MERIT SYSTEM RULES

FOR THE CLASSIFIED EMPLOYEES

OF THE

SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION

2018-2019

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2017-2018

SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION
PERSONNEL COMMISSION

General Description

The California State Legislature, through the enactment of Article 5, Section 45220-45226 and Article 6, Section 45240-45320 of the Education Code, has established a Merit System for the Classified Service category of employees.

Legislation also provides that when a County Board of Supervisors transfers to the County Board of Education the duties and functions that grant "fiscal independence" to the County Board of Education, it becomes mandatory that the County Board of Education adopt the Merit System. The Merit System was adopted by the San Luis Obispo County Board of Education on June 1, 1965.

For the purpose of providing general governance for the Merit System, a Personnel Commission consisting of three members is appointed. Their qualifications to be a Commission member are the same as those required for membership on the County Board of Education, with the exception of residency. In addition, all appointees to the Commission must be known adherents to the principle of the Merit System. Through administration of the Classified Merit System, the Commission shall strive for:

1. Equal treatment for all classified personnel.

2. Protection of individual rights as well as the rights of the Classified Service, pursuant to rules and regulations adopted for the classified service.

3. Maintenance of harmonious relationships with the County Superintendent of Schools and the County Board of Education.

Among the several duties of the Commission are the following:

1. Adoption of the necessary rules and regulations for the administration of the Merit System to insure the efficiency of the Classified Service and the selection and retention of employees upon a basis of merit and fitness.

2. Classify all employees not requiring certification qualifications in the appropriate positions, making exceptions for a limited group of special persons and positions.

3. Appointment of the Director of Classified Human Resources and staff.

4. Prepare and adopt an annual budget subject to the approval of the County Superintendent of Schools.

5. Insure that the rules of the Commission and copies of the applicable law are available to all affected employees.

6. Establishment and maintenance of the service records of each classified employee, including name, title, organization unit, salary, changes in status, performance rating and such other personnel information as may be considered pertinent.

7. Recommend to the County Superintendent of Schools a salary schedule for the Classified Service.

The Merit System, in essence, requires announcement of vacancies for which persons will be selected as employees, the appointment of persons from eligibility lists of qualifying persons, and a probationary service period to determine appropriateness of continued employment. After successfully completing the prescribed probationary period, a person is eligible to be deemed a member of the permanent classified service. Dismissal, demotion or suspension of an employee may result from several causes including lack of work, lack of funds, allegations and/or convictions of sex offenses or narcotics offenses and serious and violent misdemeanor and felony criminal offenses. (Rev. 12/17/97)

The Rules found herein are a result of considerable research to satisfy all provisions of the Education Code and related administrative policy. Although the Rules are flexibly tailored to the needs of the San Luis Obispo County Office of Education, we readily recognize that as the Rules are applied and as the law changes, there will be need for modifications.

These Rules have been scrutinized by employees and employee organization representatives, reviewed by legal counsel, adopted by the Personnel Commission and have received the concurrence of the County Superintendent of Schools and the County Board of Education. The Personnel Commission is always open to responsible recommendations and encourages employee participation in all aspects of the Commission's endeavors.

In the event of any conflict between Personnel Commission Rules, any applicable collective bargaining agreement, and the Education Code, the order of precedence shall be:

1. The Education Code (unless otherwise specified)

2. The lawful collective bargaining agreement (for bargaining unit members) (Rev. 11/19/93)

3. The Personnel Commission Rules

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SERIES 4510 DEFINITIONS AND PRELIMINARY STATEMENT

4511 DEFINITIONS, GENERAL

The following words and terms when used in these rules shall have the meaning indicated 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.

Abandonment of Position. Non-performance of duties and non-appearance by the employee at the worksite without excuse.

Act or The Act. Refers to Article 6, Sections 45240-45320 and applicable provisions of Sections 45100-45385 of the Education Code of the State of California and means the Act and Sections applying to the merit system for classified employees.

Allocation. The official placing of a position in a given class and the assignment of the class to the position.

Anniversary Date. The date which is established for step increases. (Rev. 1/11/91, 5/22/96, 12/09)

Applicant. A person who, under the rules, has made formal application for employment.

Appointing/Hiring Authority. The San Luis Obispo County Superintendent of Schools or his/her designee. (Rev. 5/22/96.)

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

Bargaining Unit Member. An employee whose position or class falls within a specified group that is represented in the collective bargaining process by an exclusive representative. Identification of such positions is established by the provisions of the Rodda Act, Government Code 3540, et seq.

Bereavement Leave. Paid leave of limited duration granted to an employee upon the death of an immediate member of the family as provided in the Education Code or collective bargaining agreement in effect with the classified employees.

Board. The San Luis Obispo County Board of Education.

Budget. The annual budget for the Personnel Commission, prepared and submitted to the County Superintendent of Schools in accordance with Education Code Section 45253.

Bumping Rights. The right of an employee, under certain conditions in a layoff, to displace an employee with the least seniority in a current or previously held classification. (Rev. 5/22/96, 12/09.)

Candidate. A person who has successfully completed one or more portions of the examination process.

Certificated Service. All positions and employees required by California statute or regulation to possess credentials issued by the Commission on Teacher Credentialing.

Certification. The submission by the Director of eligibles from an appropriate eligibility list or from some other source of eligibility to the appointing authority or to the department which selects employees prior to approval of the appointing authority.

Class or Classification. Also called job title. A group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be used to designate each position assigned to the class, that substantially the same requirements of education, experience, knowledge and ability are demanded of incumbents, and substantially the same tests of fitness may be used in choosing qualified appointees. In addition, the same salary range may be applied with equity. (rev 12/09)

Classified Service. All positions in the San Luis Obispo County Office of Education (hereinafter referenced "SLOCOE") service to which the Act applies and which are not exempted by the Act. (See Rule 4631)

Classify. The assignment of a position to a class, whether new or existing, because of the position's minimum qualifications, duties and responsibilities. (rev 12/09)

Class Specification. A written statement of the duties and responsibilities of the positions in the class illustrated by

examples of typical tasks and of the qualification requirements of the positions in the class. (Sometimes referred to as a job description.)

Class Title. A definite descriptive title or 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.

Commission. See Personnel Commission (used interchangeably in these rules).

Compensatory Time. Time off in lieu of overtime pay. The time off that shall be taken shall be equivalent to the rate that would have been paid in dollars (i.e., one and a half times, two times, or two and a half times the number of hours worked).

Confidential Employee. An employee whose position has been designated "confidential" under the provisions and stipulations of Government Code 3540.1 and by the nature of the assigned duties of the position in relation to said code.

Day. A day that the SLOCOE is normally open for business. (Rev. 5/22/96.)

Demotion. A change in assignment of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary rate.

Differential Pay. The amount paid to an employee when sick leave and all other paid leaves have been exhausted: the amount is the remainder when the substitute rate is subtracted from the employee's regular rate. (Added 11/19/93)

Director. The Director of Personnel.

Discharge or Dismissal. Involuntary separation from service for cause.

Dual Certification. A special procedure which provides for certification, in specified cases, from an open list while a promotional list exists.

Eligible.Adjective: Legally qualified to be appointed.

Noun: A person whose name appears on an eligibility list.

Eligibility List. A list of names of persons who have qualified in a competitive examination and are eligible for certification for a position or positions in a class.

Emergency Appointment. An appointment for a period not to exceed 15 work days to prevent the stoppage of public business when persons on eligibility lists are not immediately available.

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

Employee Organization. Any organization which includes employees of the SLOCOE and which has as one of its primary purposes representing such employees in their relations with the SLOCOE

Employment List. A list of names from which certification may be made. Includes eligibility lists, reemployment lists, and lists of persons who wish to transfer, demote, be reinstated or reemployed after resignation, or be restored after voluntary demotion or reduction to limited-term status.

Employment Status. The condition of an employee's present appointment indicating degree of permanency with the SLOCOE

Examination. The process of testing and evaluating the fitness and qualifications of applicants.

Fact Finding. The process of selecting an agreed-upon agency or individual to investigate, assemble, and report the facts in a labor-management dispute, sometimes with the authority to make recommendations for settlement.

Fiscal Year. July 1 through June 30.

Grade. The same salary level or range to which certain classes have been assigned, even though the classes may be in different job families or groups.

Hearing Officer. A qualified person appointed to hear and make recommendations on appeals from disciplinary actions. (Rev. 5/22/96.)

Incumbent. A person who is in a paid status with San Luis Obispo County Office of Education, or who is on an authorized leave of absence. (Rev. 5/22/96.)

Industrial Accident or Illness Leave. Absence because of injury or illness which arose out of and in the course of employment. (Rev. 5/22/96.)

Job Description. See Class Specification.

Job Family A number of classes related in duties and responsibilities as set forth on the classified salary schedule. (Rev. 5/22/96, 12/09.)

Layoff. Separation from a position because of lack of work or lack of funds. (Rev. 5/22/96, 12/09.)

Leave of Absence. Permission to be absent from duty for a specified period and for a specified purpose with the right to return at the expiration of the period.

Limited Term. A term used in the Education Code to designate employment for periods not to exceed six months or employment of a temporary employee during the authorized absence of a permanent employee. (Synonymous with "substitute" and "temporary," and with "short term" as used in the Education Code.)
Management Employee. An employee whose position has been designated "management" under the provisions and stipulations of Government Code 3540.1 and by the nature of the assigned duties.

Management Salary Schedule. The salary schedule designed to accommodate the classified management and certificated management employees who are excluded from the provisions of the collective bargaining law. (Rev. 5/22/96.)

Management Team. The group of classified and certificated management employees who are outside the collective bargaining provisions of the Government Code. (Rev. 1/11/91)

May. A verb indicating that an action is permissive.

Open Examination. A competitive examination in which any qualified person may participate whether or not that person is currently an employee.

Overtime. Hours worked in excess of 8 per day or 40 per week.

Performance Evaluation. The supervisor's periodic, official summary and evaluation of an employee's performance.

Permanent Employee. In reference to SLOCOE employment status, an employee who has completed a probationary period in a class in the classified service. In reference to employment status, a person in a specific class or who entered the class by transfer, demotion, or reinstatement/reemployment without serving a probationary period.

Personnel Commission. That body empowered by Education Code sections commencing at 45240 to prescribe and amend such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. The rules shall be binding upon the Board, employer, and employee. (Rev. 5/22/96.)

Personnel Commission Rules. Rules found herein pertaining to procedures to be followed by the Board as they pertain to the classified service regarding application, examinations, eligibility, appointment, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance ratings, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of the Merit System (commencing at Education Code Section 45240). The rules shall not reduce or eliminate benefit provisions to regular employees in existence prior to rule approval.

Position. A group of duties and responsibilities assigned by competent authority requiring the full or part-time employment of one person on a permanent or limited-term basis.

Probationary Employee. A person who has been properly appointed to a position before acquiring permanent status in that class.

Probationary Period. The trial period, as established by the Personnel Commission pursuant to Education Code Section 45301, immediately following an original or promotional appointment to a permanent position from an eligibility list. The probationary period is an extension of the examination process.

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

Promotional List. An eligibility list resulting from a promotional examination, limited to qualified employees of the SLOCOE

Provisional Appointment. A temporary appointment to a permanent or limited-term position in the absence of an appropriate eligibility list not to exceed 90 working days except in specified circumstances. (See Education Code Sections 45287 and 45289)

Provisional Employee. A person employed under a provisional appointment.

Public Notice. Announcements of examinations, meetings, hearings, and other actions of the Personnel Commission or Personnel Department on bulletin boards in the SLOCOE and through other appropriate channels of distribution.

Reallocation. The reassignment of a class from one salary range to another without significant change in class title, minimum qualifications, duties or responsibilities.

Reclassification. The reassignment of a position, whether filled or vacant, from one class to another, whether new or existing, because of significant change in class title, minimum qualifications, duties or responsibilities. Reclassification may occur as a result of a change in duty assignment, the ability to perform service in a particular position, or either the growth or reduction of amount or level of duties. Reclassification may or may not be accompanied by a change in salary range assignment. (rev 12/09)

Recognized Employee Organization. An employee group which has complied with the requirements for recognition and has been recognized by the Board as qualifying to represent its members in their relations with the SLOCOE

Reemployment. A reappointment, after layoff or medical separation, to a vacant position in the employee's former or previously held classification(s). (added 12/09)

Reemployment List. A list of names of persons who have been laid off from regular positions by reasons of lack of work, lack of funds, or abolishment or reclassification of position, or other reason specified in these rules, and who are eligible for reemployment without examination in their former class, arranged in order of their right to reemployment. (Rev. 5/22/96.)

Regular Employee. An employee in the classified service who has probationary or permanent status and is occupying a position that has been regularly established by the Superintendent.

Regular Position. A position established for a continuing and indefinite or unlimited period of time or for a fixed period in excess of six months. (Rev. 5/22/96.)

Reinstatement. A reappointment, after resignation, in regular or limited-term status, without examination, to a position in the employee's former or previously held classification(s). (rev 12/09)

Reprimand. Written rebuke or censure of an employee by his/her supervisor. (Revised 7/27/89).

Resignation. The process of termination of employment by an employee who has voluntarily submitted a request to terminate such employment.

Restricted Employee. A person employed in a position properly designated by the appointing authority as "restricted" (Education Code 45105) shall be a classified employee for all purposes except that tenure for such a position shall not be considered in computing service required for bumping privileges or other related seniority benefits incompatible with the temporary or contractual nature of a given program, position, or assignment. Notwithstanding the above, after completion of a six-month probationary period, a "restricted" employee may qualify by examination for regular classified status according to the provisions of Education Code 45105.

Salary Range. A series of consecutive salary steps that comprise the rates of pay for a classification or grade. A salary

range normally consists of five salary steps.

Salary Rate. A specific amount of money paid for a specified period of service; i.e., dollars an hour or month.

Salary Schedule. A list of grades, steps, and rates established for the classified employees.

Salary Step. A specific location in a salary grade. One of the consecutive rates that comprise a monthly or hourly salary grade.

School Year Employee. An employee who works only when school is in session. Examples of this class would be school bus driver and instructional aides.

Seniority. Status determined by date of hire in a job classification plus any higher job classifications. (rev 12/09)

Separation. Leaving a position: includes resignation, dismissal, layoff, retirement, exhaustion of all paid and/or authorized leave, etc. (Rev. 5/22/96.)

Series. A number of classes closely related in occupational hierarchy and arranged in a list in order to indicate occupational levels in a group.

Shall and Will. These verbs indicate that the action is either mandated by statute or required by intent.

Shift Differential. The amount paid in addition to the regular pay rate for being assigned to regularly work past a certain hour or starting before a certain hour. (Added 11/19/93)

Short Year Employee. An employee whose designated work year is less than 12 months.

SLOCOE. San Luis Obispo County Office of Education

Step Increase. Progression by the employee through the consecutive rates of a salary schedule.

Substitute Employee. An employee occupying a permanent position during the absence of the incumbent.

Superintendent. The San Luis Obispo County Superintendent of Schools.

Suspension. An involuntary absence with or without pay for disciplinary purposes or pending investigation of charges appropriately made against an employee.

Transfer. The reassignment of an employee without examination from one position to another position in the same class or to a position in a similar or related class with the same salary grade.

Unauthorized Absence. Time taken away from normal working duties during normal working hours in violation of SLOCOE policy and without needed administrative or supervisory approval.

Unclassified Service. All positions and employees not in the classified or certificated service; i.e., those exempted by law. (See Rule 4631.)

Voluntary Demotion. A demotion requested by an employee in order to retain employment when layoff from employee's position is imminent or for other reasons where the action is voluntary on the part of the employee. (rev 12/09)

Waiver. The voluntary relinquishment by an eligible of any right to consideration for appointment from an eligibility list.

Work Day. The number of hours of work normally assigned per day for a particular position.

Work Year. Interval between the beginning and ending dates of a regular assignment within a fiscal year. (Rev. 5/22/96.)

Y-Rate. A salary step, grade and/or rate placement which is different from that to which the employee would otherwise be entitled. Y-Rating occurs when an employee's salary is a higher rate than his/her position specifies, through demotion or reclassification of a position to a lower grade on the salary schedule.

4512 PRELIMINARY STATEMENT

4512.1 Statutory Authority for These Rules

The rules contained herein are established pursuant to the authority of the Personnel Commission under Education Code Sections 45260, 45261, and other provisions governing the Merit System Act in the Education Code. It is recognized that certain of these rules venture into substantive matters within the prerogative of the Superintendent and the Board. Therefore, the initially adopted set of rules and regulations were approved by the Superintendent and the Board. It shall be the policy of the Commission to furnish to the Superintendent and to the Board for their review, all subsequent changes, additions, or deletions of these rules. (Rev. 3/28/91)

4512.2 Interpretation and Application of Rules

The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent; however, specific, applicable provisions of the rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. The Commission is open to responsible suggestions to amend the rules with prospective application; however, no rule amendment or new rule shall have retroactive applicability.

4512.3 Judicial Review (Separability)

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

SERIES 4520 PERSONNEL COMMISSION

4521 ORGANIZATION OF THE COMMISSION

4521.1 Terms

By law, the term of each Commissioner is for three years and expires at noon, December 1. The term of one Commissioner expires each year. On or about September 1 of each year, the Director shall notify the Board of the name of the Commissioner whose term will expire and whether or not the Commissioner will accept reappointment. The notification shall also list the appointing authority and indicate that the Board must follow the provisions of Education Code Section 45249. (Rev. 2/28/96)

4521.2 Officers

At its first meeting following December 1 of each year, the Commission shall elect one of its members as chairperson and another as vice chairperson to serve a term of one year or until their successors are duly elected. The chairperson may serve more than one term, but not more than two consecutive subsequent terms.

4521.3 Quorum and Majority

Two members shall constitute a quorum for any regular or special meeting of the Commission. The affirmative vote of two members shall be necessary to any action. (Education Code Section 45247)

4521.4 Appointments

Members of the Personnel Commission shall be appointed alternately by the Superintendent of Public Instruction and by the Executive Officer of the State Personnel Board, each of whom may consider the recommendations of the Board and other interested parties.

4521.5 Motions by Chairperson

The chairperson of the Commission may present a motion or second a motion when in his/her judgment a motion is necessary to expedite proceedings.

4522 MEETINGS

4522.1 Regular Meetings

Subject to cancellation or proper change, the Commission shall meet one time per month at 3:30 p.m. in the Board Room at the County Office of Education, 3350 Education Drive, San Luis Obispo, California. All regular meetings shall be posted at the designated location at least 72 hours before the meeting. If it is necessary to call an emergency meeting, the posting requirement is waived. When the regular meeting date falls on a holiday, the Commission shall meet on the next succeeding business day unless at a prior regular meeting it designates some other day for its meeting. The regular monthly meeting may be canceled, if deemed necessary. (Government Code 54953-54956) (Rev. 2/28/96, 12/20/00, 12/19/01; 4/16/03)

4522.2 Special Meetings

Special meetings may be called at any time by the chairperson and shall be called upon the written request of any two members. Written notice shall be delivered personally or by mail to each member of the Commission. Notice must also be given to each of the following who have filed written requests for such notice: Each local newspaper of general circulation, radio or television station, and recognized employee or other organizations. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. A copy of the notice shall be posted on the Commission's official bulletin board. The order shall specify the time and place of the special meeting and the business to be transacted. (Government Code 54956)

4522.2.1 Emergency Meetings (Added 2/28/96)

a. Emergency meetings may be called if any of the following exist:
   1. work stoppage;
   2. impairment to health or safety;
   3. crippling disaster as determined by a majority of members

b. If newspaper or media has filed request for notice, notify by phone at least one hour before meeting. If phones are out, this requirement is waived; but after meeting, media must be notified of the holding and purpose of meeting and any action taken.

c. Minutes, list of people notified, and roll call vote shall be posted for 10 days in a public place.

d. Board of Commission may not meet in closed session during an emergency meeting. (Closed session may be held for threat to security of public buildings under Government Code 54957, Section

IV(D)(7).)

4522.3 Public Meetings

A. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission, except as provided in Rule 4522.4. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings unless employees are authorized to do so.

B. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission except those matters listed in Rule 4522.4 and will be provided reasonable opportunity to present their views orally. The Commission will consider their comments and recommendations prior to arriving at a course of action.

C. Any person requesting to speak before the Commission during a regular or special meeting shall complete a Request to Address the Personnel Commission form and submit it to the Commission Chairperson, or designee, prior to the meeting being called to order. Each speaker shall be limited to three minutes to present their comments. The total time allotted for Public Communication to the Commission will be 15 minutes.

D. The commission will not take action on an item introduced during Public Communication as this would constitute an illegal act on the part of the Commission. (B, C, D Rev 6/9/04)

4522.4 Closed Sessions

The Commission may hold closed sessions to consider the employment or dismissal of any employees or to hear complaints or charges brought against such employees unless such employee requests a public session. The Commission shall not consider any matter in closed session relating to an employee unless the employee has been notified of his/her right to a public session and has declined the public session or properly failed to request same. The Commission may hold closed sessions also to consider administrative matters relative to its own staff and to consider examination materials as provided in these rules.

4522.5 Agenda and Supporting Data

The Director shall prepare an agenda for each regular meeting of the Commission. The agenda shall be submitted to each Commission member at least five days prior to said meetings. The Director may submit addenda to the agenda in writing at the time of a regular meeting providing the addenda is clarifying matter rather than substantive matter. Unanimous approval of the Commission members present is required for the Commission to consider any item not included in the advance agenda. The Commission may act upon the addenda.

All agenda items for the next succeeding regular Personnel Commission meetings must be received by the Director with a letter of transmittal attached fourteen (14) days prior to the date of the regularly scheduled meeting. Insofar as possible and at least 48 hours prior to every special Commission meeting, the agenda shall be provided the designated representatives of all employee organizations representing SLOCOE classified employees. The agenda will also be posted on the Commission's official bulletin board and distributed to news media which have requested it.

4522.6 Amendment, Deletion, or Addition to Rules

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

B. At the "first reading" the Commission will set a date for Commission action on the proposal, which date shall not be less than two weeks later. It shall also instruct the Director to refer the proposal to interested persons or organizations for comments and recommendation.

C. Insofar as possible, interested parties shall submit their reactions to proposals in writing on or before the stipulated agenda deadline date and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting. All amendments, deletions or additions to these rules will include a date of change. (Rev. 2/28/96)

4522.7 Distribution of Rules

The Rules of the Commission and copies of Article 6 of the Education Code shall be printed and made available to each school, office and permanent worksite where employees report. New regular employees shall be given a handbook which summarizes the basic rules and working conditions for classified employees and provides information regarding access to copies of the complete rules and the Merit System. (Education Code Section 45262)

4522.8 Minutes

The 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, his/her dissent or approval and the reasons shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes or a true copy thereof shall be distributed to recognized employee organization representatives who have requested them.

4522.9 Compensation to Commissioners

A. Each Commissioner shall receive a sum not to exceed $25 for each meeting attended in any one month, including regular, adjourned, or special meetings, but not to exceed a total of $100 per month. (This section approved by the Board as required by Education Code Section 45250.)

B. Each Commissioner shall receive mileage reimbursement for each Regular and Special Meeting attended at the current rate allowed by the Internal Revenue Service. (Adopted 6/27/01) (Rev 12/19/01)

4522.10 Order of Business

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

4522.11 Items From the Floor

Any person appearing before the Commission may request that the Commission consider an item presented by such a person. The Commission may allow the individual up to five minutes to make a presentation. Additional time may be allowed by unanimous consent of the Commission membership present at the meeting.

4522.12 Public Testimony

Any individual wishing to present testimony to the Commission concerning an item on the agenda under consideration by the Commission shall be recognized by the chairperson at an appropriate time and granted five minutes to present testimony. Additional time may be allowed by unanimous consent of the Commission.

4523 COMMISSION EMPLOYEES

4523.1 Status of Commission Employees

The Director and other persons required to carry out the responsibilities of the Commission shall be appointed by and responsible to the Personnel Commission. However, they shall be considered part of the classified service; and the rules, procedures, benefits and burdens pertinent to the classified service shall apply to Commission employees except as the Commission may specifically direct.

4523.2 General Duties of the Director

A. The Director shall be responsible to the Commission for carrying out all procedures in the administration of the classified Human Resources in conformity with Article 6, Chapter 5, Division 3, of the Education Code and the rules of the Commission. The Director shall also act as secretary of the Commission and shall prepare or cause to be prepared an Annual Report which shall be sent by the Commission to the Board. (Education Code Section 45266)

B. The Director shall conduct classification, salary, and rules studies and shall make such other investigations as directed by the Commission or as the Director deems necessary to his/her responsibilities. The Director may be designated as a hearing officer in accordance with Education Code Section 45312.

C. In cases where two or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Director, subject to appeal to the Commission.

D. The Director shall keep such records as are necessary for transactions and reference and for making reports showing administrative actions including: Records of all examinations, eligibility lists, records and files of employment history of each employee, history of each position, classification plan, and correspondence. Personnel records shall be retained for a period of time as noted in the County Superintendent of Schools Records Retention Manual, as consistent with State law. (Rev. 2/28/96)

E. The Director shall maintain a master calendar of Commission functions.

4523.3 Evaluation of the Director

The annual performance evaluation of the Director by the Commission is due in the Human Resources office on or

before the Director's anniversary date. As a part of the evaluation process, the Chairperson of the Commission shall meet with the Superintendent, or designee, before completion of the evaluation to exchange information. The Chairperson shall also seek input in a closed session from the CSEA president, the Superintendent, and others who might have relevant information, previous to completion of the evaluation. In closed Session (no later than the evaluation's due date) the Commission and Superintendent shall jointly review the data, discuss the Commission's goals, SLOCOE's Strategic Plan, and the Director of goals for the coming year, and then come to final agreement on the evaluation document and goals. Before the anniversary date, the typed final evaluation form and goals will be reviewed with the Director in Closed Session and signed by the appropriate persons. A copy of the evaluation will be provided to the Superintendent and placed in the Director's personnel file. (Added 5/28/87) (Rev. 2/28/96) (Rev. 7/21/04) (Rev. 4/27/05)

A new Chief of Human Resources Officer shall have an evaluation in the fifth and eleventh months of employment during the Chief of Human Resources Officer's probationary period. The above schedule shall be followed thereafter. (Added 5/28/87) (Rev 3/19/03) (Rev. 4/27/05)

4524 MISCELLANEOUS PROVISIONS

4524.1 Communications

A. Communications and requests shall be, insofar as practicable, in writing. Communications and requests shall be acknowledged and replied to, noting official Commission action when appropriate.

B. Individuals or groups who wish to present proposals for action by the Commission shall be encouraged to present them to the Director for placement on the Commission agenda. It is against the policy of the Commission to take up proposals except at open meetings although the Commission may designate one of its members to investigate a specific subject.

4524.2 Budget

A. The Director shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing year. The budget shall be submitted not later than the first Commission meeting in March.

B. The budget shall be prepared for a public hearing by the Commission to be held not later than May 30 of each year. The Commission shall forward a copy of its proposed budget to the Board of Education indicating a time, date and place for the public hearing of the budget and shall invite Board and Administration representatives to attend the public hearing and present their views on the budget.

C. Prior to adoption of its budget, the Commission will hear and fully consider all comments and suggestions that may be offered by SLOCOE, administration, the Board, or other concerned persons or organizations. Efforts shall be made to resolve any differences that may exist between the Commission and Board.

D. When approved by the Commission, the budget shall then be submitted to the County Superintendent of Schools in accordance with Education Code Section 45253.

4524.3 Annual Report

A. The Director shall prepare, as required by Education Code Section 45266, an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Superintendent.

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

SERIES 4630 POSITION CLASSIFICATION PLAN

4631 THE CLASSIFIED SERVICE

4631.1 Positions Included

A. All positions which are not exempt from the classified service by law shall be a part of the classified service. All employees not excluded by the Education Code serving in classified positions shall be classified employees. These employees and positions shall be known as the classified service.

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

C. Positions which are especially funded through Federal or State funds and which are not a part of the regular school program shall be part of the classified service. Persons employed in such positions shall be classified employees and shall enjoy all the rights, burdens, and benefits accorded other classified employees. Their selection and retention shall be made on the same basis as that of persons selected for positions which are part of the regular school program. Persons employed in positions properly classified as restricted shall be classified employees for all purposes except:

1. They shall not be accorded employment permanency.

2. They shall not acquire seniority credits.

3. They are not eligible for promotion until they have taken the necessary qualifying examinations.

An exception to the above is made to exempt from the classified service positions which are established pursuant to Title VI of the Comprehensive Employment and Training Act of 1973 (CETA) as amended by the Emergency Jobs and Unemployment Assistance Act of 1974 and which are limited to projects of not more than one year duration. Persons employed in such positions shall be eligible to apply for any position or class of positions within the classified service for which they meet the qualifications. (Education Code Section 45105.1)

4631.2 Exemption From the Classified Service

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

A. Full-time students in schools under the jurisdiction of the Superintendent who are employed on a part-time basis.

B. Apprentices.

C. Professional experts or consultants employed on a temporary basis for a specific project.

D. Part-time playground positions; that is, one in which the employee is assigned less than 35 hours per week. (Education Code Section 45256).

E. Senior Management Positions listed on the Executive Management salary schedule (added 1/19/05)

4631.3 Effect of Exemption

With the exception of E above, positions exempted from the classified service shall not be eligible for benefits under these rules. (rev 1/19/05)

4632 GENERAL CLASSIFICATION RULES

4632.1 Assignment of Duties

The employer shall prescribe the duties and responsibilities of all positions in the classified service except those on the Personnel Commission staff. When the duties being performed by an employee are found to be inconsistent with the duties officially assigned to his/her position, the Director shall report the facts to the responsible administrator in order that appropriate action may be taken. (See Rule 4632.7)(Education Code Section 45109) (Rev. 11/20/96)

4632.2 General Nature of the Classification Plan

The Personnel Commission shall establish and maintain a plan of classification for all positions in the classified service. Classes will be placed in groups according to general occupational nature and within groups, shall be listed in series by specific occupation. The list of classes shall contain designation of the salary rate or grade applicable to each class.

4632.3 Class Specifications

For each class of positions, as initially established or subsequently approved by the Commission, there shall be established and maintained a class specification which shall include:

A. The official class title.

B. A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme.

C. A statement of typical tasks to be performed by persons holding positions allocated to the class.

D. A statement of the minimum desirable qualifications for service in the class. These qualifications may include, but are not limited to, education, experience, knowledge, skills, abilities, and physical requirements. (Rev. 11/20/96)

E. License or other special requirements for employment or service in the class.

Minimum qualifications may never require a teaching, administrative, or other credential, nor may they require work experience which essentially would restrict competition to holders of credentials.

4632.4 Interpretation of Class Specifications

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

A. The definition and typical tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions by their duties, responsibilities, and qualification requirements and do not prescribe what these details shall be in respect to any position. The use of a particular expression or illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission.

B. In determining the class to which any position shall be allocated, the specification for each class is considered as a whole. Consideration is given not to isolated clauses, phrases, or words apart from their context and from illustrative information in other parts of the specifications, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.

C. Each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series and groups of classes, in such manner as to maintain a proper gradation in the series in which the class is located and proper differentiation within the group of classes.

D. Qualifications commonly required of the incumbents of all or many offices or positions, such as ability to meet minimum physical requirements, honesty, sobriety, and industry, even though not specifically mentioned in the specifications, are implied in the qualification requirements. (Rev. 11/20/96)

E. The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement and preparation of tests and in the evaluation of the qualification of candidates seeking appointment to positions allocated to the class, but does not require a particular form or content of test or testing procedure.

F. The class title shall always be used with the meaning set forth in the remainder of the specification.

4632.5 Allocation of Positions to Classes

All positions substantially similar as to the duties performed and the responsibilities exercised by the incumbents of such positions and as to their qualification requirements shall be allocated to the same class.

4632.6 Changes in Duties of a Position

Any substantial changes in the duties of an existing position shall be promptly reported in writing by the hiring authority to the Director who shall cause the position to be reviewed toward determining whether the position should be allocated to a different classification. The Director shall notify the union representative that a review of the position is being conducted. (Rev. 11/20/96)

4632.7 Working Out of Classification

A. A classified employee shall not be required to perform duties which are not fixed and prescribed for the position by the Superintendent unless the duties reasonably relate to those fixed for the position by the Superintendent for any period of time which exceeds five working days within a fifteen calendar day period, except as authorized herein.

B. An employee may be required to perform duties inconsistent with those assigned to the position by the superintendent for a period of more than five working days provided that the salary is adjusted upward for the entire period the employee is required to work out of classification and in such amounts as will reasonably reflect the duties required to be performed outside normal assigned duties.

C. When employees are required to work out of classification for the period stipulated above, the facts shall be reported to the Director who shall promptly investigate the facts and make the necessary adjustments.

D. This rule shall not be construed as permitting an employee to refuse to perform duties legally assigned by competent authority. (Education Code Section 45110)

4632.8 Review of Positions

The Director shall review the duties and responsibilities of positions as necessary to determine their proper classification and shall cause all positions to be reviewed at least once every five years. If the Director finds that a position or positions should be reclassified, the Director shall advise the administration of the findings. If the administration verifies the duties of the position or if the duties are not revised to fit within the current classification, the Director shall report said findings and recommendations to the Commission. The Director shall also report in cases where a review indicated that no change in classification is necessary.

4632.9 Establishment of New Positions

When the administration is planning to request the establishment of a new position in the classified service by the superintendent, it shall submit to the Director in writing the duties officially to be assigned to the position. The administration may recommend minimum educational and work experience requirements for the position.

The Director shall:

A. Review the proposed position with appropriate administrative officials, and

B. Classify the position to an appropriate existing class, or

C. Develop a new position specification and recommend to the Personnel Commission the establishment of a new class and its allocation on the salary schedule.

F. Notify the administration and the Superintendent by memorandum or excerpts from Personnel Commission minutes as appropriate of the classification action taken.

4632.10 Positions Requiring Multiple Languages

A. The Superintendent may, with the approval of the Commission, designate positions within a class which require the holder of the position to speak, read, and write a language in addition to English.

B. The Superintendent must clearly set forth valid reasons for placing language requirements on a position.

C. When a non-English speaking special education student's Individual Education Plan (IEP) requires services to that student in a foreign language, the classified position that provides that service will be opened with the requirement of the applicants being bilingual in the necessary language. The IEP, in and of itself, is a valid reason and will not require specific approval by the Commission. (Added 12/19/01)

D. An announcement calling for an examination for a class with position(s) containing language requirements will contain appropriate information and will indicate that successful candidates possessing the language requirements will be given preference over other successful candidates, as authorized in Rule 4752.13, but only as to those specific positions.

E. When a vacancy occurs in a position which has approved bilingual language requirements, the employer will notify the Commission that the need for language requirements continues to be part of the position.

F. If a request from the Superintendent to designate a position for language requirements is challenged, the Commission shall cause a proper investigation to be made and shall consider the findings and all other pertinent data presented by any concerned and responsible source prior to taking final action on the request.

4632.11 Mandatory Titles

As required by Article 7, Chapter 5, Page 25, Division 3 (commencing with Section 45342), all teacher aide classes of positions shall be assigned a basic title of "Instructional Aide" or other appropriate title designated by the Superintendent. The Commission, in classifying all such positions, shall determine subclasses thereof, if any, and additions to the basic title as well as completing other classification requirements.

4633 REVIEW OF POSITIONS

4633.1 Periodic Classification Study
A complete classification study of all positions shall be conducted periodically, at least once every five years. (Rule 4632.8)

4633.2 Requests for Study
Requests for classification study of existing positions shall be presented to the Director together with a statement of the reasons for requesting study. Requests for study may be initiated by the administration with the approval of the superintendent, or by employee or employee organizations. Requests initiated by the administration shall be accompanied by a statement of the current authorized duties of the position(s) and any prospective changes. Positions will be studied once in a five-year period.

4633.3 Reallocation of a Class (Rev. 10/14/94; 11/20/96; 11/17/2015)
When a class has been reallocated to a higher range, the employee shall receive the next higher dollar amount as related to the then current salary on the new salary range as of the date the new appointment becomes effective. If the amount is less than a five [5] percent increase, the employee shall be placed at the next higher step over that authorized in the preceding sentence. (Rev. 11/20/96)

If the reallocation is to a lower grade, the employee shall be placed on the step to reflect employee's current salary, or the next step above, which would represent an equal amount to or closest to employee's current step, but representing not more than 5% above their current step.

The employee's anniversary date shall not change.

4634 RECLASSIFICATIONS OF POSITIONS

4634.1 Basis for Reclassification
The basis for reclassification of a position shall be the gradual growth of duties. Recommendations as to gradual growth will be made in writing to a reclassification committee consisting of impartial persons appointed by the Superintendent or designee. The committee should be formed of equal representatives from management and classified staff, and will include the CSEA president or designee. Director shall be the ex-officio Chairman/Secretary of this committee. The Committee will consult with manager and employee regarding job duties. The Commission shall be the final approving authority for this committee's recommendation. (Rev. 11/19/93, 3/17/04; 4/25/07; 8/16)

4634.2 Effective Date of Reclassification
When a position has been reclassified, the effective date shall be the date prescribed by the Commission and approved by the employer. (Rev. 11/20/96)

4634.3 Effects on Incumbents
When all of the positions in a class are reclassified to a higher class, the incumbent of the position who has been in the class for two or more years may be reclassified with the position by the Personnel Commission without an examination. When a portion of the positions within a class is reclassified to a higher class, an incumbent who has a continuous employment record of two or more years in one or more of the positions being reclassified may be reclassified with the position as provided by the Personnel Commission rules without an examination. (Rev. 7/1/04)

Employees with less than two years in one or more of the positions being reclassified must pass the qualifying examination for the class in order to be reclassified. Such examination shall be limited to incumbents within the class. Incumbents who are unsuccessful in an examination may remain in their current classification or be transferred to a comparable position at the same rate of pay. (Rev. 11/19/93) (Rev. 7/1/04)

An employee who has been reclassified with his/her position or denied reclassification through a study or other internal process is ineligible to request a review for subsequent reclassification with the position for a period of at least two years from the initial action. (Education Code Section 45285) (Rev. 3/17/04) (Rev. 7/1/04)

4634.4 Reemployment List for Displaced Incumbents

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

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

4634.5 Filling Position When Incumbent Displaced

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 normal selection processes as provided in these rules. An exception may be instituted where the normal process of selection would cause such an unconscionable delay as to interfere with the public business. A finding to this fact, if such an exception is followed, shall be a part of the official records and proceedings of the Personnel Commission.

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 normal selection processes as determined by these rules. (Education Code Sections 45285, 45308)

SERIES 4640 APPLICATION AND EXAMINATION

4641 AUTHORIZATION TO FILL VACANCY

4641.1 Personnel Requisition Form

The examination procedures to fill a vacant position shall be initiated, or caused to be initiated, by the superintendent.

4641.2 Personnel Requisition Approval

Requests to fill all positions (except short-term substitutes) shall be initiated by completing a Personnel Requisition form which receives the written approval of budget control and the superintendent.

4642 APPLICATION FOR EMPLOYMENT

4642.1 Filing of Application

All applications for employment shall be made upon official forms furnished by the Commission, filled out as therein directed, and filed on or before the date specified and in the office specified in the examination announcement. Applicants taking more than one examination must file a separate and complete application for each such examination.

4642.2 General Qualifications of Applicants

Applicants must meet all requirements that may be specified in the minimum qualifications established for the class. Every applicant must be in all respects mentally and physically competent to perform the duties of the position for which applied.

A. **Equal Opportunity Employment**

Merit System law provides that classified employees be selected on the basis of merit and fitness exclusive of discrimination due to race, color, age (over 40 years), religion, ancestry, political affiliation, marital status, sex, medical condition (cured or rehabilitated cancer [as defined in Section 12926(F), Government Code 12990]), or handicap if otherwise qualified to do the job.

4642.3 Disqualification of Unfit Applicants, Candidates, and Eligibles (revised 1/09)

For purposes of this section, the term "conviction" shall mean a conviction either by a plea of guilty or nolo contendere (no contest), or a conviction after a criminal proceeding which results in a finding of "guilty."

An applicant or candidate may be refused examination and an eligible may be refused certification or appointment for any of the following reasons:

A. Failure to meet the general qualifications of Rule 4642.2.

B. Advocacy of overthrow of the Government of the United States or State of California by force, violence, or other unlawful means.

D. Conviction of a controlled substance or sex offense, as defined in Education Code Sections 44010 or 44011. Other convictions which indicate the person is a poor employment risk may be grounds for disqualification, including various felonies, mistreatment of children offenses, or a misdemeanor of a serious nature. A conviction record will be evaluated on the following criteria: nature of offense(s); seriousness and circumstances of the offense(s); age of the person at the time of conviction and how long ago the offense(s) occurred; number of convictions; relationship of the offense(s) to the position applied for; evidence of rehabilitation and maturing including the employment record with respect to job responsibility and duration of employment; truthfulness in admitting to the offense(s); person's attitude; and the duties in the class.

E. Criminal, infamous, dishonest, or immoral conduct according to standards approved by the Personnel Commission.

F. Intentionally making a false statement or omitting a statement as to any material fact on the application form.

G. Practicing any deception or fraud in connection with an examination or to secure employment.

H. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the SLOCOE.

J. Previous dismissal from this SLOCOE unless the SLOCOE waives this subsection.

K. A record of unsatisfactory service within the COE as evidenced by a disciplinary action, a work improvement notice, unsatisfactory job performance notice, or a resignation in lieu of dismissal.

L. Unsatisfactory health conditions which clearly indicate that the applicant, ~~or~~ candidate or eligible would be unable to perform the essential functions of the job or would endanger his/her health and safety and/or the health and safety of others, even with reasonable accommodation.

M. Dishonorable discharge from the Armed Forces of the United States.

N. Failure to report for duty after an assignment has been offered and accepted.

O. Failure, after due notice, to report promptly for review of any of the above bases for rejection.

P. Refusal to furnish testimony or information, except testimony which may be withheld pursuant to Constitutional protections against self incrimination, at hearing or investigation before the Personnel Commission or Board.

Q. Use~~d~~ or attempt to use political pressure or bribery to secure an advantage in the examination or appointment. Contact or attempt to contact or influence the hiring authority prior to the certification of candidates.

R. Directly or indirectly obtain information regarding examinations to which as an applicant, he/she ~~was~~ **is** not entitled.

S. Inappropriate interpersonal relations, including discourteous or rude language or tone. The allegation must be substantiated by written documentation to the Director. (Added 7/2/93)

T. Any other reason which the Personnel Commission deems to be of harm to the public and educational services of the SLOCOE.

4642.4 Disqualification and Appeal from Disqualification (revised 1/09)

A. Applicants, candidates, and eligibles who are disqualified for any of the reasons enumerated in Rule 4642.3 or Rule 4752.3 shall be notified in writing by the Human Resources Office. (Rev. 5/28/93; 11/19/93)

The notification shall state:

1. The reason(s) for disqualification.

2. That, within seven calendar days, the individual may appeal to the Director for administrative review and that failure to appeal for administrative review makes the disqualification final and conclusive.

B. Applicants who have appealed the disqualification may conditionally be permitted to take the examination while the disqualification is under administrative review.

C. If there has been an administrative review as provided above and the disqualification is sustained, the individual shall be:

1. Given a written notice outlining the reason(s) for sustaining the disqualification and

2. Informed of the right to make a written appeal of the disqualification determination and/or the period of disqualification, within seven calendar days, to the Personnel Commission.

D. Upon receipt of an appeal, the Commission shall set a date for hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted in writing to the applicant, candidate, or eligible, and shall be final.

4642.5 Action When Disqualification is Not Sustained (revised 1/09)

If a disqualification is not sustained by the Director or the Personnel Commission, the applicant or candidate will be permitted to take or continue the examination and the eligible's name will be restored to all appropriate lists. However, appointments made in the interim shall not be disturbed unless they were fraudulently made.

4642.6 Applications Not to be Returned

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

4642.7 Applicants' Names Not Made Public

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

4643 EXAMINATIONS

4643.1 Notice of Examination

Whenever it is necessary to fill existing or anticipated vacancies in the classified service and an appropriate eligibility list does not exist as determined by the Commission, the Commission shall direct the holding of an examination to provide eligibles. For classified non-management positions, at least 6 working days advance notice of such examination shall be given for transfer or promotional recruitments, and at least 10 working days' advance public notice shall be given for open or dual certification recruitments. The notice shall contain the information pursuant to CSEA Contract (Rev 3/3/06; 11/15/06)

4643.2 Who May Compete

A. Competitive examinations for positions in the classified service shall be open to all applicants not disqualified by Rule 4642.3 who meet the minimum qualifications as determined by the Director, except where examinations may be restricted to promotional candidates. (Rev. 3/28/91)

B. The COE actively supports Equal Access for all people regardless of race, religious creed, color, ancestry, national origin, gender, sexual orientation, age, marital status, medical condition, physical or mental disability, or any other consideration made unlawful by federal, state, or local laws.(Rev 3/3/06)

4643.3 Admission to Examination

Each applicant whose application has been approved shall be notified a reasonable time in advance of the time, date, and place of the examination if the job announcement does not provide the information, and such notice shall be the applicant's authorization to take the examination.

4643.4 Character of Examinations

Examinations may be written or oral or in the form of a practical demonstration of skill and ability, or any combination of these. Any investigation of education, experience, character, or identity, and test of knowledge, manual skill, or physical and mental fitness which, in the judgment of the Personnel Commission, serves this end may be employed.

4643.5 Examination Procedures

A. Examinations shall be administered objectively and shall consist of test parts that relate to job performance.

(REFERENCE: Education Code Section 45273)

B. Competitors in any written test must take the test on the prescribed date unless religious affiliation or military service (promotional candidates) requires other arrangements.

C. Written assessment materials that are objectively scored shall be identified by the applicant's name. Assessments that are subjectively scored shall be given a number identification that corresponds to a sign-in sheet. (Amended 9/8/95)

D. Any competitor in any examination who places any identifying mark upon his/her test papers (other than the identifying mark prescribed at the time of examination) or makes any attempt to disclose to others the identity of his/her papers prior to the completion of the examination shall be disqualified.

E. The Commission may designate examinations for specified classes as continuous examinations. When so designated, the examination shall be administered as applicants are available, and applications shall be accepted on every working day. Procedures for review of tests shall be suspended. Eligibility lists produced as a result of continuous examinations shall be updated continuously reflecting new scores. In no case will an eligible be removed from consideration in the merging process.

F. The Director may accept the records of typing or shorthand performance tests given by qualified agencies whose test administration standards are deemed appropriate if the records are less than two years old.

G. An alternate date for an examination may be offered if, in the opinion of the Director, the needs of the SLOCOE will best be met.

4643.6 Examination Weighting

If applicable, the relative weights of the different parts of the examination shall be determined by the Commission and set forth in the announcement of the examination. All examination papers shall be prepared and rated under the direction of the Director.

4643.7 Review of Written Test

A. Each applicant shall be notified in writing by the Director or designee of his/her final rating as soon as the examination has been completed and the eligibility list established. (Rev 3/3/06)

B. Any competitor may appeal to the Director for a review of his/her examination papers, presenting his/her reasons therefore, providing said appeal is made within five days after notification of the results of the examination. If, in the judgment of the Director, the appeal is justified, a review may be granted and the rating of the competitor changed if found necessary after such review. No change in the eligibility list shall invalidate any appointment which was valid when made.

C. The unauthorized copying of questions or answers by any person from any paper made available for inspection is forbidden and may result in the cancellation of eligibility and debarment from future examinations. (REFERENCE: Education Code Section 45274)

4643.8 Examination Papers

A. All examination papers submitted by competitors are the property of the SLOCOE and are confidential records.

B. Examination records, including any recordings and the rating sheet of each member of the interview panel for each candidate, shall be retained by the Commission for a period of not less than 90 days after promulgation of an eligibility list.

4643.9 Panel Interview

A. If an examination includes a panel interview, those competitors eligible for the QAI will be examined at the earliest practicable date after conclusion and rating of earlier test(s). (Rev 3/3/06)

B. All panel interviews shall be electronically recorded.

C. A panel will consist of at least two members. Unless specifically directed to evaluate candidates' technical knowledge and skills, the interview panel shall confine itself to evaluating general fitness for employment in the class. When the interview panel is directed to evaluate technical knowledge and skills, at least two members of the panel shall be technically qualified in the specified occupational area. Members of the County Board of Education or Personnel Commission shall not serve on an interview panel. A County Office of Education employee may serve on an interview panel if he/she is not at the first or second level of supervision over a vacant position in the class for which the examination is held. (Rev 3/3/06)
(REFERENCE: Education Code Section 45273)

D. The ratings of the several members of the panel shall be averaged to determine each candidate's final rating. If the majority of the rating panel gives a candidate a score of at least 70%, but the final averaged score is below 70%, the candidate shall be given a final rating of 70%. If the majority of the rating panel gives a candidate a score below 70%, but the final averaged score is above 70%, the candidate shall be disqualified regardless of the fact that his/her average rating may be 70% or more. If the panel consists of only two raters, the final score shall be the average of the two raters. (Amended 12/8/05) (Rev 3/3/06)

E. A competitor may appeal a panel rating to the Director; and if that appeal is rejected, the competitor may appeal to the Commission at any time after notification of the final score, but within 10 days after establishment of the eligibility list. The Commission may alter the panel rating if it finds justification for the protest and order the competitor's score adjusted accordingly. No change in an eligibility list shall invalidate any appointment which was made prior to the ordered adjustment unless the appointment was fraudulent. (Rev 3/3/06)

4643.10 Seniority Credit--Dual Certification

In dual certification examination, seniority credit shall be added to the final passing scores of candidates in the amount of l/4 of l point for each year of service, not to exceed a total of 5 points. Credit shall be granted for time spent in regular status (see definition) in the classified service and on leave from the classified service while otherwise employed by the SLOCOE. A full year's credit shall be granted to employees whose regular position is assigned to less than a 12-month basis. Credits shall be calculated for units of not less than 2 years. (Rev. 3/3/06)

4643.11 Veteran's Credit, Open and Open and Promotional Examinations

A. **4643.11 Veteran's Credit**

A. Veterans' preference points shall be added to passing scores in open, open and promotional**,** or dual examinations in the amount prescribed by Education Code Section 45296. At least 30 days of active service in the Army, Navy, Marines, Air Force, or Merchant Marines, or as a nurse on active duty with the Red Cross, in a

time of war or national emergency declared by the President.
"Armed Forces" means the United States Air Force, Army, Navy, Marine Corps, or Coast Guard. (Education Code Section 45296) (Rev 3/3/06)

B. "Disabled veteran" as used in this article means any veteran, as defined in Education Code Section 45294, who is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of service in the armed forces. Proof of disability shall be deemed conclusive if it is of record in the United States Veterans Administration. (Rev 3/3/06)

C. In the case of all examinations, veterans with 30 days or more of service who become eligible for appointment by attaining the passing mark established for the examination, shall be allowed an additional credit of 5 points and disabled veterans shall be allowed an additional credit of 10 points, which shall be added to the percentages attained in the examinations by the veterans. Veterans shall be placed on eligibility lists and be eligible for appointment in the order and on the basis of the percentages attained by them in examinations after the credit of 5 points, or 10 points in the case of disabled veterans, is added. (Rev 3/3/06)

D. In order to obtain credit, the applicant shall furnish satisfactory proof of qualifying military service prior to establishment of the eligibility list. No adjustment of rank on the list shall be made when such proof is presented thereafter. (Rev 3/3/06)

(REFERENCE: Education Code 45296)

4643.12 Notice of Final Score

Each competitor shall be notified of his/her eligibility or ineligibility.

4643.13 Retention of Examination Records and Applications

A. Applications of candidates shall be retained for the duration of the employment list and shall be made available for inspection by the superintendent or his delegated representatives to whom the candidates are certified. Applications of those candidates appointed shall be filed with the reports of their appointment.

B. Answer sheets, test keys, and other examination records shall be retained for the duration of the employment list and thereafter for a period of time to be determined by the Director.

4643.14 Scoring

Scoring of written and panel examinations shall be computed two decimal places. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank.
(REFERENCE: Education Code Section 45272)

4643.15 Proficiency Testing for Instructional Assistants

A. Per the No Child Left Behind Act, Paraprofessionals or Instructional Assistants who assist in instruction in Title I programs must have at least an associate's degree or the equivalent to 48 semester college units; or meet a rigorous standard of quality and demonstrate, through a formal state or local assessment, knowledge of and the ability to assist with instruction in reading, writing, and mathematics, or readiness in those subjects, as appropriate. (Rev 3/3/06)

The San Luis Obispo County Office of Education shall accept as evidence to meet this requirement any of the following:

1. A No Child Left Behind-compliant certificate of proficiency issued by any California school district or county superintendent of schools; (Rev 3/3/06) or

2. A California teacher's credential, K through 12 (but excluding designated subjects, adult, and vocational education credentials) issued after January 1, 1983; or (Rev. 3/28/91)

3. Evidence of having passed the CBEST test.

4. For employment in California State Preschool classrooms, a California Child Development Teacher, Master Teacher, Site Supervisor or Director Permit may be accepted. (Added 4/18/01)

B. Proficiency testing for instructional assistants may be offered by this office concurrently with the examination for instructional assistant positions and at other times as needed. The San Luis Obispo County Office of Education may charge participants a fee for administering the test. The fee, if charged, must be paid prior to the taking of the proficiency test and is a one-time charge. All participants in the proficiency

test shall be notified of the outcome. A certificate showing completion shall be given to candidates who have passed the examination. Applicants who have failed the examination may retest the segment(s) not passed at the next scheduled testing session providing an interval of ten (10) working days has passed. (Rev. 4/18/01)

SERIES 4750 EMPLOYMENT LISTS

4751 ELIGIBILITY LISTS

4751.1 Types of Eligibility

- Reemployment list
- Promotional eligibility list
- Open eligibility list
- Open and promotional list.
- Dual certification list
- Other Sources of Eligibility

(Rev 3/3/06) (REFERENCE: Education Code Sections 45272 and 45284.)

4751.2 Reemployment Lists

1. There shall be established for each class, as necessary, a reemployment list which shall take precedence over all other employment lists in appointment. This list shall contain the names of all permanent classified service employees who have been laid off, demoted, or reduced in hours from any position because of lack of work or lack of funds within a period of 39 months. Employees who acquire leaves of absence for military reasons and those who are ordered pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall take precedence by having their names placed over other names on the reemployment list in any given class. Employees on military leave will be reemployed based on combining their seniority accrued with the County Office of Education with the time served on military duty. (Rev. 3/19/97) (Rev 3/3/06; 2/25/09)

2. When a vacancy occurs in a classification for which a layoff reemployment list has been established, and there is no in-house transfer, it shall be offered as follows: the most senior person on the list will be notified via email or phone call or other inquiry and given an opportunity within two (2) work days to accept the vacancy. The laid off unit member may decline the offer of employment and retain his/her position on the list. The offer and response opportunity will then be made to the next most senior person on the list. Every person who has been placed on a reemployment list shall promptly notify the Human Resources Department of his/her correct email address, telephone number, mailing address and place of residence. (added 2/25/09)

(REFERENCE: Education Code 88117)

4751.3 Promotional Eligibility Lists

Where an adequate field of competition exists within the COE and examinations can reasonably be expected to result in three qualified ranks of eligibles, the Director may authorize the holding of an examination limited to promotional applicants. (Rev 3/3/06)

A. Promotional examinations shall be restricted to probationary and permanent employees of the COE and former employees on a valid reemployment list who meet the qualifications of the class. Probationary employees (defined as those employees who hold no permanency in a classification in the COE) may take the exam and be interviewed at the panel but will not be able to be interviewed at the hiring level until completion of their probationary period. (Amended 12/8/05) (Rev 3/3/06).

B. Performance evaluations prepared by the immediate supervisor and reviewed by the employee may be considered in evaluating an employee's general fitness for promotion. (Amended 12/8/05) (Rev 3/3/06).

4751. 4 Open Eligibility List

The entry-level classification (class lowest on the salary schedule within a job family) with the Classified Service of the District shall always have an open competitive examination. These examinations shall be open to all qualified applicants. No seniority will be awarded. However, Veteran's credit will be awarded in accordance with MSR 4643.12

and 4643.13. (Rev 3/3/06)

(REFERENCE: Education Code Sections 45260, 45261, 45294, 45295, and 45296)

4751.5 Open and Promotional List
Upon the recommendation of the Director, the Commission may authorize the holding of an examination under Open and Promotional. (Rev 3/3/06)

A. As long as three ranks are available for work on the promotional list, all openings shall be filled from that list before utilizing the open list. Should no ranks of eligibles (or only one or two ranks of eligibles) be available on the promotional list, the Director may certify sufficient numbers of ranks of eligibles from the open list, in rank order of scores, to provide three ranks for each position to be filled. (Amended 12/8/05) (Rev 3/3/06)

B. No seniority will be awarded. However, Veteran's credit will be awarded in accordance with MSR 4643.12 and 4643.13. (Rev 3/3/06)

(REFERENCE: Education Code Sections 45260, 45261, and 45272)

4751.6 Dual Certification List
Where an adequate field of promotional applicants does not exist or there is doubt as to its adequacy, the Director may advertise the examination as Dual Certification. The resulting eligibility list shall consist of promotional and open competitive eligibles in one merged list. Veteran's credit will not be awarded; however, seniority credit for promotional candidates will be awarded in accordance with MSR 4643.12 and 4643.13. (Amended 12/8/05) (Rev 3/3/06)

4751.7 Other Sources of Eligibility
In the absence of a reemployment list for a class, a vacancy may be filled by transfer, demotion, reinstatement (within 39 months after resignation), restoration to former class after voluntary demotion, or other means provided in the rules without regard for existence of eligibility lists. (Rev 3/3/06; 5/9/12)

4751. 8 Confidentiality of Lists
Eligibility lists shall be considered as confidential information and release of information on eligibility lists shall be limited to**:**

- Superintendent or designee.
- Supervisor of vacant position (information on the top three ranks only). (revised 1/07)
- Eligibles: Only information pertaining to an eligible's own scores and current position on the list shall be released to the eligible or his/her representative. An eligible shall provide the Director with a signed, written statement indicating the name of the eligibles representative who is authorized to receive eligibility scores. (Rev. 3/19/97)
- Such other additional persons as specifically ordered by the Commission or designee. (Rev 3/3/06; 1/07)

(REFERENCE: Education Code Section 45274, Government Code Section 6520-6255)

Note: Effective June 22, 2006 Series 4751 and Series 4752 was revised and re-sequenced.

4752 CERTIFICATION FROM EMPLOYMENT LISTS

4752.1 Procedure of Certification and Appointment From Eligibility Lists

A. When a position is to be filled, the appointing power shall notify the Director of that fact and of the date of the anticipated need. The request for certification shall state the class title, hours and location of employment, and other pertinent information.

B. The Director shall ascertain the availability of eligibles and shall certify three ranks to the appointing power in accordance with these rules.

C. Upon request, information relating to the top three ranks of eligibles that have been certified will be released to the hiring authority, Personnel Commission, or designee. (added 1/07)

C. The appointing power shall make his/her recommendation from the persons certified and obtain requisite approvals and shall notify the Director who shall see that the necessary employment procedures are carried out.

D. If a candidate who has been certified as eligible for appointment to a position fails to keep the interview appointment, or at the interview declines the position, the appointing power may recommend appointment to the vacancy from the remaining certified eligibles or may request additional certification not to exceed three names or three ranks. (Education Code Section 45272)

4752.2 Procedure When Fewer Than Three Ranks Remain

When fewer than three ranks are available for certification, the Director may pull willing candidates from higher eligibility lists within the same job family to fulfill the remaining ranks. If this option does not exist, the available eligibles or ranks shall be certified; however, the recommending authority may choose not to recommend appointment and may request a new examination. (revised 3/22/12)

4752.3 Withholding Names from Certification (revised 1/09)

The name of an eligible may be withheld from certification when that person:

1. Expresses unwillingness or inability to accept appointment.

2. Fails to respond within two (2) business days following an email, phone call, or other inquiry regarding availability for permanent employment or request to appear for interview regarding such employment.

3. Fails to present himself/herself for duty at the time agreed upon after having accepted an appointment unless unforeseen circumstances intervene.

4. Cannot be reached in time for appointment when immediate temporary employment is required. (This provision shall apply only to such immediate temporary employment.)

5. Fails to present the license, registration, certificate or any other items required. (The name of any such eligible shall be restored by the Director for certification when the particular requirement has been met.)

6. Is disqualified for any reason listed in Rule 4642.3.

4752.4 Restoration to Certification

A. When the name of a person has been withheld from an eligibility list or from certification or has been removed from the list, it may be placed on such list or restored thereto by the Director under the following circumstances:

   1. When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to his/her availability, or to present himself/herself for duty, and the applicant presents a good and valid reason and certifies to the Director that he/she is now willing and able to accept appointment.

   2. When the withholding or removal was for a reason stated in Rule 4642.3 and such action was improper or the defect has since been corrected.

B. As provided in Rule 4752.8(5).

Revisions and withdrawals of voluntary waivers shall not require approval by the Commission.

4752.5 Termination of Eligibility Lists

A. An eligibility list is automatically terminated six months from date of its approval unless previously extended by the commission.

B. An eligibility list is automatically terminated two years after its approval unless previously terminated.

C. An eligibility list is automatically terminated when no eligibles remain on the list.

D. An eligibility list may be terminated by the Commission when no eligible is available for appointment to a specific permanent position in a class or when there are fewer than three eligibles remaining on the list

E. An eligibility list is automatically terminated when, in the second year of its existence, a new list for the class is

established.

4752.6 Consolidation of Eligibility Lists

A. If a new examination for a class is given during the first six months of 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 the order of examination score, plus additional points where applicable. Promotional lists shall be merged only with promotional lists, except that where "dual certification" applies, open and promotional lists shall be merged for certification.

B. When lists are consolidated under this rule, the earlier list shall be terminated six months after its establishment and those eligibles' names shall be removed from the consolidated list.
(REFERENCE: Education Code Section 45291)

4752.7 Eligibility After Appointment

An eligibility list shall be used for full-time, part-time, regular, and limited-term assignments in the class. An eligible who accepts part-time employment shall continue to be eligible for full-time employment, and an eligible who accepts limited-term employment shall continue to be eligible for regular appointment.

4752.8 Removal of Names from Eligibility Lists (revised 1/09)

A. The name of an eligible may be removed from an eligibility list for any of the following reasons:

1. A written request by the eligible for removal.

2. Failure to respond to an inquiry regarding availability for employment within 2 business days**.**

3. Any of the causes listed in 4642.3.

4. Termination of Employment (Promotional Eligibility Lists).

5. Waiver of three offers of certification or refusal of one offer of regular appointment after certification. (Rev. 12/3/93)

6. Failure to respond for an interview after certification.
(Rev. 9/29/89; 12/8/89; 3/28/91)

B. The eligible shall be notified in writing by the Personnel Office setting forth the reason for the removal of the eligible's name and outlining the review and appeal procedure. Review and appeal shall be in accordance with Rule 4642.4. (Added 3/28/91)(Rev. 11/19/93)

4752.9 Waiver of Certification

A. An eligible may, without penalty, make himself/herself unavailable for certification to specific locations or shifts and to part-time or full-time positions and to limited tern or permanent positions by filing a letter to the Director.

B. Eligibles may change their availability at any time by notifying the Human Resources Department in writing. (Rev. 3/19/97)

C. An available eligible may waive confirmation twice without penalty. At the time a third waiver is to be signed by an employee, he/she will be informed that, upon signing the third waiver, his/her name will be removed from the eligibility list per Rule 4751.6.

4752.11 Duties of Eligibles (revised 1/09)

A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification. Notice of certification will occur via telephone call or email. **T**he eligible shall respond within two (2) days after the date of notification.

1. Failure of an eligible to respond within the above-stated times will be deemed an automatic waiver of certification, and the Director may certify an additional name in lieu of the name of such eligible.

B. An eligible who has been certified shall be allowed two weeks following the receipt of his/her criminal history clearance to report for duty after an offer of appointment to a vacant position has been made and following receipt of criminal history background clearance by the Human Resources Department from the California

Department of Justice. If the eligible is unable or unwilling to report by the end of two weeks, he/she may be considered to have refused appointment and the appointing authority may request certification of another name from the eligibility or reemployment list. (Rev. 12/17/97)

1. The date of the offer of appointment shall be the date on which the eligible is notified by the Director of his/her selection.

2. Notification may be made by telephone**,** email, or registered or certified mail. (Rev. 12/17/97)

3. The appointing authority may allow a period longer than two weeks at his/her discretion.

4. When appointment is to a limited-term position, the eligible must be available on the date specified by the recommending authority.

C. Every person who has been placed on any eligibility list shall promptly and in writing file with the Commission his/her correct email address, telephone number, mailing address and place of residence.

4752.12 Subjects Regarding Which No Questions Shall Be Asked

No questions relating to race, religious creed, color, ancestry, national origin, gender, sexual orientation, age, marital status, medical condition, physical or mental disability, or any other consideration made unlawful by federal state, or local laws shall be asked of any eligible whose name has been certified for appointment, nor shall any discrimination be exercised therefore.

4752.13 Certification of Eligibles for Position With Language Requirements

A. If a position has multiple language requirements, as provided for in Rule 4632.10, the appointing authority shall so indicate to the Director when calling for certification of eligibles to fill the vacancy. The recruitment bulletin announcing the examination shall indicate the language which may be required in one or more of the positions in the class.

B. In such an instance, the Rule of Three (3) or Rank of Three (3) is suspended. The Director shall determine which eligibles possess the required language skill and shall certify the names of three (3) qualified eligibles or ranks of eligibles, in the order of their relative standing on the list, who are ready and willing to accept the position.

C. If there is an insufficient number of eligibles who meet the language requirements and who are ready and willing to accept the position, the Director shall certify for appointment those possessing the language requirements who are ready and willing to accept the position plus additional eligibles or ranks of eligibles from the top of the list to provide a full list of three eligibles or three ranks.

SERIES 4760 INSERVICE STATUS AND TRANSACTIONS

4761 PROBATIONARY PERIOD

4761.1 Duration of Probation

A. Bargaining unit members appointed from an eligibility list shall serve an initial probationary period of six months or 130 days of paid service, whichever is longer, in one class before attaining permanency in the classified service.

B. For those classes designated by the Commission as Executive, Administrative, Management, or Supervisory, the probationary period will be for one year. (Amended 5/25/05)

C. For those positions designated by the Superintendent as Confidential, the probationary period will be for six months or 130 days of paid service, whichever is longer, in one class before attaining permanency in the classified service. (Amended 2/28/96; 12/15/04; 5/25/05, 9/28/05)

B. Time spent on a paid or unpaid leave of absence shall not accumulate towards the computation of the probationary period. (Rev. 12/15/04)

C. A person in a limited-term position of the type defined in 4763.1A shall not attain permanent status.

4761.2 Rights of Probationary Employees

A. A new employee who resigns in good standing during the initial probationary period shall, upon request, have his/her name restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list or the period of eligibility of the employee.

B. A new employee who is suspended or dismissed during the initial probationary period shall be notified in writing of the action taken. He/she shall not have the right of appeal.

C. An employee who has permanent status in the classified service, and who has been promoted to a higher class, may be demoted involuntarily to his/her former class. The employee shall be notified in writing of the action and the charges against him/her and shall have the right of appeal provided in Rule 4769.3B.

D. A permanent employee who is suspended or dismissed or demoted to other than his/her former class during a probationary period retains full rights of appeal.

4762 CHANGES IN POSITION AND CLASS

4762.1 Transfer

A. A new employee may be transferred at his/her request or for the good of the service from one position to another in the same class at the discretion of the department head(s) involved, provided that such action shall not be taken for punitive or preferential reasons.

1. A request for a transfer may be filed with the Personnel Commission at any time. At the time an opening develops for which an employee has requested a transfer, the supervisor in that division will be apprised of the employee's interest. It will remain discretionary with the supervisor as to whether an interview will be held. Should the supervisor desire an interview, the Director will set up an interview with the employee and the supervisor where the opening occurs.

B. A permanent employee may be transferred to a position in a related class on the same salary grade. Such transfers shall be made only with the approval of the Commission.

C. Lateral transfers shall not change the employee's salary rate, anniversary date, accumulated illness leave, or accumulated vacation credit, or in any other manner reflect adversely upon his/her rights, as provided in law and these rules.

D. The Personnel Commission shall determine whether classes are sufficiently related to permit transfer between them. It shall consider similarity of duties, minimum qualifications, examination content, occupational group, and promotional field (above and below). In general, more latitude is permitted:

1. As the employee's seniority in the classified service increases.

2. When the transfer request is based on reclassification, impending layoff, or reasons of health.

3. When the employee meets the minimum requirements for the class.

E. A permanent employee who transfers to a position in a class in which he/she has not previously completed a probationary period shall be considered probationary in that class for a period of six months/130 working days. At any time during the probationary period, the employee may be returned (transferred) to his/her former class with the same right of appeal as a permanent employee who is demoted or dismissed.

F. Transfers shall have the following effect on seniority:

1. Within the same class--none.

2. From one class to another--the employee shall not receive seniority credit in the new class for service in other classes; however, the employee shall retain such credit as applicable to seniority in the classified service.

G. Transfer shall not be used as a device to alter the sequence of impending layoff, although employees whose positions are to be eliminated may transfer to other classes as this rule contemplates.

H. Reasons for any transfer which is not voluntary shall be discussed with the employee by his/her immediate supervisor.

4762.2 Demotions

A. A permanent employee may request demotion to a class with a lower maximum salary rate. Such requests require the approval of the department head and that of the head of the department to which the employee is to be assigned. In the case of demotion the employee shall remain on the same salary step in the new class as he/she held in the former class.

B. Voluntary demotion is a privilege available to the probationary employee only in cases when he/she would otherwise be laid off for lack of work or lack of funds.

4762.3 Restorations, Reemployment, and Reinstatement

A. A former permanent employee who resigned in good standing from his/her permanent classified position may be reinstated or reemployed by the Superintendent within 39 months of his/her last day of paid service and without further competitive examination to a vacant position in his/her former classification as a permanent or limited-term employee, in a related lower class or a lower class in which the employee formerly had permanent status. Such actions are discretionary with the Superintendent.

If the Superintendent elects to reinstate or reemploy a person as a permanent employee under the provisions of this section, the break in service of the employee shall be disregarded. The employee shall be classified as a permanent employee in the class in which he/she is reinstated or reemployed, and all of the rights, benefits, and burdens of a permanent employee shall be restored.

B. An employee who has taken a voluntary demotion may be restored to his/her former class or to a related lower class, as determined by the Commission, within 39 months. Except when demotion was chosen in lieu of layoff, restoration is discretionary with the appointing authority.

C. An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, or abolishment or reclassification of his/her position has the right to be reemployed, in accordance with seniority, in his/her former class within 39 months after demotion. Intervening reassignments to other classes shall not abrogate that right.

D. Persons laid off because of lack of work or lack of funds are eligible to reemployment for a period of 39 months and shall be reemployed in preference to new applicants. In addition, such persons laid off have the right to participate in promotional examinations within the SLOCOE during the period of 39 months.

E. Reinstatement or reemployment of a former employee shall have the following effects:

1. Restoration to the former step in the salary for the class, or, if reemployed in a lower class, to the rate closest to that of the step to which he/she would be assigned if he/she were reinstated in his/her former

class.

2. If restored to permanent status, restoration of accumulated sick leave and seniority except sick leave paid off in accordance with County Board of Education Resolution 75-15.
3. Restoration of former anniversary date, but without step-advancement credit for off-duty period. (Education Code Section 45309)

F. Reemployment of a laid-off employee shall have the following effect:

1. Restoration to the former step in the salary for the class, or if reemployed in a lower class, to the rate closest to that of the step to which he/she would be assigned if reemployed in his/her former class.

2. If restored to previous status, all time during which individual is in involuntary unpaid status shall be counted for seniority purposes not to exceed thirty-nine (39) months, except that during such time the individual will not accrue vacation, sick leave, holidays or other benefits.

3. If restored to previous status, accumulated sick leave shall be restored except sick leave paid off in accordance with County Board of Education Resolution 75-15.

4. If layoff is for one calendar month or less, there shall be no change in the anniversary date and/or date eligible for step increase.

5. If the layoff period is for more than one calendar month, the anniversary date and/or step increase shall be adjusted by one calendar month for each calendar month of absence. This rule shall apply to both short-year and full-year employees equally.

4762.4 Decreases in Assigned Time

1. When the regular hours of employment of a position or positions are to be reduced, the administration shall:

   a. Determine the class(es) and location(s) affected by the reduction;

   b. Notify the Director at least one month in advance of the effective date of the reduction;

   c. Work with the Director to alleviate the effect of reduction on employees.

2. When a permanent position is to be reduced in assigned time per day, week, month, or year, the incumbent shall have the right to transfer into any vacant position in the class which is not greater in assigned time than his/her former position. If a vacant, permanent position of equal time is not available, the incumbent may bump the incumbent of a position with equal time who has the least seniority in the class, provided that he/she has greater seniority. If no such option is available, he/she may bump the employee with the least seniority among those occupying positions of less time than the original position and greater time than the reduced position, provided that he/she has greater seniority. An employee so bumped shall have similar bumping rights.

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

4. Reduction in assigned time shall not be applied for punitive or preferential reasons. Nothing in this rule shall preclude an employee from volunteering for a reduction in assigned time or from waiving preferential rights to increases in assigned time.

4763 LIMITED-TERM EMPLOYMENT (Revised 6/07)

4763.1 Types of Limited-Term Appointments

A. A position that is open due to the authorized absence of the regular employee that is greater than 15 days in length will require a limited-term appointment, when possible, if an eligibility list exists. (revised 1/07) A limited-term assignment may be made not to exceed in duration of the authorized absence of the regular employee but it need not coincide with the dates of that absence. Also, a limited-term assignment may be made in a lower class related to that of the absent employee if the assigned duties are reduced in level accordingly. A person in a limited-term position of this type shall not attain permanent status. (revised 3/07)

B. The appointing authority may establish positions the duration of which is six months or less; such positions

shall be designated "limited-term." Such positions are subject to classification by the Personnel Commission except that the Director may classify them subject to later ratification if the good of the service demands expeditious action.

4763.2 Eligibility for Limited-Term Employment

A. Limited-term positions will be filled from candidates appearing on appropriate eligibility lists (same classification or classification exhibiting similar characteristics). When no appropriate eligibility list exists, limited-term positions may be filled through other selection methods with the prior approval of the Personnel Commission or its Director, except that when the limited-term position in question is of the type defined in Rule 4763.1B, an eligibility list shall be utilized.

B. Provisional appointments may be made to limited-term positions and substitute assignments subject to the provisions of Rule 4764. (Revised 6/14/91)

4763.3 Compensation

A. When a regular employee is given a limited-term appointment in a second class in lieu of all or part of his/her regular appointment, the rate of pay in the second class shall be not less than his/her regular rate of pay. (revised 3/07)

B. All other limited-term employees shall be paid at the hiring rate for regular appointments in the class.

4763.4 Rights and Benefits

A. Regular employees who are serving in a limited-term appointment retain regular status in the class from which they came to the limited-term appointment and continue to earn and be granted all rights and benefits of regular employees. Seniority credit during the service in the limited-term appointment accrues as time spent in the regular classification.

B. All other limited-term employees shall be granted only those benefits provided by law.

4763.5 Terminating Limited-Term Appointments

A. Limited-term appointments shall be subject to termination at any time except during an assigned shift.

B. Limited-term employees may be dismissed for cause, which cause shall be made known to them and to the Director in writing. The Director may remove the employee's name from the special list for limited-term appointments, if his/her investigation supports such action.

4764 PROVISIONAL APPOINTMENTS

4764.1 Rules for Provisional Appointments

A. When no eligibility list exists for a position in the Classified Service, provisional appointment may be made which may accumulate to a total of 90 working days. A 90-calendar-day interval shall then elapse during which the person will be ineligible to serve in any full-time provisional capacity.

B. The Personnel Commission may authorize the extension of a provisional employee's assignment for a period not to exceed 36 working days provided the following requirements are met:

1. An examination for the class was completed during the first 90 working days of the provisional assignment.

2. Evidence satisfactory to the Personnel Commission is presented indicating:

   a. That an adequate recruitment effort has been and is being made.

   b. That extension of the provisional assignment is necessary to carry on vital functions of the SLOCOE.

   c. That the position cannot be satisfactorily filled by use of other employment lists or procedures.

C. No person shall be employed in a full-time provisional capacity for a total of more than 126 working days in any one fiscal year except that when no one is available on an appropriate eligibility list for a part-time position as defined in Education Code Section 45256, successive 90 working day appointments may be made.

4764.2 Eligibility for Provisional Appointments

A. When not filled through the temporary appointment of a permanent employee, provisional appointments will be made from candidates who most closely meet the experience and educational needs of the position. (added 2/07)

4764.3 Compensation for Provisional Appointments

A. When a regular employee is provisionally appointed in a second class in lieu of all or part of his/her regular appointment, the rate of pay in the second class shall be not less than his/her regular rate of pay. (added 2/07)

B. All provisional appointees shall be paid at the hiring rate for regular appointments in the class. (added 2/07)

4764.4 Rights and Benefits

A. Regular employees who are serving in a provisional appointment retain regular status in the class from which they came to the provisional appointment and continue to earn and be granted all rights and benefits of regular employees. Seniority credit during the service in the provisional appointment accrues as time spent in the regular classification.

B. All other provisional employees shall be granted only those benefits provided by law.

4764.4 5 Terminating Provisional Appointments

A. The services of a provisional appointee shall be terminated within 15 working days after the date on which an eligibility list has been established provided that this 15-day period does not extend beyond the 90-working-day provisional assignment or the additional 36 working days if authorized by Rule 4753.1(B).

B. A provisional appointment may be terminated at any time at the discretion of the appointing authority.

4765 EMERGENCY SUBSTITUTE APPOINTMENTS

4765.1 Rules for Emergency Substitute Appointments

A. If it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Superintendent, through its authorized Department Heads, with the approval of the Director, may make emergency appointments, without reference to eligibility lists, for a period not to exceed 15 business days.

B. When such emergency appointments are made, it shall be the duty of the Superintendent to notify the Director in writing, naming the appointee or appointees, date of appointment, and nature of such appointments. Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code for provisional appointments.

4765.2 Eligibility for Emergency Substitute Appointments

A. When not filled through the temporary appointment of a permanent employee, emergency appointments will be made from candidates who most closely meet the experience and educational needs of the position**.** (added 2/07)

4765.3 Compensation for Emergency Substitute Appointments

A. When a regular employee is appointed in this manner in a second class in lieu of all or part of his/her regular appointment, the rate of pay in the second class shall be not less than his/her regular rate of pay. (added 2/07)

B. Former employees who resigned in good standing shall be paid at the hiring rate for regular appointments in the class. (added 2/07)

C. All other emergency substitute appointees shall be paid at appropriate rate on the Substitute Salary Schedule**.** (added 2/07)

4765.4 Rights and Benefits

A. Regular employees who are serving in an emergency substitute appointment retain regular status in the class from which they came to the emergency substitute appointment and continue to earn and be granted all rights and benefits of regular employees. Seniority credit during the service in the emergency substitute appointment accrues as time spent in the regular classification.

B. All other emergency substitute employees shall be granted only those benefits provided by law.

4765.4 5 Terminating Emergency Appointments

A. The services of an emergency appointee shall be terminated within 15 working days after the date on which the appointment has begun. (added 2/07)

B. An emergency appointment may be terminated at any time at the discretion of the appointing authority. (added 2/07)

4766 RESTRICTED EMPLOYEES

A. Positions not requiring certification qualifications created under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965, or Section 11300 or Section 13650 of the Welfare and Institutions Code, any future federal or state legislative enactment, or any other special funding, and which are not a part of the regular school program shall, nevertheless, be a part of the classified service as established by Section 45256 of the Education Code. Persons employed in such positions shall be classified employees and shall enjoy all of the rights, burdens and benefits accorded other classified employees except as otherwise limited by these rules or state law.

B. Notwithstanding the provisions of paragraph 4753.4(A) above, if specially funded positions are restricted to employment of persons in low income groups, from designated impoverished areas and other criteria which restricts the privilege of all citizens to compete for employment in such positions, all such positions shall, in addition to the regular class title, be classified as "restricted." Persons employed in positions properly classified as "restricted" shall be classified employees for all purposes except:

1. They shall not be accorded employment permanency under Section 45301 of the Education Code.

2. They shall not acquire seniority credits for the purposes of Sections 45298 and 45308 of the Education Code.

3. The provisions of Sections 45287 and 45289 of the Education Code shall not apply to "restricted" employees.

4. They shall not be eligible for promotion into the regular classified service until they have complied with other provisions for eligibility having no restrictions as listed in this paragraph B of 4755.

C. At any time, after completion of six months of satisfactory service, a person serving in a "restricted" position may take such qualifying examinations as are required for all other persons serving the same class in the regular classified service. If such person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, he/she shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. His/her service in the regular classified service shall be counted from the original date of employment in the "restricted" position and shall continue even though he/she continues to serve in a "restricted" position. (Education Code Section 45105)

4767 ASSIGNMENTS OF HANDICAPPED EMPLOYEES

4767.1 General Policy

When a permanent employee becomes unable to perform the duties of his/her classification because of illness or injury as determined by medical authority designated by the Commission, effort shall be made to place him/her in a position the duties of which are within the employee's capabilities. Reassignment, if any, shall be at the discretion of the appointing authority with the approval of the Commission in the cases noted below.

4767.2 Reassignments

A. A handicapped employee's duties in his/her regular position may be altered in accordance with his/her handicap. Such changes in duties shall be informally reported to the Director, who shall determine whether the position requires classification study.

B. A handicapped employee may accept demotion or transfer to a less demanding class or an agreed on lower rate of pay, with the approval of the Commission.

C. A handicapped employee may be assigned to a position in a higher class, with the approval of the Commission, but shall receive no salary benefit from such assignment until he/she can be appointed to the higher class in

accordance with the rules and procedures on eligibility and appointments.

4767.3 Effect of Refusal by Employee

A handicapped employee may refuse assignments to other classes without effect on his/her rights under sick leave provisions of the law and these rules. However, there is no obligation for the appointing authority to renew offers of reassignment which have been refused or to make alternative offers.

4768 EMPLOYMENT OF PUBLIC EMPLOYEES RETIREMENT SYSTEM RETIREES

4768.1 General Policy

A. Any person receiving a retirement allowance from the Public Employees Retirement System may be employed for up to 960 hours in any calendar whenever other eligibles are not available and the retirees' skills or knowledge are needed or during an emergency to prevent the stoppage of public business.

B. The retired person must certify that he/she understands he/she is restricted to 960 hours in any calendar year with the SLOCOE and other employers subject to P.E.R.S. and that employment and continuance in employment is discretionary with the Superintendent. (Rev. 2/28/91; 3/19/93)

4768.2 Compensation

A. A retiree employed under authority of this rule shall be entitled only to the appropriate salary earned, to include overtime compensation as provided for in Rule 4873.3.

B. Retired personnel shall be compensated in accordance with Rule 4762.3E.

4768.3 Assignment

A. A retired employee employed under this rule is not subject to reinstatement to P.E.R.S. nor does the compensation paid provide for retirement allowance.

B. The appointing authority will certify to the Director that a retiree employed under this rule meets the provisions thereof and his/her combined calendar-year employment by all employers subject to P.E.R.S. does not exceed a maximum of 960 hours. (It is suggested that the appointing authority secure an affidavit from the prospective employee as to his/her eligibility and/or the SLOCOE certify eligibility through P.E.R.S.) (Rev. 3/19/93)

4769 PERFORMANCE EVALUATIONS

4769.1 When Evaluations Are to Be Made

All regular employees shall be evaluated by their immediate supervisors in accordance with the following schedule:

A. Probationary employees, at least at the end of the third and fifth months of service. (Rev. 8/27/87; 3/28/91, 9/28/05, 7/13)

B. Permanent employees shall have annual conferences with a written evaluation every two years. Written evaluations and annual conferences shall be done by April 1 of each year. (added 7/13)

4769.2 Procedure to Be Followed

A. Performance evaluation reports shall be prepared by the employee's immediate supervisor. The form shall be reviewed by the next higher supervisor and, if the need for improvement is noted, by the Human Resources Department. (Rev. 7/18/05; 7/13) Evaluation procedures will be carried out in accordance with the Merit System Rules. (Rev. 11/15/06; 7/13)

B. An evaluation with a rating of unsatisfactory shall cause the evaluation and any supporting documents to be sent to the Superintendent or designee for review. (Rev. 7/18/05, 9/28/05, 7/13)

C. The immediate supervisor shall present the performance evaluation report to the employee and shall discuss it with him/her. The evaluation form shall be signed by the employee to indicate receipt, and he/she shall be given a signed copy. When the employee is no longer supervised by the person preparing the evaluation, it may be delivered by mail.

D. Performance evaluation reports shall be filed in the employee's personnel file.

4769.3 Special Evaluations

A. Special formal evaluations may be done by the supervisor at any time that, in the judgment of the supervisor and the department head, such evaluations are deemed necessary to monitor the progress of the employee. (Added 3/28/91)

B. At any time a supervisor may, with the approval of the department head, issue to an employee a letter of commendation or, if performance is unsatisfactory, letter of reprimand. The letter of reprimand shall set forth specific reasons for the unsatisfactory service by the employee. (Rev. 3/28/91, 7/18/05, 9/28/05, 7/13)

A copy of such letter of commendation or letter of reprimand shall be placed in the employee's personnel file and shall be available for review in connection with promotional examinations. (Rev. 3/28/91, 9/28/05, 7/13)

4770 LEAVES OF ABSENCE

For classified non-management, please refer to CSEA contract.
For classified management and confidential employees, see below. (added 7/13)

4770.1 Vacations

A. Every regular employee, permanent and probationary shall earn vacation at the prescribed rate as part of his/her compensation. Regular employees who are on leave to serve in a limited-term assignment, or who serve in limited-term assignments during periods when they are not regularly assigned, shall earn vacation during such limited-term assignments. (Rev. 12/15/04, 7/13)

B. Vacations shall be earned and accumulated in accordance with the following schedule for full-time, twelve-month employees.

VACATION MONTHLY ACCUMULATION

Years Worked	Days Per Year
0-5	15
6-14	20
15+	24

(Rev. 7/1/04)

C. All management employees shall earn vacation at the rate of 1.916 days per month.

(Rev. 9/16/98; 12/15/04, 9/28/05)

D. School Year Employees:
Vacation time for less than full-time employees is to be provided on a prorated basis. School year employees who are in permanent status at the end of the school year shall have an automatic cash pay-off of vacation time earned and not used at the end of each school year. Employees who are in probationary status at the end of the regular school year will not receive a cash payoff at that time; accrued vacation will be paid the following year. The employee shall receive a cash pay-off of unused vacation time at the completion of the following regular school year, for both school years. Less than 12-months employees may use vacation at the winter and spring recess or as work requirements allow. (Rev. 8/20/97)

E. Non School-Year Employees:
If, as of June 30 of each fiscal year, a twelve month employee's accumulated vacation time exceeds 240 hours, the employer, at its option, will schedule the employee off work or pay the employee for the excess vacation time. With his/her supervisor's approval, an employee may utilize vacation time that is not yet accrued, provided that it is within the current year's accrual. No advance of vacation time into future year's accruals will be permitted. (Rev. 8/20/97) (Rev. 7/21/04)

F. Vacation schedules shall be prepared by the administration. Effort shall be made to enable vacation to be taken at times convenient to the employee consistent with the needs of the service and the work load of the department.

G. The rate at which vacation is paid shall be the employee's current rate. If an employee is receiving out-of-classification pay and takes a vacation during the out-of-class period, vacation pay shall be at the employee's out-of-class rate of pay. (Amended 9/8/95)

H. Upon separation from the classified service, a permanent employee shall be paid for his/her accumulated vacation credit at the rate of pay applicable to his/her last regular assignment.

I. When an employee has accumulated the maximum allowable vacation credit and when a critical emergency prevents his/her being off duty, the nature and duration of the emergency shall be reported to the Commission. The Commission may authorize payment in lieu of vacation earned above the maximum or may permit the accumulation of excess vacation for the duration of the emergency. (Education Code Section 45197)

J. If an employee's vacation becomes due during a period when he/she is on leave due to illness, injury or bereavement, he/she may request that the vacation be changed, and the employer shall grant such a request in accordance with vacation dates available at that time. The employee may elect to have the vacation rescheduled in accordance with the vacation schedule available at the time or may request to carry the vacation to the following year.

4770.2 Paid Sick Leave

A. Sick leave is the authorized absence of an employee because of illness or injury or exposure to contagious disease.

B. A regular classified employee (probationary and permanent) shall earn paid sick leave in accordance with the provisions of Education Code Section 45191. Unused sick leave may be accumulated without limit.

C. At the beginning of each fiscal year, the sick leave balance of the employee, except school-year employees, shall be increased by the number of days of paid sick leave which he/she would normally earn in the ensuing fiscal year. School-year employees shall receive their sick leave accrual in September. An employee's sick leave balance shall be adjusted if a change of assignment alters the amount of sick leave earnable. (Rev. 12/17/97)

D. Paid sick leave may be taken at any time. However, a new employee shall not be eligible to take more than six days until the first day of the calendar month after completion of six months of active service. In the event an employee terminates and has used more sick leave than the one day per month accrual rate, any leave in excess of such accrual will be deducted from the final check.

E. Pay for any day of sick leave shall be the same pay the employee would have received if he/she had worked that day. If an employee is receiving out-of-classification pay and uses sick leave during the out-of-class period, sick leave pay shall be at the employee's out-of-class rate of pay. (Amended 9/8/95)

F. In order to receive compensation while absent on sick leave, the employee must notify the supervisor of his/her absence within the first working hour of the first day absent unless conditions make notification impossible. The burden of proof of impossible conditions shall be upon the employee.

G. At least one day prior to the employee's return to work, he/she shall notify the supervisor and/or answering service in order that any substitute employee may be terminated when applicable. If the employee fails to notify the supervisor and/or answering service and both the employee and substitute report, the substitute is entitled to the assignment, and the employee shall not receive pay for that day.

H. An employee absent for four consecutive working days or more may be required to present a physician's statement including the date the employee is able to return to work activities (amended 5/25/05).

4770.3 Catastrophic Leave

A. Catastrophic Leave pay will be administered in accordance with CSEA Contract and Management Handbook guidelines. (Rev. 11/15/06)

4770.4 Termination of Sick Leave

A. An employee who has been placed on paid or unpaid sick leave may return to duty at any time during the leave provided that he/she is able to resume the assigned duties; and if the leave has been for more than 20 working days, provided that he/she has notified the SLOCOE of his/her return at least three working days in advance and possesses a doctor's release to return to work in his/her normal capacity.

B. If, at the conclusion of all sick leave and additional leave, paid or unpaid, granted under this rule, the employee is still unable to assume the duties of his/her position, he/she will be placed on a reemployment list for a period of 39 months. His/her reemployment will take preference over all other applicants except for those laid off for lack of work or funds in which case he/she shall be ranked according to proper seniority.

4770.5 Industrial Accident and Industrial Illness Leave

Leaves resulting from an industrial accident or industrial illness shall be granted in accordance with the provisions of Education Code Section 44043 and 45191 and this rule.

A. An employee in the classified service who has been employed for a period of at least one (1) year shall be granted a leave of absence with pay when he/she is absent due to an industrial accident or illness in accordance with the following:

1. Such leave shall be for a maximum of 60 working days in any one fiscal year for the same accident. In the event that the 60 days will overlap into the next fiscal year, the employee shall be entitled to only those days remaining at the end of the fiscal year in which the accident or illness occurred. Such leave shall not be accumulated from year to year.

2. During all paid leaves of absence required as a result of industrial accident or industrial illness whether industrial accident leave, sick leave, vacation or other paid leave, the employee shall endorse to the County Schools Service Fund wage loss benefit checks received under Self-Insurance for Public Employees Fund. The County Schools Service Fund, after receipt of the endorsed check, shall issue the employee full payment of salary and shall make normal payroll deductions.

3. An employee's industrial accident leave shall be suspended automatically for any period which he/she is not within the State unless the employee has obtained prior approval of the County Office of Education for absence from the State.

4. Industrial accident or illness leave shall be reduced one day for each day of authorized absence regardless of a temporary disability indemnity award. Leave required for recovery from an illness or accident that is job related shall not be deducted from the employee's accrued sick leave total until industrial accident and illness leave has been exhausted.

5. The employee shall receive that portion of his/her monthly salary which when added to the temporary disability compensation will not exceed his/her monthly salary.

6. During all paid leaves of absence as described above, the employee shall endorse all checks received under the Worker's Compensation Law to the SLOCOE. The SLOCOE, after receipt of the endorsed check, shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement and other authorized deductions.

7. The employee shall secure a medical release before being permitted to return to work.

8. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness or in the event an employee is not eligible for industrial accident or illness leave, the employee's name shall be placed on the reemployment list for the class from which he/she was on leave, for a period not to exceed 39 months.

9. Paid industrial accident leave shall be granted, as indicated in the employee's assignment, from the first day of absence to and including the last day of absence resulting from each separate industrial illness or injury.

10. The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Education Code Section 45191. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving worker's compensation, the person shall be entitled to use only as much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the worker's compensation award, provide for a full day's wage or salary.

11. The additional or extended sick leave benefits shall commence on the first day of illness or accident and shall run concurrently with all other authorized leaves. (Education Code Section 45196)

4770.6 Bereavement Leave

For classified non-management, an employee will receive Bereavement Leave in the amount of four days of paid noncumulative leave due to the death of an immediate family member, six days if travel of 200 miles or out of state.

For classified management, an employee will receive Bereavement Leave in the amount of six days without loss of pay due to the death of an immediate family member.

For the purposes of bereavement leave, immediate family means the employee's spouse or registered Domestic Partner. The following relatives, (including "step," "foster" and "in-law") of the employee or the employee's spouse or Registered Domestic Partner: Grandmother, Grandfather, Mother, Father, Sister, Brother, Child and Grandchild. In addition, any relative of the employee living in the immediate household of the employee, are considered immediate family for the purpose of bereavement leave. Immediate family does not include Aunt, Uncle, Niece, Nephew or an ex-spouse or any family members of an ex-spouse.
(Reference: Education Code 44985 and 45194) (revised 7/13)

4770.7 Personal Necessity

Personal Necessity Leave provides employees the opportunity to address circumstances which are serious in nature, cannot be expected to be disregarded, necessitate immediate attention, and cannot be dealt with outside the work day. Up to seven (7) days of sick leave may be used as Personal Necessity Leave per year. Personal Necessity leave does not accumulate from year to year.
Employees must request this leave at least five (5) working days in advance to allow for adequate planning for coverage of duties. If at least a five (5) working day notice is given, the employee shall not need to provide a specific reason for the use of Personal Necessity Leave. For use of leave in less than five working (5) days, the employee shall be required to provide a specific reason for use of Personal Necessity Leave that shall conform with the criteria below:

- Death of a member of the employee's immediate family when additional leave is required beyond that provided in Bereavement Leave.
- Accident, involving the employee's person or property, or the person or property of a member of his/her immediate family.
- Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction.
- Circumstances which are serious in nature, which cannot be expected to be disregarded, which necessitate immediate attention, and cannot be dealt with during off-duty hours.
- Nationally recognized religious holidays of major religions.
- Paternity Leave.

Personal Necessity may be denied if the request is received in less than five (5) working days or if there is a certifiable operational need to deny the request. Additional leave may be granted for family illness on a case by case basis. Personal Necessity Leave may not be used for Association business, personal gain, or recreational purposes. Any proven misuse may subject the employee to disciplinary action.

Personal Necessity Leave is not intended for use for any form of vacation, or to extend a school holiday or vacation period; e.g., camping, skiing, etc., to participate in any labor dispute, personal gain, or to be taken by such numbers of employees which would be disruptive to programs or services. (revised 7/13)

4770.8 Jury Duty and Witness Leave

A. Leave of absence for jury service shall be granted to any classified employee who has been officially summoned to jury duty in local, state, or federal court. Leave shall be granted for the period of the jury service. The employee shall receive full pay during the leave period provided that the jury service fee for such leave is assigned to and the subpoena or court certification is filed with the SLOCOE. Request for jury service leave should be made by presenting the official court summons to the appropriate department head.

B. Leave of absence to serve as a witness in a court case shall be granted an employee when he/she has been served a subpoena to appear as a witness, not as the litigant in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided that the witness fee for such leave is assigned to and the subpoena or court certification is filed with the SLOCOE. Request for leave of absence to serve as a witness should be made by presenting the official court summons to the department head.

C. The jury service fee and witness fee referred to in A and B, respectively, do not include the reimbursement for transportation expenses.

D. An employee who has received leave of absence under this shall make himself/herself available for work during hours when his/her presence is not required in court.

4770.9 Absence for Examination

Every employee in the classified service shall be permitted to be absent from his/her duties during working hours in

order to take any examination for promotion at SLOCOE without deduction of pay or other penalty provided that the immediate supervisor is given two days' notice.

4770.10 Military Leave

A. Military leave of absence shall be granted and compensated in accordance with the Military and Veterans' Code Section 389 and 395 and that which follows.

B. The employee's advancement on the salary schedule shall not be interrupted by military leave, and he/she shall continue to accrue seniority for purposes of layoff due to lack of work, lack of funds or abolishment of position, and for longevity vacation; however, no other fringe benefits such as sick leave or vacation shall accrue during such absence.

C. Classified employees who are members of reserve corps, and who must temporarily be absent due to active military training, shall be granted temporary military leave of absence not to exceed one hundred and eighty (180) calendar days.

1. Employees who have been in the service of the SLOCOE for one year or more shall be granted such leave with the first thirty (30) calendar days at full pay, and they shall not suffer loss of benefits of any kind nor shall they lose any rights granted other employees due to the absence.

2. Employees who have not been in the service of the SLOCOE for one year shall be granted leave without pay.

D. An official document or order stating the date the employee must report for duty shall be submitted prior to granting leave of absence under this rule.

E. An employee on military leave shall be reinstated in his regular position or a position in the same classification upon honorable discharge from the service.

4770.11 Disability Leave, Pregnancy

Each regular female employee shall be entitled to a disability leave of absence for the period of time she is required to be absent by reason of physical incapacity due to pregnancy or childbirth or conditions related thereto. The employee shall be entitled to use her accumulated sick leave and disability benefits allowable under appropriate sections of the California Education Code on the same basis provided for any other illness, injury or disability. The following rules shall apply:

A. The period of disability, including the date upon which the leave shall begin, shall be determined by the employee and her doctor.

B. A statement from the employee's doctor as to the beginning date of such disability shall be filed with the Superintendent through the Director. This date shall be based on the employee's ability to render service in her current position.

C. The date of the employee's return to service shall be based on her doctor's analysis and written statement of the employee's physical ability to render service and that she is no longer required to remain off duty due to her physical disability.

D. Upon return from leave, every effort will be made to reinstate the employee to the same position held at the time the leave was granted. However, it shall be the right of the Superintendent to reassign the returning employee to a different position in the best interests of the office. (Education Code Sections 44965, 45193)

4770.12 Maternity Leave

In the event an employee desires a leave of absence for preparation for the birth of a child or for continued child care after the birth, she may apply for a maternity leave by submitting a written request to the Superintendent.

The following rules shall apply:

A. Such leave may be granted at the discretion of the Superintendent and shall be considered as unrelated to the possible disability of the employee.

B. Leave for this purpose shall be granted without pay.

C. The time allowed for leave under this rule shall be based on the needs of the office and may consider such

aspects as the time of the school year, the availability of qualified substitute personnel, and the specialized requirements of the individual students and program.

D. Upon return from leave, every effort will be made to reinstate the employee to the same position held at the time the leave was granted. However, it shall be the right of the Superintendent to reassign the returning employee to a different position in the best interests of the office.

4770.13 Other Leaves of Absence Without Pay

A. Leave of absence without pay may be granted to a permanent classified employee upon the written request of the employee and the approval of the Superintendent or the Director, subject to the following restrictions:

1. Leave of absence without pay may be granted for any period not exceeding one year. With the approval of the Superintendent, a leave of absence without pay may be grated for an additional year.

2. Absence for military service shall be granted as provided by the Education Code and the Military and Veterans' Code, and leave of absence without pay for service in the Peace Corps may be granted for a period not to exceed 24 months.

2. The granting of a leave of absence without pay gives to the employee the right to return to his/her classification at the same number of hours per day at the expiration of the leave of absence, provided that he/she is physically and legally capable of performing his/her duties; but a particular assignment may not be held for an employee on a leave of absence without pay. (Rev. 3/19/93)

B. The Superintendent or Director may, for a good cause, cancel any leave of absence except military leaves by giving the absent employee due notification. The employee may appeal the cancellation to the Personnel Commission which shall investigate and hear the appeal. The appeal by the employee will stay the cancellation directive of the Superintendent until action by the Personnel Commission which shall be final and binding.

C. An employee may make a written request to the Superintendent or Director to return to work prior to the expiration date of the leave. The Superintendent may approve or reject the request.

D. Failure to report for duty within five working days after leave other than a military leave has been canceled or expires shall be considered abandonment of position, and the employee may be terminated.(Rev. 5/17/02)

4770.14 Compulsory Leave

A. The appointing authority may require an employee whom it deems incapacitated for work due to illness or injury to submit to a designated physician for examination and may require the employee to take such leave of absence as will be necessary to fit himself/herself to perform his/her duties.

B. Sex and/or Narcotics Offenses

1. The appointing authority shall require an employee who has been formally charged in a court of competent jurisdiction with the commission of any acts defined in Education Code Sections 44010-44011 involving a sex or narcotics offense to take a compulsory leave of absence pending determination by way of a plea, finding, or verdict at the trial court level as to the guilt or innocence of such employee.

2. If there is a determination of innocence, the employee shall be reinstated to his/her position with return of all benefits, including salary, that were due for the period of compulsory leave.

3. If there is a determination of guilt, the appointing authority shall take appropriate disciplinary action as provided for under Rule 4769, Disciplinary Action. Such disciplinary action shall be imposed effective as of the commencement date of the compulsory leave imposed under this section.

4770.15 Leave to Serve in an Exempt, Temporary, or Limited-Term Position

A. Any permanent classified employee who accepts an assignment within the SLOCOE in an exempt, temporary, or limited-term position shall, during such assignment, be considered for status purposes as serving in his/her regular position, and such assignment shall not be considered separation from service.

B. The employee may, with the approval of the appointing authority, voluntarily return to his/her position in the class of the employee's permanent status prior to the completion of service in an exempt, temporary, or limited-term position. Failure to complete the required service, unless approved as specified herein, will

constitute grounds for disciplinary action by the appointing authority.

4770.16 Leave of Absence for Retraining

A. To be eligible for retraining leave, an employee must:

1. Have served at least three years in the SLOCOE.

2. Be serving in a position which the SLOCOE contemplates abolishing or show that the retraining will clearly benefit the SLOCOE.

3. Indicate a willingness to undergo the prescribed training program.

4. Indicate a willingness to serve the SLOCOE for at least two years after successful completion of the retraining program.

B. The Superintendent shall prescribe the retraining program and may provide the program internally or designate the institution or place where the program is to be given.

C. The employee shall be considered a permanent employee for all purposes during the period of the retraining program and shall receive his/her normal compensation and benefits. The Board may prescribe duties, if any, to be performed by the employee on behalf of the SLOCOE during retraining leave.

D. The Board shall provide for reasonable expenses necessary for the prescribed retraining but may recover costs from the employee if he/she fails to complete the prescribed retraining program.

E. The Board may establish retraining programs for purposes other than outlined in this rule and grant leaves of absence for retraining in the same manner as for study leaves of absence, except that the three-year service requirement shall prevail. Such programs must be endorsed by the Commission and must be available to all qualified employees of the SLOCOE, except that approval for such leave shall be discretionary with the Superintendent.

4770.17 Transfer of Sick Leave from Another District

A. Any classified employee of any school district or county superintendent of schools who has been employed for a period of one calendar year or more whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently accepts employment with the County Office of Education within one year of such termination of his/her former employment shall have transferred with him/her to the SLOCOE the total amount of earned leave of absence for illness or injury to which he/she is entitled under Education Code Section 45202. This transfer shall be in the same manner as is provided for certificated employees. Previous service shall not be construed to have been served with the SLOCOE for seniority purposes.

B. The Board shall not adopt any policy or rule, written or unwritten, which requires all classified employees, or any individual classification, or group of classifications of employees transferred to its districts to waive any part or all sick leave benefits which they may be entitled to have transferred in accordance with this section.

4771 LAYOFF AND RESIGNATION

It is the intent of the following sections to keep the employee being laid off as "whole"* as possible. (Added 3/28/91)

4771.1 Procedure Regarding Lay-Off

For classified non-management employees only (added 9/28/11):

A. When classified employees are laid off for lack of work or lack of funds, the order of lay-off within the class shall be determined by seniority. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Seniority will be based on date of hire without consideration of total numbers of hours worked, regardless of any leaves of absence.

B. In the case of a tied seniority date in the current classification, the employee with the earliest date of hire at SLOCOE will have the higher seniority. Should a tie still exist, the employee with the highest number based on the last 4 digits of the social security number will receive the higher seniority (for example, 5819 is higher than 3515). Should the digits (and, therefore, the number created) be identical, the first number to the left will be included (for example, 65819 would be higher than 55819).

C. Emergency, limited-term and provisionally appointed employees shall be laid off before any regular

classified employees within a classification.

D. An employee who is laid off due to lack of work or lack of funds shall have the right to displace (bump) the least senior employee with the same or greater total compensation in the current classification. (Total compensation is based on months and hours worked plus benefit costs for the position). If there is no equal or greater position available in the current classification, the employee will be given the option of displacing into the position with the greatest total compensation in their current or previously held classification.

E. Any classified employee who is displaced (bumped) by an employee with greater seniority shall have displacement (bumping) rights outlined above as though s/he were laid off for lack of work or funds.

F. An employee who has accepted a voluntary demotion in lieu of layoff shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months; provided that the same tests of fitness under which they qualified for appointment to the class shall still apply.

G. An employee who has accepted a voluntary demotion or transfer to a previously held position in lieu of layoff shall be placed at the step closest to their current salary without exceeding the salary for the range of the new classification.

H. An employee who has accepted a voluntary reduction in assigned time to remain in their present positions rather than be reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for positions with increased assigned time (and without limitation of time) for an additional period of up to 24 months.

I. Persons laid off because of lack of work or lack of funds are eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Persons on the reemployment list shall be ranked by seniority, and shall be reemployed in the reverse order of the layoff. In addition, such persons laid off have the right to participate in promotional exams within the period of 39 months.

J. A regular classified employee who is reemployed in a previously held classification shall be appointed at the same step which he/she held at the time of layoff. See seniority section for effect on seniority accruals.

For classified management only:
It is the intent of the following sections to keep the employee being laid off as "whole"* as possible. (Added 3/28/91)

A. When classified employees are laid off for lack of work or lack of funds, the order of lay-off 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. For purposes of this rule, for service commencing and continuing after July 1, 1971, "length of service" will be based on date of hire without consideration of total numbers of hours worked whether during the school year, a holiday, recess, or during any period that a school is in session or closed. In the case of a tie after application of the above, the employees will draw lots to determine preference.

B. Emergency, limited-term and provisional employees shall be laid off before any regular classified employees within a class.

C. Persons laid off because of lack of work or lack of funds are eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. In addition, such persons laid off have the right to participate in promotional exams within the period of 39 months.

D. Reemployment shall be the reverse order of lay-off.

E. All time spent on approved leaves with pay and on military leave shall count toward seniority accrual.

***"Whole":** The concept of keeping an employee who must be laid off and who wishes to exercise bumping privileges, as financially intact as possible. Example: A full-time, 12-month employee shall be entitled to bump the least senior full-time, 12-month employee in an equal or lower class within the same job family; a 6-hour/day, school-year employee shall be entitled to bump the least senior 6-hour/day, school-year employee in an equal or lower class within the same job family, etc. (Rev. 3/28/91)

4771.2 Rights of Employees Laid Off for Lack of Work or Funds

In addition to the procedure and rights prescribed above, regular employees in the classified service shall have the following rights:

A. **Displacing (Bumping).** A permanent or probationary employee in the classified service who is laid off from a class and who has previous service in an equal or lower class within the same job family shall have the right to displace (bump) an employee with the least seniority in that class, provided that the person being displaced has less seniority than the person being laid off. (See appendix for job family groupings.) Displacement (bumping)

into a lower class shall be considered a voluntary demotion and salary placement shall be determined accordingly. (Rev. 7/2/93)

Any classified employee who is displaced (bumped) by an employee with greater seniority shall have displacement (bumping) rights as though he were laid off for lack of work or funds. Laid-off employees do not accumulate seniority credit while on the reemployment lists.

B. **Voluntary Demotion or Transfer.** A permanent or probationary classified employee who will suffer a layoff for lack of work or funds despite the exercising of displacing (bumping) rights in order to avoid layoff may accept a voluntary demotion to a vacant position in a lower class or transfer to an equal class, provided that he/she is qualified to perform the duties thereof and provided further that the appointing authority approves the voluntary demotion.

An employee who has accepted demotion in lieu of layoff has the right to be reemployed, in accordance with his/her seniority, in a vacant position in his former class within 39 months after demotion. Intervening reassignments to other classes shall not abrogate that right. If he/she has not been reemployed in his/her former class within 39 months, he/she shall be eligible for appointment to a vacant position in that class without examination for an additional 24 months at the discretion of the appointing authority.

4771.3 Limited-Term Positions

A. No regular employee shall be laid off from any position while employees serving under limited-term appointment are retained in positions of the same class in the same organizational unit unless the regular employee declines the limited-term position.

B. Limited-term employees may be laid off at the completion of an assignment without regard to the procedure set forth in this rule.

4771.4 Resignation

A. When an employee desires to resign from his/her position, the employee shall present a written resignation to the department administrator, with a copy to the employee's immediate supervisor, a minimum of two weeks prior to the effective date of resignation. The department administrator shall immediately contact the Director informing the Director of the resignation, and the original resignation shall be submitted by the department administrator to the Human Resources Department. The department administrator shall sign the original copy and forward the original to the Director of Personnel.

1. A resignation from a SLOCOE position without concurrently holding or obtaining another permanent position within the SLOCOE is a resignation from the SLOCOE. The resignation does not impair his/her rights to other positions which he/she may hold on eligibility lists except that an employee who resigns shall have his/her name removed from promotional eligibility lists.

2. An employee resigning after 6 months or 130 days in paid status, whichever is longer, is entitled to all accrued vacation leave. (Rev 12/19/01)

4772 DISCIPLINARY ACTION AND APPEAL

4772.1 Causes for Reprimands, Suspensions, Demotions, and Dismissals

Persons employed in the classified service may be reprimanded, suspended, demoted, or dismissed for any of the causes listed below.

A. Incompetency, below standard work performance, a pattern of inefficiency, or continued negligence in the performance of the duties of the position.

B. Insubordination including but not limited to refusal to do reasonably assigned work or any other serious breach of discipline.

C. Discourteous, offensive or abusive conduct toward other employees, pupils or the public.

D. Misuse or theft, destruction or mishandling of SLOCOE property or property of employees of the SLOCOE.

E. Offering anything of value, or offering any service in exchange for special treatment in connection with the employee's job or employment, or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.

F. Possession of opened alcoholic beverage containers or drinking alcoholic beverages or being intoxicated while

on the job or unauthorized use of narcotics or habit forming drugs not prescribed by a licensed physician.

G. Engaging in political or personal activities during assigned hours of employment.

H. Committing any felony or crime carrying a penalty of imprisonment. (Rev. 6/25/87)

I. Conviction of a sex offense as defined in Education Code Section 45010.

J. Repeated or unexcused absence or tardiness after warning.

K. Abuse of leave privileges.

L. Knowingly falsifying any information supplied to the SLOCOE, including but not limited to information supplied on application forms, employment records and other records.

M. Persistent violation or refusal to obey safety rules or other procedures made applicable to the SLOCOE, or by any appropriate state or government agency.

N. Any willful failure of good conduct tending to injure the public service or its reputation with particular regards to students.

O. Abandonment of position which shall be interpreted to mean an absence without continued notification in excess of one day, except in case of dire emergency.

P. Membership in the Communist Party or any other organization which advocates the overthrow of federal, state, or local government by force, violence or other unlawful means as defined in Section 1028 of the Government Code.

Q. Willful or persistent violation of the provisions of the Education Code or of rules, regulations or procedures adopted by the Superintendent, County Board of Education, or the Personnel Commission provided that specific instances must be set forth as to any of the causes enumerated under this heading.

R. Refusal to accept changes in shift assignment, working hours or work location provided that such changes were made in accordance with the rules of the Commission.

S. Inability to furnish within three days of date of hire (or within 21 days of date of hire, if documents must be applied for) appropriate documents certifying that applicant is legally eligible to work in the United States. (Added 9/24/87)

T. Violation of confidentiality. Employees that are designated as "confidential" under the provisions of Government Code 3540.1C shall be subject to suspension, demotion or dismissal for willful violation of the confidentiality of their knowledge of the employer's employer/employee relations.

U. Any other reason that may be deemed sufficient by the Superintendent and the Personnel Commission.

4772.2 Procedure of Disciplinary Action

A. No employee in in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his or her real or perceived ancestry, race, color, religion, creed, gender, gender identity, sexual orientation, age, marital status, physical or mental disability, genetic information, or medical condition related to childbirth, or association to anyone in any of these protected classes, or any other consideration made unlawful by federal, state or local laws. (revised 7/13)

B. If a department head or supervisor recommends the suspension, demotion, or dismissal of an employee to the superintendent, the employee shall be given a copy of the recommendation and the charges and shall have the opportunity to meet with the superintendent or superintendent's designee prior to the final determination to present his/her position. (Rev. 7/27/89)

For classified managers and confidential employees: If a department head or supervisor is preparing a written reprimand of an employee, he/she shall grant the employee the opportunity to meet with him/her prior to the final determination of the reprimand.

For classified non-management employees, see CSEA contract. (added 7/13)

C. When the Superintendent is recommending disciplinary action of a permanent employee under this section, he/she shall notify the employee in writing of the specific charges in ordinary and concise language of the individual acts or omissions which have resulted in the recommendation and any rule or regulation violated.

For classified managers and confidential employees: In the case of a written reprimand, the employee shall be notified in writing of the charges and that the written reprimand will be placed in the employee's file ten (10) working days after the date of the reprimand. During those five days, the employee may respond in writing to the charges, and that response shall be attached to the reprimand and both shall be placed in the employee's personnel file. (rev. 4/04, 7/13)

For classified non-management employees, see CSEA contract (added 7/13)

D. In the case of suspension, demotion, or dismissal, the following rules apply:

The Director shall, as soon as reasonably possible and within ten (10) days, notify the employee of the charges.

1. The notification shall be handed personally to the employee by the Director or by a person designated by the Superintendent or sent by certified mail.

The provisions of this section shall be deemed to have been complied with if a copy of the notification is deposited in the United States Post Office addressed to the employee at the last known mailing address on file in the official personnel folder. The notice shall contain:

a. A copy of the written charges.

b. The right of the employee to a hearing on the appeal.

c. The time frame in which to submit a response

d. The requirements for the employee's answer as detailed below.

E. The employee may within fourteen (14) calendar days after receipt of the final decision from the Superintendent appeal to the Commission by filing a written answer to the charges and may request a hearing.

1. The written answer to the final decision must include facts based on one or more of the following grounds:

a. That the charges made do not constitute sufficient cause 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 his or her real or perceived ancestry, race, color, religion, creed, gender, gender identity, sexual orientation, age, marital status, physical or mental disability, genetic information, or medical condition related to childbirth, or association to anyone in any of these protected classes, or any other consideration made unlawful by federal, state or local laws**.**

(Rev. 12/14/89, 7/13)

2. A permanent employee who has not served the full probationary period for the class and who is demoted to the class from which promoted may request an investigation by the Commission within 14 days after the receipt of the copy of written charges. The request for the investigation shall be based only on one or more of the grounds provided above for appeals. The Commission shall conduct an investigation confined to the grounds set forth in the charges and in the request for the investigation but shall not be required to follow the procedures for appeals and hearings set forth in these rules. The Commission shall notify the Superintendent and the employee in writing of its findings. If the Commission's investigation and findings, however, indicate any discriminatory action, the

Commission may order a formal hearing. The decision of the Commission shall be binding on the Superintendent.

F. Notwithstanding the procedures prescribed above, an employee may be suspended at the discretion of the Superintendent.

G. A regular employee charged with the commission of any sex offense as defined in Section 44010 of the Education Code by complaint, information, or indictment filed in a court of competent jurisdiction may be suspended as provided for in Section 45304 of the Education Code. Such a suspension will be processed as an involuntary personal leave in accordance with the provisions of this rule relative to suspension. The employee may receive compensation as provided for in the Code Section. Such suspension shall be reviewed by the Personnel Commission every 90 days. No person shall be employed or retained in employment who has been convicted of any sex offense as defined in Section 44011. If, however, any such conviction is reversed and the person is acquitted of the offense in a new trial or the charges are dismissed, this section does not prohibit employment thereafter.

H. Dismissal shall cause removal of the employee's name from all employment lists.

I. Failure to appeal, as provided in Rule 4769.2E, shall make the action of the Superintendent final and conclusive.

4772.3 Hearing Procedure

A. After an employee has made and filed an appeal in answer to the charges, the Commission shall investigate or cause to be investigated the matter on appeal and may require further evidence from either party. The Commission may, and upon request of an accused employee shall, order a hearing. If a hearing is to be conducted, the Commission shall then fix the time and place of the hearing which shall be within a reasonable length of time from the receipt of the appeal.
The Commission may appoint a hearing officer to conduct any hearing and report findings and recommendations to the Commission. Such recommendations shall not be binding on the Commission.

B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officers shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.

C. The Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on a preponderance of evidence.

D. The burden of proof shall be on Superintendent or his/her designee.

E. Each party will be permitted an opening statement, with Superintendent or his/her designated representative opening first. Superintendent shall next present its witnesses and evidence to sustain its charges, and the employee will then present witnesses and evidence in defense. Each party shall be permitted closing arguments with the SLOCOE closing first, the employee closes, and the SLOCOE has a final rebuttal. (Rev. 12/14/89)

F. Each party will be allowed to examine and cross examine witnesses. All witnesses, when not testifying, shall be excluded from the hearing room during the proceedings. (Rev. 12/14/89)

G. Superintendent, the Commission and the employee will be allowed to be represented by separate legal counsel or other designated representatives.

H. The Commission may and shall if requested by Superintendent or the employee, subpoena witnesses and/or require the production of records or other material evidence.

I. The Commission may prior to or during a hearing grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.

J. A hearing shall be held in closed session unless an open hearing is requested by the employee. The Commission may, at its discretion, exclude witnesses not under examination except the employee and the party attempting to substantiate the charges against the employee and their respective counsel. When hearing testimony on scandalous or indecent conduct, all persons not having a direct interest in the hearing may be excluded.

The Commission may deliberate its decision in closed session and exclude all persons other than members of the commission, its Director, and its counsel.

K. The Commission shall render its judgment as soon after the conclusion of the investigation or hearing as possible, and in no event later than fourteen (14) calendar days. Its decision shall set forth which charges, if any, are sustained or rejected and the reasons therefore.

1. The Commission's decision shall be set forth in writing and signed by the chairperson of the Commission and be sent to all parties of interest.

2. The Commission's decision shall be final. (Education Code 45306)

L. The Commission may sustain or reject any or all of the charges filed against the employee. If the Commission finds in favor of the employee, it may:

1. Order the employee's reinstatement upon such terms and conditions as it may determine appropriate.

2. Modify the disciplinary action, but not to make more stringent the action taken by Superintendent.

3. Order paid by Superintendent compensation for all or part of the legitimate expenses incurred by all parties in pursuit of the appeal.

4. Order paid all or part of the employee's full compensation from the time of suspension, demotion, or dismissal.

5. Order the employee transferred or changed in work location.

6. Order expunction from the employee's personnel file of all records pertaining to the disciplinary action on charges which were or were not sustained by the Commission.

M. Copies of the transcript of the hearing shall be furnished the appellant or his/her representative upon written request. The transcript shall be typed, and the cost of copies shall be borne by the party requesting such copies in an amount as determined by the Business Office to be representative of the actual costs of reproduction. (Education Code 45116, 45305-307, 45312, 45313)

4773 REPORTS AND RECORDS

4773.1 Reports of Personnel Transactions

To enable the Human Resources Department to perform its duties accurately and expeditiously, the appointing authority shall report promptly, on forms provided or by letter where no form is prescribed, on the following transactions:

1. Requisition for certifications

2. All appointments

3. Separation from the service

4. Transfers and demotions

5. Changes in organization resulting in the creation or abolishment of a position, promotion or demotion, changes in duties or classification

6. Leaves of absence

7. Disciplinary actions

4773.2 Responsibility for Transactions

Each department head shall appoint an assistant, or so act himself/herself, to cooperate with the Human Resources Department and be responsible for properly reporting personnel transactions, for properly distributing personnel material and information including the posting of notices upon the department bulletin board.

SERIES 4870 WAGE AND SALARY PROVISIONS

4871 DETERMINATION OF SALARY SCHEDULES

4871.1 Factors in Salary Determination

The Director may prepare recommendations for the allocation of classes to salary schedules for the Commission, Superintendent and Board of Education. These recommendations shall take into account the following factors:

A. Wages and salaries paid for similar work in private industry in the recruitment area.

B. Wages and salaries paid by other governmental agencies which may be in competition with the SLOCOE in the labor market.

C. The principle of like pay for like work within the classified service.

D. Appropriate differentials between related classes to reflect differences in duties and responsibilities as established in the classification plan.

E. Such other information as the Commission may deem desirable and helpful to its deliberations.

F. Professional growth and longevity will be awarded based on language found in CSEA Contract and Management Handbook guidelines. (revised 11/15/06)

4871.2 Salary Studies

A. A salary study shall be made:

1. Whenever a new class is created.

2. When directed by the Commission.

B. Employees, employee representatives, or the administration may request a salary study of a class or classes by directing a written communication to the Commission and setting forth the reasons for the study.

C. Data obtained in a salary study shall be made available to interested parties including employee organization representatives. The Director shall indicate tentative recommendations to, and shall meet and confer with, employee organizations and SLOCOE administration. An effort shall be made to ameliorate all differences before recommendations are submitted to the Commission.

4871.3 Salary Recommendations

A. After making its findings, the Commission shall present salary recommendations to the Superintendent and the County Board of Education who may approve, amend, or reject the recommendation, but may not alter the relationships among classes as established by the classification plan.

4871.4 Appeals of Recommendations

A. An employee or his/her representative may appeal the recommendation of the Director in regard to the salary of his/her class. The employee shall have the opportunity to present his/her case in writing and orally at a regular meeting of the Commission. The administration shall have the same privilege.

B. If the Superintendent and the County Board of Education desires reconsideration of salary recommendations, it may return the recommendations to the Commission which shall reconsider them at its next meeting. After reconsideration, the Commission will advise the Superintendent and Board of its findings and reasons therefor.

4872 APPLICATION OF SALARY SCHEDULES

4872.1 Initial Placement

With the exception of Cabinet Officials, the basic pay plan consists of the salary grades and the assignment of classes to such grades as provided in the salary schedules. Each employee shall be paid within the range for his/her class according to the following provisions unless otherwise provided in the salary schedules. (revised 7/15)

Cabinet Officials shall be placed on the Cabinet Officials Salary Schedule at the discretion of the County Superintendent of Schools. Initial salary placement is based upon experience and education. Longevity will be awarded as specified on the salary schedule. (added 7/15)

Management employees shall be placed on the appropriate Management Salary Schedule, subject to these guidelines: Current SLOCOE employees and newly selected candidates hired or promoted to a management position should receive a minimum of one step, or the equivalent of a 3% or higher increase to their daily rate based on quality and experience in a comparable position. This applies to both inside and outside candidates. In order to be placed at a step which exceeds a 5% increase to the daily rate of pay, the Cabinet Official responsible for the recruitment shall bring justification to cabinet for their review. In order to be considered, the successful candidate would need to meet several of the criteria listed below:

- Possess proven quality and experience in a comparable position based on personal experience or exceptional reference checks.
- Previous total compensation for a comparable position is much higher.
- Limited number of qualified applicants in the candidate pool for the position.

(Rev. 6/26/96; 8/24/05, 7/13)

Confidential employees shall be placed on the Confidential Employee Salary Schedule, subject to these guidelines. New hires are placed at Step 1 unless they have:

- 5 years equivalent experience, Step 2
- 10 years or more equivalent experience, Step 3
- Beyond Step 3 requires Cabinet approval

(Added 6/26/96) Confidential employees will receive compensation and benefits that are no less than a member of the non-management classified bargaining unit. (added 3/07, revised 7/13)

Classified employees shall be placed on the Classified Employee Salary Schedule, subject to these guidelines: New hires are placed at Step 1 unless they have:

- 5 years equivalent experience, Step 2
- 10 years or more equivalent experience, Step 3
- Beyond Step 3 requires Cabinet approval

(added 7/13)

When a special skill such as a language other than English or sign language is required of a particular position within an established job classification, a 5% stipend will be added to the salary. Applicants applying for positions designated as needing special skills or competencies will be required to pass a specialized test in that particular skill in order to meet the minimum qualifications. Should a position no longer require the specialized skill, the manager shall notify the Human Resources Department at which point the stipend will no longer apply to the salary. (see Education Code 45182 – Differential compensation for certain duties.) (added 8/24/05; 7/28/14)

4872.2 Step Advancement

A. Newly hired classified non-management and confidential employees placed on step 1 or higher of a range, will advance to the next step on July 1 if they are hired prior to April 1 and after receiving a satisfactory performance evaluation by their supervisors. Employees hired on or after April 1 will step July 1 the following year. (revised 6/08) Each succeeding step will be subject to satisfactory performance evaluation by the employee's immediate supervisor. (Rev. 1/22/87; 1/11/91; 10/14/94, 3/16/05, 9/28/05, 7/13)

B. Management employees shall advance to the second-or succeeding step on the salary schedule on July 1st of every year after receipt of a satisfactory performance evaluation by the immediate supervisor. Management employees who are hired after January 1st will advance to the next step on the salary schedule on July 1st of the following year after receipt of a satisfactory evaluation by the immediate supervisor. July 1st shall be established as the anniversary date for all succeeding step advancements. (Amended 10/14/94; Rev. 1/19/05, 3/16/05, 9/28/05, 7/13)

C. Cabinet Officials shall earn annual merit increase of 1% - 5% based on evaluation of performance, as determined by the Superintendent. (added 7/15)

4872.3 Salary on Reemployment and Reinstatement

A. Reinstatement of a former employee shall require the approval of the superintendent. (Added 10/27/88)

B. A regular classified employee who is reemployed and reinstated in a regular position within 39 months from the date he/she last held permanent status shall be appointed at the same step which he/she held at the time of resignation or other termination of employment.

1. Such an employee shall be reinstated with all rights and benefits including seniority accrual and accumulated sick leave benefits.

2. The employee's former anniversary date shall be restored (see Section 4762.3.E.3). The time worked as an employee of the SLOCOE prior to resignation shall accrue toward subsequent salary step advancement. (Revised 10/27/88).

4872.4 Salary on Promotion

A. When a regular classified employee is promoted to a position in a higher class, he/she shall receive the next higher dollar amount as related to the then current salary on the new salary range as of the date the new appointment becomes effective. The employee's anniversary date shall not change. (revised 11/15)

B. If that amount is less than a five (5) percent for classified non-management and three (3) percent for classified management increase, the employee shall be placed at the next higher step over that authorized in paragraph 4872.4A above. (revised 9/08)

C. For classified non-management only: If that amount is at a lower step than the employee would've been placed as a new hire (from outside the organization), the employee shall receive the higher step. (revised 6/15)

4872.5 Salary on Demotion and Y-Rating

A. When a regular classified employee is demoted to a position in a lower range, or when a position is eliminated and the employee in the eliminated position moves to a lower classification, or when a position has been reclassified downward, and the employee has been performing satisfactorily and no vacancy exists to which he/she can be transferred without a salary change, the employee's salary shall be continued at the same dollar amount during the Y-Rate. The Y-Rate shall be terminated on the earlier of the following:

1. The date when the dollar income of the lower position overcomes the higher Y-Rated salary on the salary schedule.

2. The date a vacancy exists in the same class from which the employee was Y-Rated; if the employee does not accept the vacancy, but elects to remain in his/her present position, the Y-Rate shall terminate. On the date the Y-Rate terminates, the employee's salary shall be determined by the salary range assigned to the lower class.

B. In the event that a class is reclassified downward to a lower salary grade, and there is an employee who is at less than the top step in the former grade, that employee shall be moved to the lower grade at the same dollar amount, or if the same dollar amount does not appear at that grade, the next higher dollar amount. The employee shall then proceed through the steps of the lower grade in the normal manner.

C. Other Demotions

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

4872.6 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 4872.4.

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 4872.5, with salary continued as a Y-Rate.

4872.7 Salary on Reallocation

When a class has been reallocated to a higher or lower salary range, employees who remain assigned to a position which has been reallocated to a class on a higher salary range shall be treated as a promotion and governed by Rule 4872.4. The employee's anniversary date shall not change. Reallocation shall take place with the reassignment of a class from one salary range to another without significant change in class title, minimum qualifications, duties or responsibilities. (rev 11/15)

4872.8 Effective Dates of Salary Changes
The effective date of all salary changes shall be that date recommended by the Commission and approved by the Superintendent and Board. In all cases of reclassification or promotion, the employee must first have qualified in necessary competitive examinations as determined by these rules before qualifying for the salary change. The only exception to this appears in Rule 4634.3 and applies to reclassification only.

4872.9 Salary on Transfer
When an employee is transferred from one position to another position in the same class, or to another position in any class having the same salary range, he/she shall be compensated at the same step in the salary range which he/she previously held. The employee's salary anniversary date shall not change.

4872.10 Shift Differential
Any employee whose assigned work shift commences between 3 p.m. and 11 p.m. shall be paid a shift differential premium of five percent (5%) above the regular rate of pay for all hours worked. (Rev. 11/19/93)

4872.11 Part-Time Salaries
The salary ranges provided in the salary schedules are for full-time service in full-time positions. If any position is established on any other time basis, the compensation for such position shall be adjusted proportionately.

4873 WORK PERIODS AND OVERTIME

4873.1 Work Day and Work Week
The maximum number of hours of regular employment of an employee is eight hours a day and forty hours a week. However, the Superintendent may employ persons for lesser periods of time and may, through authorized administrators, order and authorize employees to work in excess of eight hours in one day or forty hours in one week.

4873.2 Overtime Defined

A. Overtime is ordered and authorized working time in excess of eight hours in one day or forty hours in one week. No one shall order or authorize overtime unless it is compensable as provided below. Overtime of less than 15 minutes shall not be credited; all overtime shall be reported and credited in multiples of 15 minutes of working time. (Education Code Section 45128)

B. In determining the eligibility of an employee to receive the prescribed overtime rate, the number of hours "worked" by an employee shall include, in addition to actual hours worked, time during which the employee is excused from (and is paid for) holidays, sick leave, vacation, compensating time off, or any other paid leave of absence.

4873.3 Compensation for Overtime

A. Overtime for classified employees will be allowed only with the prior approval of the department head.

B. Overtime, including more than eight hours per day or forty hours per week, will be paid at the rate of time and one-half.

C. All hours worked on Sundays shall be compensated at double the regular rate of pay except when Sunday is part of the regularly scheduled work week.

D. All hours worked on a designated holiday shall be compensated at the rate of time and one-half in addition to the regular hourly rate.

4873.4 Classifications Exempt from Overtime

A. The Commission may specify certain positions or classes of positions as supervisory, administrative, confidential**,** or executive and exclude the employees serving in such position and the positions from the overtime provisions based on current Fair Standards Labor Act guidelines. (Education Code Section 45130). (Rev. 1/27/99; 12/15/04)

B. In approving positions or classes of positions for exclusion from the overtime provisions, the Commission shall review the job description, and certify, in writing, that the duties, flexibility of hours, salary, benefit structure, and authority of the positions or classes of positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions, and that employees serving in such excluded positions or classes of positions will not be unreasonably discriminated against as a result of the exclusion. Salary schedules will designate certain positions or classes of positions as exempt. (Rev. 12/15/04)

C. If a person serving in an excluded position is required to work on a holiday by action of the Superintendent, he/she shall be paid, in addition to regular pay for the holiday, compensation or given compensating time off at a rate not less than his/her normal rate of pay.

D. Vacancies in a designated exempt position or classes of positions will be advertised as exempt based on current Fair Standards Labor Act guidelines. (Rev. 12/15/04)

4873.5 Rest Periods

All classified employees are permitted to take rest periods which, insofar as practicable, shall be in the middle of each work period at the rate of fifteen (15) minutes per four (4) hours or major fraction thereof. Thus, an employee working six (6) or more hours on a conventional day shift will receive a fifteen (15) minute mid-morning and a fifteen (15) minute mid-afternoon rest period. Rest periods on evening or special shifts or in unique locations may be scheduled to the mutual convenience of employees and supervisors. Rest periods may not be accumulated.

4874 HOLIDAY PAY

4874.1 Eligibility (Holidays)

A. All probationary and permanent classified employees will be entitled to payment for authorized holidays provided that they were in paid status during any portion of the working day immediately preceding or succeeding the holiday. (Education Code Section 45203)

B. Holidays shall include: Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, Washington's Birthday, and Memorial Day (and other days approved by the Superintendent). If a holiday falls on Saturday, the preceding Friday shall be deemed to be the holiday. If the holiday falls on Sunday, the following Monday shall be deemed to be the holiday.

C. The holidays listed in "B" are guaranteed holidays for all members of the classified service who establish eligibility for same under "A" above.

D. Pay for a holiday shall be the same the employee would have received had the day not been a holiday. Exception: See Rule 4876, Benefits for Part-Time Employees.

E. Classified employees required to work on holidays shall be paid for such work as prescribed in Rule 4873.3 or Rule 4873.4, as relates to positions lawfully exempted from overtime.

4874.2 Exchange of Holidays by Board Action

A. The Superintendent may, prior to July 1 of any year, specify, if so authorized in law, that schools will be maintained and classified employees are required to work on any or all of these holidays. (Education Code Section 45205)

B. If the Superintendent lawfully takes such an action, it shall designate another day, during the same school year, as a holiday for classified employees in lieu of the regular, normal holiday.

C. The day specified as the "in lieu" holiday shall be a day when all classified employees who could normally have established eligibility for the regular holiday will also be able to establish eligibility for the "in lieu" holiday.

4875 PAYROLLS

4875.1 Official Roster

The Director shall maintain, in his/her office, an official roster containing the names and complete employment records of all employees holding positions under the provisions of the Act.

4875.2 Payroll Audit

A. All payrolls or claims containing the names of any person or persons to be paid for services rendered in positions subject to the provisions of the Act shall be submitted to the Director who shall cause such payrolls or claims to be examined to determine whether the employees whose names appear thereon are employed in accordance with law.

B. If, upon examination of a payroll or claim, the names, titles, periods for which payments are to be made, and

the rates of pay of the persons to be paid for are found to be in accordance with the provisions of the Act, and the rules and regulations prescribed thereunder and all statutes relating in any manner to employment, certification of that fact shall be made upon such payroll or claim by the Director or his/her authorized representative.

C. If, upon examination of a payroll or service report, it is found that any person named thereon has been employed in violation of any provision of the Act or the rules and regulations, notice of such violation shall be made upon such payroll or service report, and such notice shall serve as official notification to the Superintendent and the County Office that the drawing, signing, or issuing of any warrant on the Treasurer or other disbursing officer of the County for the payment of salary or compensation to such person is unlawful.

4875.3 Salary Warrants and Payroll Deductions

A. Classified employees of the SLOCOE will receive their payroll warrants on the last work day of each calendar month, according to departmental procedure.

B. Voluntary payroll deductions. Employees may arrange for payment of organization dues, group insurance premiums, and credit union payments through payroll deductions for those plans approved by the SLOCOE.

When an employee is on personal leave, the employee is required to continue payments personally.

C. Mandatory payroll deductions. Employees are subject to the following payroll deductions:

1. State and Federal Income Tax (withholding)
2. Public Employees Retirement System (for eligible employees only)
3. Medicare (for eligible employees only)

4876 BENEFITS FOR PART-TIME EMPLOYEES

A. Benefits for persons employed less than full time are to be provided as authorized in Education Code Sections 45136 and 45137.

B. Sick leave and all other benefits accorded members of the classified service are to be prorated on the basis of assigned hours worked per day as it bears to 8 hours, 40 hours per week, weeks per month, or months to a calendar year.

C. If an employee works 30 minutes or more for 20 consecutive workdays in excess of the assigned time, the assigned time will be adjusted to reflect actual work time and become "assigned time." (See Rule 4762.4)

D. The Superintendent need not, but may, grant part-time employees health and welfare benefits as authorized under Article 1, Chapter 2, Part 1, Division 2, Title 5, of the Government Code, if such benefits are provided full time employees. The Board rule shall provide whether such employees shall or shall not receive such benefits and the extent thereof.

E. Extra Work. All extra work shall be offered to the regular part-time employee with the most seniority, within the same job classification, who works less than 8 hours a day or less than 40 hours a week. Except as required by the exigencies of service, no such extra work assignments shall cause the employee to work for more than eight hours in any one day, or exceed 40 hours in any one work week. Extra work will be offered to substitute employees only when enough regular part-time employees cannot be secured for any extra work requirements. Summer employment or extra work during periods when school is not in session may be offered to the incumbent serving in that position. If the incumbent is unable to serve the extra time, the opportunity shall be offered other employees of that classification in order of seniority. In the case of appointment of an employee from another classification, the order of appointment shall be on the basis of seniority and qualifications to perform the duties of that assignment.

SERIES 4880 MISCELLANEOUS PROVISIONS

4881 EMPLOYER-EMPLOYEE RELATIONS

4881.1 General Provisions

Section 2, Chapter 10.7 of Division 4 of Title 1 of the Government Code (Sections 3540-3549) and subsequent modifications and revisions, wherever applicable to classified employees, shall serve as the basis for the maintenance of appropriate employer-employee relations within the SLOCOE.

A. Purpose and Definitions

1. The purpose of this chapter is to promote the improvement of Human Resources management and employer-employee relations within the State of California by providing a uniform basis for recognizing the right of public school employees to join or refrain from joining organizations of their own choice; to be represented by such organizations in their employment relationships with public school employers; and to select one employee organization as the exclusive representative of the employees in an appropriate unit. Nothing in the Chapter (10.7) shall be deemed to supersede other provisions of the Education Code and the rules and regulations of public school employers which establish and regulate a merit system, so long as the rules and regulations or other methods of the public school employer do not conflict with lawful collective agreements.

2. All definitions contained in said Chapter are hereby incorporated into these Rules by this reference.

B. Unlawful to Strike or Engage in Other Related Activities

1. Government Code Section 3549 specifically provides:

   The enactment of this Article shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public school employees.

   Furthermore, it is the law in California that public school employees may not strike nor may they engage in other related types of activities in order to attempt to resolve grievances or differences, real or fancied.

2. Any employee or groups of employees, either by their own initiative or through an employee organization, leaving their duty assignment or refusing to perform or failing to report to duty as a result of a strike or other concerted labor activity may be considered as having abandoned their positions and terminated from employment. Any such employee shall not be eligible for reinstatement or subsequent employment with the SLOCOE.

3. Any classified employee who is absent from duty, for any reason, during the period of an unlawful strike, sit down, slowdown, or other concerted labor activity may be required by the Superintendent or his designee to provide satisfactory evidence that such absence was lawful and in no way an effort on the employee's part to further the strike or concerted labor activity.

4882 POLITICAL ACTIVITY

4882.1 Intent

The Commission's intent and purpose in enacting the following rules is to allow employees their lawful privilege of political freedom and activity, but and to insure that political activities are not engaged in during normal duty hours and normal duty assignment. The SLOCOE has a reasonable obligation to make certain that personnel are aware of their political rights and can exercise those rights but, at the same time, to insure that its employees do not wrongfully use their duty hours or SLOCOE facilities for political purposes. (Rev. 8/20/97)

4882.2 Political Activity Freedom

Every classified employee may, during off-duty hours, participate in political activities not specifically prohibited by law. It is, however, the responsibility of the SLOCOE to ensure that employees do not wrongfully use their duty hours or office facilities for political purposes. (Rev. 8/20/97)

4882.3 Cause for Disciplinary Action

Any employee may be disciplined for improper political activity. Improper political activity includes:

A. The use of any SLOCOE property, equipment, or facility for any political purpose unless the use thereof is authorized, by law, for such purposes and the employee has obtained prior required approval.

B. The use of any SLOCOE property, equipment, or facility for any political purpose or the performance of any political act during regular hours of duty.

C. Engaging in active campaigning on behalf of any candidate, including himself/herself, for public office, whether by speaking, soliciting funds or support, distribution of handbills, or otherwise, during assigned hours of employment.

D. Attempting to gain any advancement or privilege in the employee's employment relationship with the SLOCOE through political activity.(Re. 8/20/97)

4882.4 Personal Candidacy

Any employee may be a candidate for any political office for which he/she may file without suffering any loss of employment status in the SLOCOE unless he/she violates the provisions of Rule 4882.3 and except as provided for in Rule 4882.5. (Rev. 8/20/97)

4882.5 Leave of Absence

An employee who files for a political office may request, and shall be granted, an unpaid leave of absence which shall commence not earlier than one month prior to the concerned election and continue until the election processes have been completed insofar as his/her candidacy is concerned. Such leave is required if the employee is a candidate for election to the County Board of Education. (Rev. 8/20/97)

4882.6 Election to a Political Office

An employee who is elected to a political office, the duties of which will clearly conflict with normal duty hours and assignment with the SLOCOE, may request, and shall be granted, an unpaid leave of absence which shall commence on the date he/she assumes the office and shall terminate not later than 30 days after the last day in the elected office. Reelection to the same office or election to a different office which provides reasonable continuity of elected public service shall cause extension of the approved leave.

An employee granted a leave under this rule may be used as a substitute employee during the period of the leave. He/she will be placed on (an) appropriate employment list(s) and notified that limited-term employment may be offered.(Rev. 8/20/97)

4882.7 Violations

Any person who willfully or through negligence violates the provisions of applicable Rules of the Commission, or the provisions of the Education Code, shall be subject to appropriate disciplinary action. Such action may include dismissal, suspension, or demotion as provided in these rules.

4883 NEW EMPLOYEE CLEARANCES

4883.1 Tuberculosis Examinations

A. Initial Employment

1. Every person being initially employed by the SLOCOE, whether in a regular position, as a substitute, relief, limited-term, or provisional employee, shall be required to comply with the provisions of Education Code Section 49406.

2. Prior to employment, each person is required to submit adequate proof that he/she has undergone a test for tuberculosis. The examination must have been conducted within a 60-day period preceding the date of employment. However, a person who transfers employment from another school district shall be deemed to meet this requirement if such person can produce a certificate which shows that he/she was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him/her that it has such a certificate on file.

B. After Employment

1. Every employee is required to undergo an examination to determine that he/she is free from active tuberculosis at least once every four years after employment. (Education Code Section 49406)

2. The SLOCOE shall maintain adequate records on each employee which indicates compliance with these rules and the law.

4883.2 School Bus Drivers

A. In addition to any other examination that may be required by these rules, school bus drivers must have a valid school bus driver's certificate which requires a separate medical examination to meet the minimum medical requirements set forth by the Department of Motor Vehicles in Chapter 29b of the Driver's License Examiner's Manual of Procedure.

B. The employee shall take the required forms (state and Local) to the physician (M.D.) retained by the SLOCOE. Subsequent billing for the physical examination shall be paid by the SLOCOE. In the event an employee does not pass the first physical examination, he/she shall not be allowed to operate school buses. The County Office of Education may refer the employee to another physician for a second opinion. If the employee does not pass the second physical examination, the Department of Motor Vehicles and the California Highway Patrol shall be notified. Should the employee pass the second examination, the employee must then take a third to confirm either the first or second examination. The choice of physician (M.D.), or physicians, shall be retained and paid for by the SLOCOE.

4883.3 Criminal Records Check

A. Fingerprinting

Every new employee shall submit to a criminal records check in accordance with prescribed procedures or shall forfeit eligibility for employment. The SLOCOE will notify each such employee where and when to report for fingerprinting and make necessary arrangements for payment of the required fee. (Rev. 8/20/97)

B. Review of Criminal Records

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.

2. The criminal records report from the California Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation will be reviewed together with the person's application form. If there is a criminal record, the Director shall decide whether or not the person should be employed or retained in employment. (Rev. 8/20/97)

3. If an employee is to be dismissed because of information disclosed on the criminal records report or if the Director desires that an eligible be removed from an eligibility list because of such information, the Personnel Commission shall be notified of the Director’s recommended action and the reasons therefore and take action on the recommendation. (Rev. 8/20/97)

   If action is taken to accept the recommendation, the Director shall notify the employee or eligible in writing the action taken or contemplated and the reasons therefor. The Commission shall provide the person with an opportunity to appeal the decision in writing within 10 calendar days of notification and may hold a hearing at its discretion. The decision of the Commission shall be final. (Rev. 8/20/97)

4. Any criminal record report returned to this office from the California Bureau of Criminal Identification shall be kept in a locked and secure file and accessible only to the Director, or designee. (Rev. 8/20/97)

5. The Director shall serve as the criminal records security officer and shall be responsible for the security of these records.

6. Criminal history record information shall be destroyed after candidate=s employment. If employment is denied based on criminal record information, the information shall be kept for one year, then destroyed. (Added 8/20/97)

4884 AVAILABILITY OF PERSONNEL FILE

A. The Director shall establish and maintain official personnel records for all employees in the classified service. Such records shall include application forms, references, emergency data, performance evaluations, appointments, change of status forms, salary information, and other information pertinent to the individual's employment status. Official payroll records and retirement information shall be maintained in the appropriate office. Medical records, such as pre-employment medical assessments, drug testing, and OSHA Asbestos Physicals, shall be maintained in a separate file at the Human Resources Department. (Rev. 8/20/97)

B. Materials in an employee's personnel file which may affect the status of his/her employment are available for the inspection of the employee; such material shall not include ratings, reports or records which were prepared and obtained by SLOCOE prior to the employment of the employee, or obtained in connection with a promotional exam; such as, paper screening rating sheets, interview panel's rating sheets, and reference checks notes. (Rev. 8/20/97)

C. The employee shall have the right to inspect such material upon request providing such request and review are made when the employee is not required to render service to the SLOCOE.

D. Whenever information is to be entered in an employee's file which is of a derogatory nature, the employee shall first be given written notice that he/she has ten (10) working days to review the information and comment thereon. Such review shall take place during normal business hours and without loss of pay to the employee.

E. As a matter of policy, Federal laws granting right of access to personnel files are recognized, and employee rights thereunder are incorporated herein to these rules and policies by this reference.

F. Each personnel file shall contain a log. Any individual with the right and need to know, with the exception of the employee or the Personnel Commission staff, who needs to inspect the personnel file shall sign in and out in the log. (Rev. 8/20/97)

4885 RETIREMENT

An employee qualified under the regulations of the Public Employees Retirement System may request retirement to be effective prior to the end of any school year. Retirement shall be effective on the day following the last day for which salary is payable. Employees anticipating retirement shall plan to give the County Office sufficient time to obtain a suitable replacement by submitting written notification of their retirement to the County Office a minimum of 30 calendar days prior to their last day of employment. (Rev. 8/20/97)

4886 EMPLOYMENT OF RELATIVES

A. Relatives within the first degree of consanguinity (wife, husband, mother, father, brother, sister, daughter, son) shall not be employed by the SLOCOE in, or transferred to, positions within a direct line of supervision, evaluation, or performance review. (Rev. 10/22/87)

B. In addition, no person, including consultants in the County Office of Education, who is a relative or who is a member of the present household of members of the County Board of Education, the County Superintendent of Schools, or a Deputy Superintendent shall be employed in any position in the SLOCOE.

C. In the event that it is determined that assignments contrary to this rule have taken place, the Employer may, as soon as it is practical, transfer one of the affected employees, after meeting with them. The Employer shall base his/her decision on the needs of the SLOCOE.