reasonable period of time following certification of the eligibility list for that classification.

B. A provisional employee shall be considered an at-will employee whose assignment may end at any time.

Reference: Education Code Sections 45287 and 45288

4230.19 CONFIDENTIALITY OF LISTS

Eligibility lists shall be considered public information and shall contain names, ranks, and classification title. They shall be available for inspection in the Personnel Commission Office. Examination scores shall not be made available to the public.

Only pertinent information relating to eligibles who have been certified shall be released to the appointing authority.

Reference: Education Code Section 45274
Government Code Sections 6250-6255

4230.20 NEPOTISM AND EMPLOYMENT OF IMMEDIATE FAMILY

Please see All Personnel Board Policy 4018.31

Reference: Education Code Sections 35233-36 and 45273
Government Code Section 1091.5

SEIU Article II Contract
CSEA Article II Contract

Amended by the Personnel Commission on October 11, 2001

SECTION 4235

EMPLOYEE CLEARANCES

4235.1 NEW EMPLOYEE CLEARANCES

After a division has finished its consideration, the Personnel Commission office shall be notified of the name of the person to be selected. As the Superintendent's designee, the Personnel Director or a designee shall initiate all offers of employment in the Classified Services.

Reference: Education Code Sections 45122 and 49406

4235.2 DISQUALIFICATION DUE TO FAILURE TO MEET DESIGNATED JOB-RELATED PHYSICAL STANDARDS

- A.** After discussing with the eligible regarding the need for reasonable accommodation, any eligible who is unable to perform the essential functions of the position (even with reasonable accommodation) because of medical or physical limitations, shall be considered as not able to accept employment in that position. However, if necessary, they may (based on reasonable accommodation) be eligible for consideration for other positions within the class. (Related questions shall be referred to the Accommodations Committee.)

Reference: Americans With Disabilities Act and AB2222 And Board Policy 4012.23

4235.3 APPEAL TO THE COMMISSION

Any rejection of an eligible for medical reasons may be appealed to the Personnel Commission.

- A.** The appeal process shall be conducted pursuant to Personnel Commission Rule 4220.9.

B. The Commission may employ outside medical experts to provide medical advisory opinion(s).

C. The decision of the Commission shall be final and binding on all parties.

Reference: Education Code Section 45122
Americans With Disabilities Act and AB2222

Amended by the Personnel Commission on September 17, 2001

4235.4 RETURN TO WORK

An employee returning to work from an illness or injury may be required to take a physical examination upon the recommendation of the employee's supervisor, subject to review by the Personnel Director.

Reference: Education Code Section 45122

4235.5 PHYSICAL EXAMINATIONS

A. Applicants for regular positions may be required by the Superintendent to take a job related physical examination. Such examinations shall be a condition of employment and given before an eligible begins work in the position.

B. The Office may reimburse eligibles for the cost of the physical examination.

C. The physical examination will be administered after the initial offer of employment but prior to activation of employment.

Section 4240

4240.1 VERIFICATION OF RIGHT TO WORK STATUS

The name of any individual unable to provide verification of right to work in this country and for the Office pursuant to law shall be withheld from the eligibility list(s), and that person shall not be placed on the payroll of the Office until the individual can provide verification.

4240.2 REVIEW OF CRIMINAL RECORDS

- A.** An eligible candidate who cannot be hired or an employee who is to be dismissed because of information disclosed on the Criminal Records Report, shall be removed from all eligibility lists.
- B.** The Personnel Director shall notify the eligible or employee of the action taken and the reasons therefore, and shall provide the person with an opportunity to appeal the decision in writing within five working days of notification. If an appeal is filed, the Personnel Commission shall conduct an appeal hearing using the procedures outlined in Rule 4220.9. The decision of the Commission shall be final and binding on all parties.

Reference: Education Code Sections 45125

4240. 3 INITIAL PROBATIONARY PERIOD

A. Each new regular classified employee, except those designated as management exempt, shall serve an initial probationary period in a class not to exceed six calendar months or one hundred thirty days of paid service, whichever is longer, before obtaining permanency in the classified service. Paid service means paid for a particular day due to work, vacation time, or statutorily designated holidays.

Each new regular classified employee designated as management-exempt shall serve one year of paid probationary service before obtaining permanency in the classified service.

B. The probationary period shall not include time served under emergency, limited term, provisional or out of class appointment; absence due to illness in excess of six days; absence due to injury; any work performed on an overtime basis; or other time when the employee is absent from work, other than as identified in this rule.

C. A probationary period shall be extended a period equivalent to time in which the employee was absent, in compliance with Part A and B of this section. Any such absence shall be recorded and approved in writing by the immediate management supervisor. Any request to extend the probationary period shall be accompanied by the above-mentioned documentation for consideration of approval by the Personnel Director.

D. Credit toward completion of probation shall be granted only for service in a regular position in a class, after appointment from an eligibility list.

E. Regular classified employees designated as management-exempt are exempt from the overtime provisions of these rules.

Reference: Education Code Section 45301

4240.4 PROBATIONARY EMPLOYEE RIGHTS

Probationary employees shall be entitled to the following rights:

- A.** The name of a new employee who has resigned in good standing during the initial probationary period, as determined by the Personnel Director, may upon request of the employee, be restored to the eligibility list in proper rank. Such action shall not extend the life of the eligibility list, or the period of eligibility of the employee.

When an employee does not pass probation in a classification for failure to meet the test of performance, the employee's name shall not be restored to the eligible list for that same classification for the remainder of the life of the list, with the exception of an employee with disability who cannot meet the test of performance.

- B.** A new employee who is suspended or dismissed during the initial probationary period and believes that action is based on discrimination because of political affiliations, religious affiliations, beliefs, or opinions, physical or mental handicap, race, color, national origin, ancestry, sex, sexual preference, employee organization membership or non-membership, or marital status is referred to the County Superintendent Policies for information on filing written complaints.

1. A classified employee shall be given written notice when not being recommended for continued employment. This shall occur prior to the date on which the probationary period ends.
2. A probationary employee who is not being recommended for continued employment may be allowed the opportunity to resign in lieu of disqualification prior to Board action.

Reference County Superintendent Policies 4011, 4017, 4018

- C.** An employee not passing the initial probationary period because of fraud, bad faith, or unlawful discrimination shall have the right to appeal to the Personnel Commission and request a hearing. The request for a hearing must provide substantial evidence as part of the appeal to the Personnel Commission that the failure to pass probation was the result of an act of deception or misrepresentation of expectations, expectations inconsistent with the job classification, disabling supervisory neglect, deliberate impedance, harassment, unlawful disparate treatment or discrimination, or other actions or circumstances contrived to cause the employee to fail. A request for a hearing that is made under this subsection shall be submitted to the Personnel Commission within fourteen calendar days from the postmarked dated of the letter of written notification of failure to pass probation. The Commission may call a hearing if it determines that the

submitted evidence warrants further review. The burden of proof shall remain with the probationary employee throughout the review.

1. An allegation of unlawful discrimination must first be considered by the County Office through its established complaint process and procedures. A request for a hearing may be made to the Personnel Commission following the review by the County Office. If a request for a hearing is made on the basis of unlawful discrimination, the above section C will apply.
- D. If a probationary employee assigned to a regular position is laid off due to abolition or reclassification of the position, lack of work or lack of funds, or is being displaced under these rules, and if that employee is in good standing at the time of layoff, the employee's name shall be placed on the reinstatement list for the duration of 39 months or until which time they are rehired or request removal from the reinstatement list.
- E. A probationary employee may be dismissed for falsifying or failing to disclose relevant information during the examination or employment process.
- F. Probationary employees may not transfer from a position in a class to another position in the same class, except when their position has been impacted by layoff.

4240.5 SUBSEQUENT PROBATION FOR PERMANENT EMPLOYEES

An employee who has been promoted, including reclassification and reorganization under these rules, shall serve a new probationary period of the appropriate length without receiving credit for any time spent in a previous probationary status.

Reference: Education Code Sections 45256, 45269-45270, 45272, 45301, 45302, and 45305

4240.6 PERMANENT EMPLOYEE PROBATIONARY RIGHTS

- A. Upon successful completion of the prescribed initial probationary period in one or more classes, a classified employee shall be deemed to be a part of the permanent classified service.

Definition: Service in one or more classes shall total a period of time equaling six months or one hundred thirty days (twelve months for management - exempt employees) stipulated probationary period.

- B. Permanent status in the classified service is not permanent status in a classification. To have vested rights to a classification, an appropriate

probationary period in the class shall have been served. Reference: Education Code Section 45301

- C.** A permanent employee not passing a probationary period because of fraud, bad faith, or unlawful discrimination shall have the right to appeal to the Personnel Commission and request a hearing. The request for a hearing must provide substantial evidence as part of the appeal to the Personnel Commission that the failure to pass probation was the result of an act of deception or misrepresentation of expectations, expectations inconsistent with the job classification, disabling supervisory neglect, deliberate impedance, harassment, unlawful disparate treatment or discrimination, or other actions or circumstances contrived to cause the employee to fail. A request for a hearing that is made under this subsection shall be submitted to the Personnel Commission within fourteen calendar days from the postmarked dated of the letter of written notification of failure to pass probation. The Commission may call a hearing if it determines that the submitted evidence warrants further review. The burden of proof shall remain with the probationary employee throughout the review.

 - 1. An allegation of unlawful discrimination must first be considered by the County Office through its established complaint process and procedures. A request for a hearing may be made to the Personnel Commission following the review by the County Office. If a request for a hearing is made on the basis of unlawful discrimination, the above section C will apply.
- D.** An employee who has permanent status in the classified service and who has been promoted or reclassified to a higher class and is unsuccessful, shall be returned to the former class during the probationary period following applicable displacement procedures described in Rule 4245.8 without right to appeal except as authorized above.
- E.** A classified employee who is suspended or dismissed, while serving a probationary period in a higher class shall retain full right of appeal to the Personnel Commission, provided the employee held permanent status in the classification from which promoted or reclassified, or except as provided in Rule 4250.17.

4240.7 PERFORMANCE EVALUATIONS - GENERAL POLICY:

MANAGEMENT AND NON-REPRESENTED EMPLOYEES

- A.** The employee performance evaluation report, embodying significant factors for the various positions, shall have reference to the quality and quantity of work done, and other characteristics which may be considered important in rating and reporting the ability, performance and efficiency of the respective employee(s) and the value of said employee(s) to the Office.
- B.** The following rules provide the performance rating standards and procedures which shall be used in connection with the eligibility for advancement, promotion, demotion and dismissal from the classified service, as well as for other decisions relative to members of the classified service. Such evaluation reports shall be one means by which a member of the classified service can learn how the manager rates the quantity and quality of work performed; it provides the employee the opportunity to discuss the matter with the manager. In addition, the completion and review of the evaluation report with the subordinate affords the manager an opportunity to review the employee's performance in an effort to correct work deficiencies and/or to encourage the person to greater efforts in the performance of duties and responsibilities. The manager is also provided with an opportunity to demonstrate effective supervision with subordinate(s).

4240.8 PERFORMANCE EVALUATIONS - SERVICE RATINGS SCHEDULE

- A.** Every regular classified non-management and non-exempt employee shall receive during a probationary period a formal written performance rating on the approved form before the end of the third and fifth month of service.
- B.** Every regular classified management-exempt employee shall receive during a probationary period a formal written evaluation on the approved form at the end of the fourth, eighth and eleventh month of service.
- C.** Every regular permanent classified employee shall receive a formal written evaluation on the approved form annually.

Reference: CSEA Article VIII Contract SEIU Article VIII Contract

4240.9 WHO MAKES EVALUATIONS

- A.** Every regular classified employee, whether probationary or permanent, may be evaluated by an immediate manager at any other time when exemplary or unsatisfactory service is performed, but shall be evaluated by the immediate manager within a reasonable length of time after unsatisfactory service is performed. The evaluation shall be made on the approved form and shall be subject to all other provisions of this section.
- B.** The employee shall receive a copy of the evaluation and be notified in writing by the immediate manager that the employee has ten working days to attach a rebuttal if desired, prior to the evaluation being filed in the employee's official personnel folder.
- C.** The signature of the employee and that of the immediate manager shall be entered on the evaluation form. Should the employee refuse to sign, that fact shall be noted on all copies of the evaluation form.

4240.10 EMPLOYEE ATTACHMENTS TO EVALUATION:

MANAGEMENT AND NON-REPRESENTED EMPLOYEES

The employee shall have ten working days from the date of the final evaluations, comments and/or documentation evidence to refute or rebut any derogatory rating or comments in the evaluation form. Any employee submission shall be attached to and become a part of the evaluation when the evaluation becomes a part of the permanent personnel file.

- A.** Should the employee disagree with an evaluation, the employee shall have the right to have the evaluation reviewed by the next higher level of management before it is filed in the official personnel folder. Requests for management review shall be made in writing within ten working days. The management response shall be presented to the employee in writing within ten working days of the request for management review.
- B.** The employee shall have the right to protest an evaluation through the appeal procedures as provided in this rule. If the employee files an appeal, the performance evaluation shall not be filed in the official personnel folder prior to final resolution of the appeal.
- C.** If subsequent to a duly followed appeal over a performance evaluation, an employee's objections are sustained, the appeal authority or Personnel Commission may order expunction of the specific materials from the employee's file.

Reference: CSEA Article VIII Contract, SEIU Article VIII Contract

4240.11 TRANSFERS: MANAGEMENT AND NON-REPRESENTED EMPLOYEES

- A.** An administrative transfer is the movement of an employee from one position to another in the same class recommended by a management supervisor and can be effected by the Superintendent or a designee for the benefit of students or for the good of the service.
 - 1. Probationary employees may not transfer from a position in a class to another position in the same class.
 - 2. Transfers from a position in one class to a position in another related class must first be approved by the Personnel Director. Such approval may be given only when the transfer is either lateral, or is a voluntary demotion in the same or related job family.
 - 3. Administration-initiated transfers whether lateral or to a lower class, when effected for disciplinary reasons, shall be considered an involuntary transfer or demotion and a cause action, and cannot be enacted without due process for the employee.
 - 4. Division directors may only reassign positions in the same class within their own division. An administrative transfer from one division to another can only be affected by the Superintendent or a designee of the Superintendent.
- B.** Employee initiated transfers shall be made in accordance with the following procedures:
 - 1. A permanent employee may request a transfer from one position to another in the same class, or to a position in a lower class in the same or related job family as a voluntary demotion. The Personnel Director shall be responsible for determining job families and the appropriateness of the transfer and seniority.
 - 2. Transfers from a position in one class to a position in another related class must first be approved by the Personnel Director.
 - 3. All requests from bargaining unit members shall be in accordance with the negotiated agreement for the class. The names of employees shall be certified on the appropriate transfer list.
 - 4. Any employee who has requested a transfer shall have the right to be certified along with the top three ranks of eligibles on the employment list, and the eligibles from other appropriate lists. Should the transfer be made into the division of the appointing authority, that authority shall first notify the employee's current division head.

5. Should the transfer be agreeable to all parties concerned, a release date not to exceed ten working days, unless otherwise agreed to by management due to extenuating circumstances, shall be established and the date shall be communicated to the Personnel Commission office.

Reference: Education Code Sections 45262 and 45272 CSEA Article X and SEIU Article X Contracts

4240.12 RESIGNATION AND EFFECT ON ELIGIBILITY LISTS

A resignation from LACOE service relates only to the specific position from which the employee resigns and does not impair rights on other eligibility lists, except that if the employee's name is on any promotional eligibility list, it shall be removed.

4240.13 ASSUMPTION OF SCHOOL DISTRICT PROGRAMS

When the Office assumes the operation of a program previously operated by a school district, the district's employees shall have the following rights and obligations.

- A.** The right to apply and compete for a position on the eligibility list. For purposes of this section only, the classification established for positions in the new program, shall be deemed to be authorized as continuous testing.
- B.** The school district employee must qualify and otherwise meet all normal examination requirements.
- C.** When hired by the Office, the school district employee shall enjoy all other rights, benefits and burdens of any other probationary employee of the Office.

Reference: Education Code Section 45423

SECTION 4245

LAYOFF PROCEDURES

4245.1 *REASON FOR LAYOFF*

The layoff of classified employees shall occur for a lack of work or a lack of funds, and only in accordance with the rules and regulations of the Personnel Commission. Any effects of layoff that may be negotiated by and between the Office and any recognized exclusive representative shall be in addition to these rules and regulations.

Reference: Education Code Sections 45260-45261, and 45308

4245.2 *LAYOFF DEFINITIONS*

As used in this rule, the terms specified below have the following meanings.

- A.** "Reemployment list" is a record of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolition or reclassification of position, or other reasons specified in these rules and who are eligible for reemployment without examination in their former class arranged in order of their right to reemployment.
- B.** "Length of service." For purposes of this rule for service commencing and continuing after July 1, 1971, "length of service" shall be all hours in paid status as a regular employee whether during the school year, a holiday, recess, or during any period that a school is in session or closed. It does not include any hours compensated solely on an overtime basis as provided for in the Education Code, nor any hours compensated for in a provisional, substitute, or limited-term position. (Also subject to negotiated agreement)

Reference: Education Code Sections 45128, 45261, 45298, and 45308

CSEA Article XVI and SEIU Article XVI Contracts

4245.3 *LAYOFF BY SUPERINTENDENT*

- A.** Before any layoff notice shall be issued, the Superintendent shall have adopted a layoff statement outlining the specific numbers and kinds of positions to be eliminated or reduced, by classification and assigned time. The layoff statement shall be signed by the Superintendent and retained in the office of Human Resource Services. Whenever a classified employee is in receipt of a layoff notice, the Superintendent or designee shall give such employee or the employee's representative, when requested by the

employee or the employee's representative, a copy of the pertinent Superintendent's Statement of Layoff.

B. The Office shall notify the affected classified employees in writing on or before April 29 if they are being laid off at the end of the school year or a minimum of 45-calendar days prior to the date of any layoff if the termination date is other than June 30. The notice to the affected employee shall specify the reason for the layoff and be given by personal delivery or by certified mail (to the last known address of the employee on file in the Human Resource Services office). Failure of the employee to retrieve delivered mail, or respond to notifications by the U.S. Postal Service of attempted delivery, or failure to notify the employer of a change in the employee's address shall not be grounds for voiding notification or the staying of the timelines outlined in these rules. For purposes of this rule, if a notice is mailed, the second working day following the postmark date of the notice shall be considered to be the official date of receipt.

Reference: Education Code Section 45117, and 45260-45261

Revised: 12/20/03 Personnel Commission Meeting

4245.4 CONTENTS OF LAYOFF NOTICE

Any notice of layoff shall include the following items:

- A. The name and classification of the employee designated for layoff.
- B. The reason for the layoff.
- C. The employee's displacement rights, if any.
- D. The employee's reemployment rights.
- E. A statement that the employee may have a right to unemployment insurance.

Reference: Education Code Section 45117

4245.5 ADVANCE NOTIFICATION TO EXCLUSIVE REPRESENTATIVE:

Reference: CSEA Article XVI and SEIU Article XVI Contracts

4245.6 ORDER OF LAYOFFS (Non-Represented Employee)

- A. In the event of layoff, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class plus higher classes shall be laid off first. Classified employees who have been laid off shall have the right of reemployment. Reemployment shall be in the reverse order of layoff.
- B. The number of months worked per year shall have no effect in any way on displacement privileges.
- C. Seniority shall include all regular service in a class, and higher classes, as determined by first date in class, plus service in higher classes.
 - 1. If two or more employees subject to layoff have the same class seniority hours, then preference shall be given to the employee with the longest total regular classified service with the Office. If this regular service is equal, the preference shall be given to the employee with the most total service with the Office. If there is still a tie, the decision shall be made by lot.
 - 2. Time spent on leave without pay shall not be included when computing seniority, but all time spent on approved leaves with pay or military leave, illness, maternity, family care, or industrial accident leave shall count toward seniority accrual. In the event an employee returns to work following any other unpaid leave of absence, no further seniority shall be accrued for the time not worked.
 - 3. Should an employee voluntarily separate from service, and be subsequently reinstated, only service paid in the class shall count toward seniority accrual.
 - 4. No regular employee shall be laid off from any position while employees serving under limited-term or provisional appointment are retained in positions of the same class or a class that the employee is qualified, unless the regular employee declines the limited-term or provisional assignment.

Revised: 12/20/03 Personnel Commission Meeting

- 5. A limited-term or provisional employee may be released at any time without regard to the procedure set forth in this policy.
- 6. An employee transferred from one class to another shall retain seniority in the former class. Seniority in the new class shall begin accumulating on the date of the transfer. The seniority shall become a permanent part of the employee's employment history in the new class, upon completion of the probationary period for the new class.
- 7. In cases of reclassification, reorganization, transfer in lieu of layoff, or abolition of position, or in cases where the employee is promoted and subsequently terminated during probation, an incumbent's seniority

in the class plus higher classes shall be computed as outlined in these rules.

8. When a classification action results in either the merger of two or more classes or the separation of a class into two or more classes, the seniority of regular employees who are reclassified with their positions and who had no substantial change of duties or job requirements, shall be computed from the date of their earliest entrance into regular service in such former classes. Regular employees who had substantial changes to their duties or job requirements will be treated under the rules that govern reclassification or misclassification from inception.

D. Order of layoff for represented employees shall be in accordance with their respective collective bargaining agreements and relevant provisions of the Education Code. Where not addressed in, or not in conflict with, the collective bargaining agreement, order of layoff shall be in accordance with the relevant provisions of this rule.

4245.7 NO ADVERSE EFFECT FROM TRANSFERS

A transfer shall not change the employee's range and step placement on the salary schedule, salary increment date, accumulated leave and vacation credit, or otherwise adversely affect the employee's rights as provided in the law and these Rules.

Reference: Education Code Sections 45260-45261

4245.8 DISPLACEMENT RIGHTS

An employee in the classified service who is laid off from a class, and who has previous service in an equal or lower class, shall have the right to displace a less senior employee in that equal or lower class. Seniority for the purpose of displacement into a lower class shall be the total of the previous service in the lower class, plus service in the class from which layoff occurs and equal classes, plus previous service in higher classes. However, seniority for the purpose of displacement into a class equal to the one in which layoff occurs shall be limited to the total of previous service in the equal class plus previous service in higher classes.

- A. An employee whose position is eliminated or reduced shall be placed within the same classification in which layoff occurs according to seniority within the class. The following priority of placement within the class shall apply:
 1. A vacant position with the same number of assigned hours.
 2. A vacant position that has additional assigned hours.

3. The position occupied by the least senior employee in the class with no fewer assigned hours than that of the current position.
4. The position occupied by the least senior employee in the class with fewer assigned hours than that of the current position.

B. An employee who has no displacement rights within the classification in which layoff occurs shall be placed in a position in an **equal** classification previously held as a permanent employee according to seniority within the equal class. The following priority of placement into the equal class shall apply:

1. A vacant position with the same number of assigned hours.
2. A vacant position that has additional assigned time.
3. The position occupied by the least senior employee in the class with no fewer assigned hours than that of the current position.
4. The position occupied by the least senior employee in the class with fewer assigned hours than that of the current position.

C. An employee who has no displacement rights within the classification in which layoff occurs or in an equal class shall be placed in a position in a **lower** classification previously held as a permanent employee according to seniority within the lower class. The following priority of placement into the lower class shall apply:

1. A vacant position with the same number of assigned hours.
2. A vacant position that has additional assigned time.
3. The position occupied by the least senior employee in the class with no fewer assigned hours than that of the current position.
4. The position occupied by the least senior employee in the class with fewer assigned hours than that of the current position.

D. If an employee cannot be placed into a position of a former classification previously held as a permanent employee, the employee will be laid off or may pursue the options of voluntary demotion or transfer.

Reference: SEIU Article XVI and CSEA Article XVI Contracts

4245.9 VOLUNTARY DEMOTION

A. Displacement into a lower class shall be considered a voluntary demotion and salary placement shall be in accordance with the rules on Salary on Demotion.

B. An employee, after having had the opportunity to exercise all rights guaranteed under this policy, who must be laid off and placed on a reemployment list will, for a period of up to thirty-nine months, be selected first in reverse order of layoff for the first opening occurring in any class in which that employee had seniority. The following rules shall also apply.

1. If an employee is on any eligibility list and is laid off, that employee shall retain that position on such list(s) until reemployed, selected, or abolishment of the list.
2. Employees on reemployment lists shall be eligible to compete in promotional examinations for which they qualify.
3. Laid-off employees do not accumulate seniority credit while on the reemployment lists.

Reference: Education Code Sections 45260-45261, and 45308

4245.10 DEMOTION IN LIEU OF LAYOFF

An employee who has accepted demotion in lieu of layoff has the right to be reemployed, in accordance with seniority rules, in a vacant position in the employee's former class within thirty-nine months after demotion. Intervening reassessments to other classes shall not abrogate that right. If the employee has not been reemployed in that former class within thirty-nine months, eligibility shall be retained for appointment to a vacant position in that class without examination for an additional twenty-four months, provided that the same test of fitness under which the employee qualified for appointment to the class shall still apply.

4245.11 TRANSFER IN LIEU OF LAYOFF

- A.** A permanent classified employee who will suffer a layoff for lack of work or lack of funds, despite bumping rights, may accept a transfer to a vacant position in an equal class or a voluntary demotion to a vacant position in a lower class, providing the employee is deemed qualified to perform the duties thereof by the Director, Classified Personnel or designee.
- B.** A transfer from a position in one class to a position in another related class shall first be approved by the Director, Classified Personnel. Determination of whether classes are sufficiently related to permit transfer between them shall be based on the similarity of duties, minimum qualifications, and examination content. The extent to which the two classes must be comparable may depend on additional factors. In general, more latitude is allowed as an employee's length of service with the District increases; when the request for lateral transfer is based on layoff, reclassification, or health.

When an employee is faced with a reduction in assigned time, the rules of transfer and demotion shall be given a liberal interpretation in order to relieve the effect of such reduction.

4245.12 PERIOD FOR LATERAL TRANSFERS

- A.** A permanent employee who transfers to a position in a class in which the employee has not previously completed a probationary period shall be considered probationary in that class for the standard probationary period outlined in these rules. At any time during this probationary period, the employee may be returned (transferred) to a former class without right of appeal.
- B.** Any seniority earned by a probationary employee who returns to a former class shall be credited to that former class.

Amended by the Personnel Commission on August 16, 2001

SECTION 4250

4250.1 DISCIPLINARY ACTION FOR CAUSE

A regular classified employee shall be subject to disciplinary action only for cause as prescribed by this rule and only pursuant to the procedures outlined herein.

Reference: Education Code Section 45302

4250.2 DEFINITION OF DISCIPLINE

The suspension, involuntary demotion, reassignment or dismissal of an employee for causes other than lack of funds, lack of work, or reorganization.

4250.3 TIME LIMITS ON DISCIPLINARY ACTION

No disciplinary action shall be taken against an employee for any cause which occurred prior to the employee's becoming permanent, nor for any cause which occurred more than two years prior to the date of the Notice of Proposed Disciplinary Action unless such cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to Los Angeles County Office of Education. This does not

preclude consideration of events or circumstances beyond two years for the purpose of supporting the degree of disciplinary action.

4250.4 PROHIBITED ACTS RELATED TO DISCIPLINE

No employee shall be suspended, demoted, dismissed, subjected to any form of disciplinary action, sexually harassed, or in any way discriminated against because of the employee's affiliations, race, color, national origin, age, marital status, sex, sexual orientation, disabling condition, ancestry, whistle blowing, employee organization membership or non-membership and legal activities related thereto, medical condition, false claim action or religious or political beliefs or acts, except as legally provided in Rule 4250.5.

Reference: Government Code Sections 12926, 12650 and 12653

4250.5 CAUSES FOR DISCIPLINARY ACTION

The following causes shall be grounds for disciplinary action:

1. Incompetency.
2. Inefficiency.
3. Insubordination or willful disobedience.
4. Inattention to or dereliction of duty.
5. Violation of law, regulation, policy or established work procedure.
6. Withholding information needed for employment, insurance or other necessary purposes.
7. Possession of opened alcoholic beverages/ containers, drinking, intoxication while on duty and/or use or possession of illegal or dangerous drugs while on duty, except as prescribed by a physician and not otherwise impairing behavior or ability.
8. Arrest and/or conviction for a sex or narcotics offense, violent felony or child abuse defined in Education Code Sections 44010 and 44011 and other statutes.
9. Engagement in political and/or personal activities during assigned hours of duty.
10. Conviction of a crime involving moral turpitude or work-related behavior.
11. Verbal or physical abuse or altercation.
12. Unexcused absence or tardiness, abuse of leave privileges or absence without notification.
13. Abandonment of Position - Absence of three consecutive working days without notification or permission (and failure to notify the office of a valid or acceptable reason for absence).

14. Failure to return to work within three days or notify the office after an authorized leave of absence, except in the case of an emergency.
15. Uninsurability of an employee to drive an office vehicle when such is a requirement of the employee's position.
16. Violation of local, state, or federal law, which results in cancellation or suspension of a license, required for the performance of assigned duties
17. Work-related dishonesty, theft, willful misuse for personal gain, willful destruction or mishandling of office property and examination deception or fraud.
18. Harassment of others, including but not limited to ethnic, racial, religious, or sexual types of harassment.
19. Failure to obey a work-related subpoena duly served, or refusal to furnish testimony or documents at a work-related hearing or investigation before the Commission, or the County Superintendent.
20. Advocacy of the overthrow of the federal, state, or local government by force, violence, or other unlawful means.
21. Offering or accepting anything of value that creates a conflict of interest, or other similar act or omission.
22. Unauthorized access to, creating, changing, or deleting of data or other information and/or use of same for personal or other unauthorized purposes or unauthorized release to others and/or violation of confidentiality or privacy.
23. Discourteous, offensive, abusive or threatening conduct toward others.
24. Refusal to comply with shift assignments, working hours, or work locations.
25. Any other work-related offense so grievous that a reasonable person would interpret it as an unacceptable work behavior or action.
26. Improper conduct during a selection process.
27. Persistent violation or refusal to obey safety rules or other procedures made applicable to the Office by the County Superintendent, or by any appropriate state or governmental agency.
28. Unauthorized possession of a firearm or other weapon while on duty whether or not on LACOE property or on LACOE leased facility.
29. Failure, within a reasonable time, to report injuries or damage to property, which occurred while on, assigned duty.

Reference: Education Code Sections 212.5, 230, 44010, 44011, 45302, 45303, and 45304

Government Code Section 1028

Penal Code Section 261

Health and Safety Code Sections 11054, 11056, 11357, 11361, 11363-11364, and 11377-11382

4250.6 RIGHT TO REPRESENTATION

The employee may, at his/her option, be represented by the union or any other non-attorney designated by the employee. However, should the disciplinary process reach the level of suspension, demotion, or dismissal, the employee, at his or her expense, may provide his/her own legal counsel, union representation, or any other person designated by the employee prior to any action being taken.

4250.7 PROGRESSIVE DISCIPLINE

The application of corrective measures by increasing and progressive degrees, with actions that fit the nature of the problem, designed to motivate an employee to change performance or conduct, and not just to force compliance through punishment, shall be considered in determining appropriate levels of punishment. Progressive discipline may include oral and/or written counseling, oral warning, written warning, suspension, and finally termination. More serious offenses may justify imposing discipline at a higher level, skipping over initial steps.

4250.8 PROGRESSIVE DISCIPLINE - SUSPENSION

An employee may be suspended for up to thirty calendar days without pay. The proposed length of suspension shall be reasonably related to the seriousness of the alleged offense.

An alternative to a part or all of a suspension may be the employee's participation in an approved employee treatment program. An agreement to such a program shall be in writing and stipulate sanctions if the employee does not fulfill the requirements of the agreement.

4250.9 IMMEDIATE SUSPENSION WITH OR WITHOUT PAY

If an employee presents any matters related to the health, safety and well being of the employee, students, fellow employees or office property, the employee shall be suspended immediately with pay pending the initiation and completion of disciplinary action procedures forwarded to the Superintendent. The Office may end the suspension with pay to the employee or take action to suspend without pay in accordance with any matter related to these rules.

An employee may be immediately suspended with or without pay if charged with the commission of any sex offense or narcotics offense. The suspension shall

continue for not more than ten days after the date of the entry of the court judgment. Any employee so suspended may receive compensation as provided for in the Education Code.

Reference: Education Code Sections 44010, 44011, 45302, 45303 and 45304
Penal Code Section 261
Health and Safety Code Sections 11054, 11056, 11357-11361, 11363-11364, and 11377-11382
CSEA Article VIII Agreement
SEIU Article VIII Agreement

4250.10 DEMOTION OR DISMISSAL

If cause exists, an employee may be subjected to other forms of disciplinary action including demotion or dismissal.

4250.11 DISMISSAL OF CLASSIFIED SERVICE EXEMPT EMPLOYEES

A substitute, limited-term, provisional, or other temporary employee may be released at any time during his/her assignment without regard to procedures set forth in this chapter.

Reference: Education Code Section 45305

4250.12 BURDEN OF PROOF

The burden of proof in all hearings and proceedings, based on any disciplinary action of any employee, shall remain with the Los Angeles County Office of Education.

Reference: Education Code Section 45113

4250.13 NO DISCIPLINE WITHOUT NOTICE

No probationary or permanent regular classified employee may be subjected to disciplinary action until the employee has received a "Notice of Proposed Disciplinary Action," and the employee has had an opportunity to respond to the charges.

4250.14 RIGHT TO APPEAL RECOMMENDED DISCIPLINARY ACTION

An employee shall have the right to appeal a recommended disciplinary action to the Assistant Superintendent or a designee within a specified period of time from date of receipt of the Notice of Proposed Disciplinary Action. If the employee files an appeal, the employee shall be required to attend the preliminary appeal hearing before the Assistant Superintendent or designee, even if the employee's designated representative appears on his/her behalf. If the employee fails to appear, the employee will be deemed to have forfeited rights to further appeal at this level and the Los Angeles County Office of Education Administration may recommend action to the Superintendent.

4250.15 DISCIPLINE OF PROBATIONARY EMPLOYEES

A probationary classified employee recommended for disciplinary action, who does not have permanent status in another classification, may request an administrative review by the Assistant Superintendent or designee. The Assistant Superintendent or designee's decision is final unless the employee charges that the recommended discipline is based on the employee's affiliations, race, color, national origin, age, marital status, sex, sexual orientation, disabling condition, ancestry, employee organization membership or non-membership, and legal activities related thereto, medical condition as defined in the Government Code, false claim action, or religious or political beliefs or acts, except as legally provided in these rules. In which case, the probationary employee may then appeal to the Personnel Commission.

Reference: Government Code Section 12926, 12950 and-12953, Education Code 45301, 45305

4250.16 PERMANENT EMPLOYEE IN PROBATIONARY PROMOTIONAL POSITION:

A permanent classified employee who has not served the full probationary period for the class to which promoted, and who is demoted to his/her former class, may appeal the disciplinary action only pursuant to Rule 4250.14. A permanent classified employee who has not served the full probationary period for the class to which promoted, and who is subjected to disciplinary action that would result in the separation of the employee from the permanent classified service or is demoted to a lower class in which regular status had previously been held, shall have full appeal rights.

4250.17 AUTHORITY OF COMMISSION HEARING AND DECISION

If the office imposes disciplinary action, the employee may appeal the disciplinary action to the Personnel Commission. The appeal must be received by the Personnel Commission within fourteen calendar days from the postmark date and time of notice. The requirements for the hearing are that the request must be made in writing and faxed, emailed or delivered to the Personnel Commission and office within the specific timeline noted above. It must state on which of the grounds below the appeal is based. The burden of proof in this respect shall be on the employee. The grounds for appeal are:

- A. That the charges made do not constitute sufficient causes for the action taken.
- B. That the action taken was not in accord with the facts.
- C. That there has been an abuse of discretion.
- D. That the procedures set forth in these rules have not been followed.
- E. That the disciplinary action was taken because of race, religion, creed, color, national origin, ancestry, disabling condition, medical condition, employee organization membership or non-membership and legal activities related

Reference: Education Code 45305, 45311, 45312

SECTION 4255

ABSENCE FROM DUTY

4255.1 GENERAL PROVISIONS

- A. The appointing authority may grant leaves of absence to employees where it is in the interest of:
 - 1. The welfare of the appointing authority.
 - 2. The welfare of the employee.

4255.2 DEFINITION OF LEAVE OF ABSENCE

- A. The authorization for a regular employee to be absent from their duty assignment for a specific period of time for an approved purpose. Examples of paid leave include vacation, jury duty, military leave and sick leave. Examples of non-paid leave include educational leave, personal leave, and family and medical leave upon exhaustion of all paid sick leave.

- B. Except as otherwise provided in this rule, time spent on leaves of absence with pay shall count toward salary step advancement, employee fringe benefits accrual and seniority accrual.
- C. Except as otherwise provided in these rules, time spent on leaves of absence without pay shall not count toward salary step advancement, employee fringe benefits accrual and seniority accrual.
- D. The employee shall have the right when returning from an approved leave of absence to return to a position in his/her class.

4255.3 EXHAUSTION OF ALL LEAVES

- A. If all available leaves of absence, paid or unpaid have been exhausted, and the employee is not ready, willing and able to assume the duties of a position the employee shall be separated and placed on a reemployment list for a period of 39 (thirty-nine) months. At any time during the 39 months, the employee is ready, willing and able to assume the duties of his or her position, the employee shall provide the Office with a letter from the employee's treating physician, releasing the employee to return to work and listing any work-related restrictions. Such employee shall be employed in a vacant position over all available candidates, except for a reemployment list established because of lack of work, lack of funds, or abolishment of position, in which case the employee shall be ranked in accordance with appropriate seniority regulations.