# RULES AND REGULATIONS

# FOR THE

# CLASSIFIED SERVICE

**CAJON VALLEY UNION SCHOOL DISTRICT**

**PERSONNEL COMMISSION**

**ESTABLISHED IN CAJON VALLEY 1967**

**REVISED 6/87**

**(CSEA recognized 04/30/76; Agency Shop 10/82; Janus v. AFSCME 6/27/18)**

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A person who has filed an application to take a merit system examination.

APPOINTING AUTHORITY

The Governing Board of the Cajon Valley Union School District.

APPOINTMENT

The official act of the appointing authority in approving the employment of a person or such person or persons as the Board may designate to act for the Board on appointments.

BENCH MARK

A common, easily-identifiable job classification for which salary data is obtained. Salaries for other classes in the particular occupational group may be set according to the relationship of each class to the bench mark.

BOARD

The Governing Board of Board of Education of the Cajon Valley Union School District.

BUMPING RIGHTS

The right of an employee, under certain conditions, to displace another employee with less seniority, either in their current classification or a previous classification in which they have gained permanency

CANDIDATE

A person who has completed in one or more portions of a merit-system examination.

CAUSE

Those specific activities, behaviors, or events which are listed within these rules as being subject to disciplinary action. (**Added 4/92)**

CERTIFICATED SERVICE

All positions and employees required by law to possess credentials issued by the State Department of Education.

CERTIFICATION

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 or DIFFERENTIAL PAY

A salary allowance in addition to the basic salary rate or schedule, based upon

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.

EXAMINATION

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

EXEMPT POSITION

A management, supervisory, or specialist position which meets the requirements of the Fair Labor Standards Act and the Education Code for exclusion from overtime pay provisions.

FISCAL YEAR

July 1 to June 30.

FRINGE BENEFITS

Term used to encompass items such a vacations, holidays, insurance, medical benefits, pensions, and other similar benefits that are given to an employee under his employment in addition to direct wages.

FULL-TIME POSITION

Eight hours a day, forty hours a week, five consecutive days.

GOVERNING BOARD

The Board of Education of the Cajon Valley Union School District. (Synonymous with appointing authority or power.)

GRIEVANCE

A charge by an employee or group of employees of a violation of the collective bargaining contract.

GRIEVANCE PROCEDURE

The process for review of an unresolved grievance, presented in writing by the aggrieved employee to higher administrative levels in accordance with the provisions of the collective bargaining contract.

HEARING

The actual presentation of evidence before a Personnel Commission or its designated representative, usually concerning an appeal from a disciplinary action, although hearings may be held for other matters under the jurisdiction of the Commission.

REGULAR EMPLOYEE

An employee who has probationary or permanent status in the classified service.

REHIRE

Reappointment to duty of an employee who has been laid off. **(Added 4/92)**

REHIRE LIST (Previously REEMPLOYMENT LIST)

A list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, abolishment, or reclassification of position, or other reasons specified in these rules, and who are eligible for reemployment without



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The act of placing a specific classification onto a specified range of the salary schedule or salary matrix by the Personnel Commission. **(Added 4/92)**

SALARY RATE

A specific amount of money paid for a specified period of service, i.e., dollars per hour, pay period, or month.

SALARY SCHEDULE

The complete list of ranges, steps, and rates established for the classified service.

SALARY STEP

A specific location in a salary range, not the dollar amount. (Note: The salary range applicable to a class may change without affecting the step placement rights of employees).

SENIORITY

Status secured by length of service (in a classification) to which certain rights attach. **(Rev. 4/92).**

SEPARATION

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

SERIES

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

STATUS

The condition of an employee's present appointment, such as temporary, provisional, limited term, part-time, probationary or permanent.

STEP ADVANCEMENT INCREASE

Movement to a higher step on the salary range for the classification as a result of having served the required number of months in that classification until the maximum step has been achieved. **(Added 4/92)**

SUBSTITUTE EMPLOYEE

An individual who replaces a regular employee during his or her absence and who is not eligible for any District benefits also referred to as a ALimited-term Employee@. **(Rev. 4/92)**

SUSPENSION

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

TEMPORARY

## CHAPTER 20

## THE PERSONNEL COMMISSION


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- 20.100.3 Quorum and Majority

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- 20.400.3 Annual Report
- 20.400.4 AD HOC Committee of One Commissioner

# CHAPTER 20

## THE PERSONNEL COMMISSION

### 20.100 ORGANIZATION OF COMMISSION

20.100.1

the order of adjournment.  When so adjourned, the adjourned meeting is a

20.400.2 Budget

The Commission shall prepare an annual budget for its own office which, upon the approval of the County Superintendent of Schools, shall be included by the Governing Board in the regular budget of the School District. The budget shall be prepared for a public hearing by the Commission to the held not later than May 30 of each year. The Commission shall forward a copy of its proposed budget to the Governing Board indicating the time, date, and place for the budget and shall invite Board and district administration representatives to attend and present their views.

20.400.3 Annual Report

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

B.

## CHAPTER 30

## POSITION CLASSIFICATION PLAN

30.100 **THE CLASSIFIED SERVICE**


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## CHAPTER 30

## POSITION CLASSIFICATION PLAN

### 30.100 THE CLASSIFIED SERVICE

30.100.1 Positions Included

All positions established by the Governing Board which are not exempt from the classified service by law shall be a part of the classified service. All employees serving in classified positions shall be classified employees. the employees and positions shall be known as the classified service (ECS 45256)

Restricted Positions

Positions not requiring certification qualifications created by a governing board of a school district under 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. Their selection and retention shall be made on the same basis as that of persons selected for positions as part of the regular school program.

If specially funded positions are restricted to employment of persons in low include 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."

If any time, after completion of six months satisfactory service, a person serving in a "restricted" position may take such qualifying examinations as are required for all other persons serving in the same class in the regular classified service. If such person satisfactorily completes the qualifying examination, he shall be accorded full rights, benefits, and burdens of any other classified employee serving in the regular classified service shall be counted from the original date of employment in the "restricted" position.

30.100.2 Exemption From the Classified Service

The following are exempt from the classified service:

A. Positions which require certification qualifications,

B. Part-time playground positions,

C. Full-time students employed part-time,

D. Part-time students employed part-time in any college work, study program, or in a work experience education program conducted by a community college district and which is financed by state or federal funds.

E. Apprentice positions.

F. Positions established for the employment of professional experts

30.200.3 Class Specifications

For each class of positions 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;

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

D. A statement of the minimum qualifications for service in the class. The minimum qualifications may include education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics;

E. A statement of distinguishing characteristics which differentiates the class from other related or similar classes; and

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

G. Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of his qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.

30.200.4 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 attributes to 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 contoured in its proper relationship to other specifications, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper graduation in the series in which the class is located and proper differentiation within the group of classes.

for exceptions), honesty, sobriety, and industry, even though not specifically mentioned in the specifications, are implied in the qualification requirements.

E. The statement of qualification requirements, when considered with

C. Designate the proper salary range if a new class is established.

D. Notify the Governing Board of its action.

## 30.300 RECLASSIFICATION

30.300.1 Requests for Study

Requests for classification study of existing positions shall be presented to the Personnel Director together with a statement of the reasons for requesting study. Such requests may be initiated by the Administration, with approval of the Superintendent, by the Commission, and by employees or employee organizations. Requests to be submitted in writing on an appropriate district forms. (ECS 45285)

30.300.2 Effective Date of Reclassification

Reclassification of a position shall be effective on the date prescribed by the Commission and shall not have retroactive effect. Effective dates may be set sufficiently in the future to allow time for examinations to be completed, but for not more than three months.

30.300.3 Effects on Incumbents

A. When all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for two or more years may be reclassified with their positions by the Personnel Commission. When a portion of the positions within a class are 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 his/her position as provided by Personnel Commission rule. If a person is in a position which is being reclassified and has not been in the position for two or more years, he/she must complete in a new examination and place in the top three ranks to be promoted.

The basis for reclassification of the position shall be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities.

An employee who has been reclassified with his/her position is ineligible for subsequent reclassification with his/her position for a period of at least two years from the initial action. (ECS 45285)

B. When a position or group of positions is reclassified to a class with an equal or lower wage or salary range, an incumbent shall have the following rights:

1. The right to bump the employee in the same class with the lowest seniority in the class, provided that the incumbent has greater seniority in the class;

2. The right to bump the employee with the least seniority in any equal or lower class in which the incumbent formerly served, provided that he had greater seniority in the class;

3. The right to be demoted or to transfer, without examination, to the class to which his position is reclassified; and

The employee may choose to transfer, demote, or exercise bumping rights at his option, and his choice shall not affect his right

under Rule 30.300.4 below.

30.300.4 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 with regard to the period of eligibility. (ECS 45298)

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.

## 30.400 MISCELLANEOUS RELATED DUTIES

30.400.1 Decreases in Assigned Time

A. When a permanent position is to be reduced in assigned time per day, week, months, 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 former position. If a vacant, permanent position of equal time is not available, the incumbent may bump 792 re45(ab)3(l)5(

## CHAPTER 40

## APPLICATION AND EXAMINATION

### 40.100 APPLICATION FOR EMPLOYMENT

40.100.1 Filing of Application

All applications for employment should 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.

40.100.2 General Qualifications of Applicants

Applicants must possess 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 he applies.

40.100.3 Elimination of Unfit Applicants, Candidates, and Eligibles

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 40.100.2.

B. Conviction or pleading guilty in court to a charge of moral turpitude, or any sex offense, or mistreatment of children.

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

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

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

F. Drug addiction and/or use of intoxicating beverages to excess.

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

H. Previous dismissal from this District unless the District waives this subsection.

I. A record of unsatisfactory service with this District even though separation has not occurred.

J. Unsatisfactory health conditions.

K. Discharge under other than honorable conditions from the armed forces of the United States.

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

in the Army, Navy, Marines, Air Force, or Merchant Marine, or as a nurse on active duty with the Red Cross, in time of war, or national emergency declared by the President of the United States of America, and who has been discharged or released under conditions other than dishonorable (ECS 45294). Includes the Korean and Vietnam conflicts.

B. 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.

## 40.200 EXAMINATIONS

### 40.200.1 Examinations Barred

A. No examination announcement, on newly established classifications, may be made and no part of any examination may be held until the appointing authority has approved the prescribed position duties and the Commission has completed the position classification including establishment of minimum education and work experience requirements. (ECS 45276)

B. Prior to examinations being made on existing classifications, a review will be made by the Personnel Director to determine if there have been substantial changes in position duties.

### 40.200.2 Notice of Examination

The Personnel Director shall prepare, or cause to be prepared, an announcement bulletin to publicize examinations for positions within the classified service. The bulletin shall be circulated widely and posted in all schools and offices at least 10 working days prior to the last date for filing applications to take the examination. The announcement shall contain, but not be limited in content to:

1. The class title
2. The salary range
3. Minimum qualifications required
4. Description of position duties and responsibilities
5. Place and closing dates for application
6. Information as to the type of examinations
7. Such information as will assist the employees and the public in fully understanding the nature of the employment and procedures necessary to participate in the examination

### 40.200.3 Who May Compete

A. Competitive examinations for positions in the classified service shall be open to the public except in those cases where examinations are restricted to promotional candidates only at the discretion of the Commission.

B. In admitting applicants to examinations, age shall not be a factor, nor shall any questions relating to political or religious opinions or affiliations, race, color, national origin or ancestry, sex, or marital status be asked of any applicant, or any candidate whose name has been certified for appointment, not shall any discrimination be exercised therefore. (ECS 45293)

### 40.200.4 Types of Examinations

40.200.9 Promotional Examination

Examinations shall, where practicable, as determined by the Commission, be limited to promotional applicants. When no promotional field of competition exists or when there is doubt of its adequacy, the Commission may order an open examination or simultaneous open and promotional examinations. Promotional examinations shall be restricted to permanent employees of the District. Where space is available for testing, permanent/probationary employees may be allowed to take a promotional examination, but will be certified to the open candidate list until permanent status is achieved in their current classification. If selected for a position from the open candidate list, the promotional rule (70.300.3) will not apply.(Rev. 12/93; 12/96 - defined promotional candidate, removed substitute eligibility; 03/05, added open list cert)

40.200.10 Open and Promotional Examinations

A. Where an adequate field of promotional applicants does not exist or there is doubt as to its adequacy, the Personnel Director may solicit applications for the examination from among employees and the general public.

B. Applicants shall be considered as a group in determining qualifying scores on the examination.

C. As long as three eligibles are available for work on the promotional list, all openings shall be filled from that list before utilizing the open list. Should fewer than three eligibles be available from the promotional list, the Personnel Director may certify sufficient numbers of eligibles from the open list, in rank order of scores, in order to provide three candidates from both lists for each position to be filled

40.200.11 Continuous Examinations

The Commission may provide for the continuous examination of eligibles for certain classes of positions as designated by the Commission. (ECS 45292)

40.200.12 Seniority Credit

Seniority credit shall be added to the final passing scores of promotional candidates in the amount of 1/4 of one point for each year of service, not to exceed a total of five points. Credits shall not be calculated for units of less than a half year. A full year's credit shall be granted to employees whose regular position is assigned on less than a calendar

## CHAPTER 50

## EMPLOYMENT LISTS

**50.100 ELIGIBILITY LISTS**


50.100.1 Establishment and Life of Eligibility Lists
50.100.2 Types of Eligibility Lists
50.100.3 Duration and Termination of Eligibility Lists
50.100.4 Consolidation of Eligibility Lists
50.100.5 Eligibility After Appointment
50.100.6 Removal of Names From Eligibility Lists


**50.200 CERTIFICATION FROM EMPLOYMENT LISTS**


50.200.1 Order of Precedence
50.200.2 Dual Certification
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50.200.8 Certification From List For Another Class
50.200.9 Withholding Names From Certification
50.200.10 Restoration to Certification
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50.200.2

# CHAPTER 50
# EMPLOYMENT LISTS

## 50.100 ELIGIBILITY LISTS

### 50.100.1 Establishment and Life of Eligibility Lists

A. Unless e cLiiy y000095(au(e QhETorize(bid00009 TLi)6n00009 TQhe(e se00003

A. When during the first year of an eligibility list there are one or two, but not three, eligibles ready and willing to accept appointment, another examination process may be conducted and the resultant list merged with the first. Lists shall be merged in order of the examination scores of eligibles and must be promulgated under conditions and techniques which are sufficiently similar to preserve their competitive character. (ECS 45291)

B. When lists are consolidated under this rule, the earlier list shall be te* n312 792 re/F2b821arre821(e)1322tt8(Li)6(s821)establier t2-4(m)-3(en)13821t

eligibles have been removed from the list through appointment or otherwise, veterans' credit shall be added to the scores of the remaining open eligibles, and their rank shall be adjusted accordingly.

50.200.3 Procedure When Fewer Than Three Names Remain

A. When fewer than three eligibles are available on the promotional list, sufficient ranks shall be certified from the open list to allow a choice of no less than three eligibles.

B. When fewer than three eligibles are available for certification, the available eligibles shall be certified; however, the appointing authority may choose not to appoint any of them and may request a new examination.

50.200.4 Other sources of Eligibility

In the absence of a reemployment list for a class, a vacancy may be filled by transfer, demotion, reinstatement or reemployment (after resignation), restoration to former class after voluntary demotion, or other means provided in the rules, without regard for existence of eligibility lists. (ECS 45272)

50.200.5 Procedure of Certification and Appointment

A. When a position is to be filled, the appointing power shall notify the Personnel Director of that fact and of the date of the anticipated need in writing on the appropriate District form. The request for certification shall state the class title, hours, and location of employment, and other pertinent information as required by the Director.

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

C. The appointing power shall make its selection and shall notify the Director, who shall see that the necessary employment procedures are carried out.

50.200.6 Waivers of Certification

A. An eligible may waive certification to specific locations or shifts and to part-time or full-

examination was given include substantially all of the duties of the position to be filled, provided that the Personnel Commission finds that the use of the list is in the best interest of the District and that the necessary skills and knowledge were adequately tested in the examination.

50.200.9 Withholding Names From Certification

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

A. He expresses unwillingness or inability to accept appointment.

B. He fails to respond within three workdays next following the mailing of written inquiry regarding availability for permanent employment or request to appear for interview regarding such employment.

C. He fails to present himself for duty at the time agreed upon after having accepted an appointment.

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

E. He fails to present the license, registration, certificate, or any other credential required, without a valid reason beyond his control.

F. The person to be certified is related by family or marriage to the supervisor at that job site. For these purposes, family members will be the same as those defined in bereavement leave (60.400.5).

G. For any reason listed in Rule 40.100.3.

50.200.10 Restoration to Certification

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 Personnel Commission under the following circumstances:

A. 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 availability, to appear for interview, or to present himself for duty, and the applicant presents a good and valid reason and certifies to the Personnel Commission that he is now willing and able to accept appointment.

B. When the withholding or removal was for a reason stated in Rule 40.100.3 and such action was improper or the defect has since been corrected.

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

50.200.11 Duties of Eligible

A. Eligibles will be contacted by telephone or mail and it shall be the duty of every eligible to respond within three workdays. If necessary, collect calls to the District will be accepted. Failure of an eligible to respond within the above-stated time will be deemed on automatic waiver of certification and the Personnel Director may certify an additional name in lieu of the name of such eligible.

B.

A. An employee may be transferred at his 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. If an administrative reassignment is initiated by the department head(s)/supervisor, a fifteen day written notice specifying the change and why it was necessary shall be given to the employee. Upon

3.

regular assignment.

G. When a Board designated local or legal holiday falls during the schedule vacation of any classified employee, the holiday will not be charged against the employee's earned vacation.

H. Classified employees may be permitted to interrupt or terminate vacation leave in order to begin another type of paid leave without

b. Employee=s school or office
c. Employee=s job title
d. Length of time the substitute is needed
e. Any special instructions that you may wish to leave for the substitute accepting the assignment (i.e., hours of assignment, if a school, where to report, teacher=s name they will work (if applicable), etc.).

It is the employee=s responsibility to call 579-4883 to release their substitute (if the original request did not specify an ending date), no later than 6:00 a.m. The employee will be charged against their accrued leave balance if the substitute is not released.

F. When an employee's absence rate appears to be excessive, a written statement from a medical advisor, verifying the nature and degree of illness may be required. Frequent absences may require the employee to submit to a physical examination by a qualified medical advisor selected by the District. The cost of such examination will be paid for by the District.

G. An employee reporting for duty who cannot continue because of illness through the first 25 percent of the workday will be considered absent for one whole day. An employee reporting for duty who cannot continue because of illness from more than 25% to 75% will be considered absent for one-half day. An employee who completes more the 75 percent of the workday shall not be charged sick leave. This provision may only be utilized for a maximum of two workdays per school year. Employees will be charged hour-for-hour for absences that exceed the two-day maximum. (Rev 03/14)

60.400.3 Termination of Sick Leave

A. An employee who has been placed on paid or unpaid sick leave may

B. An employee in the classified service, who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under provisions of the Workmen's Compensation Insurance law, shall be granted paid industrial accident leave for such accident or illness while receiving temporary disability benefits from workmen's compensation within the limitations of paragraph "A" above provided that:

such a paid or unpaid leave of absence.

H. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness, the employee shall have his name placed on the reemployment list for the class from which he was on leave for a period not to exceed 39 months.

I. An employee who fails to accept an appropriate assignment after being medically approved shall be removed from the reemployment list. Appropriate assignment is defined as an assignment to the employee's former class, or his former status and time basis, and in assignment areas in which the employee has made himself available. Employees removed from a reemployment list under this rule may appeal the removal to the Personnel Commission.

J. While an employee is on any paid leave resulting from an industrial accident or industrial illness, the employee's salary paid by the District shall not, when added to a normal temporary disability allowance award without penalties granted the employee under State Workmen's Compensation Insurance laws, exceed the employee's regular salary. A permanent employee's regular salary is computed on the basis of the number of hours and days in his basic daily assignment. An employee who is not permanent shall have his regular salary computed on the basis of the average number of hours worked each month in which the employee was in paid status during the preceding year. An employee who received a shift or other salary differential shall lose the advantage of the differential after 10 consecutive days of paid industrial accident leave for any one accident or illness.

During all paid leaves resulting from an industrial accident or industrial illness, the employee shall endorse to the District all wage-loss benefit checks received under State Workmen's Compensation Insurance laws. The District shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary, and/or leave benefits, and shall deduct normal retirement and other authorized retirement and other 79t711.04 Tf1 0 0

E. Classified employees whose work year follows the instructional calendar, and who normally have a substitute when absent shall receive additional compensation for deferring jury duty to non-duty days. Employees will be compensated at Step 1 of their current salary range upon confirmation of deferred jury duty. (Rev 05/13)

60.400.7 Absence for Examination/Interview

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, or attend an interview, in the District without deduction of pay or other penalty, provided that he gives two days' notice to his immediate supervisor.

60.400.8 Personal Leave Without Pay

For those employees represented by the exclusive bargaining unit, personal leave without pay will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail:

A. Personal leave without pay may only be taken by permanent employees.

B. Personal leave without pay may be granted by the immediate supervisor up to five (5) days without Board Approval.

C. Personal leave without pay may be granted by the Superintendent or designee up to thirty (30) days without Board approval.

D. Personal leaves without pay for more than thirty (30) days must have Board approval. The District will consider unusual circumstances upon request. Except in an emergency a thirty (30) day notice shall be given prior to leave start. Personal leaves beyond one (1) year will not be granted. While on any leave without pay, an employee shall have the option of remaining an active participant in the District's fringe benefit program by contributing the total cost of the program.

E. Permanent employees granted personal leave for more than ninety (90) days by the District must notify the Classified Personnel Administrator whether or not they intend to return to work sixty (60) days before their leave ends. If they elect to return to work, the employee shall be assigned to the same job classification as that held prior to the leave.

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

A. Any permanent classified employee who accepts an assignment within the District to an exempt, temporary, or limited-term position shall, during such assignment, be considered for status purposes as serving in his 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 position or a position in the class of his 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 abandonment of position and may be grounds for disciplinary action by the appointing authority.

60.400.10 Personal Necessity

For those employees represented by the exclusive bargaining unit, personal necessity leave will be handled in accordance with the negotiated contract. For all other classified employees not covered by contract, the following will prevail. (Rev 03/14)

A. During any year an employee may elect to use or not to use accumulated sick leave benefits for personal necessity. The days allowed for this purpose shall be limited to a maximum of seven (7) days. These days shall be deducted from and may not exceed the number of full pay days of sick leave to which the employee is entitled.

B. Personal necessity is intended for use in situations beyond the employee's immediate control which would compel an individual to be absent from his or her duties. It is not intended to provide employees time off for vacation, recreational or social activities, or for activities related to work slowdown or stoppage, or job training for a position not connected with the School District.

C. Examples include:

1. Serious illness in the immediate family
2. Medical or dental appointment requiring at least a half-day.
3. Accident involving employee or his property, or one of his immediate family
4. Appearance in court
5. Religious holiday
6. Adopting a child
7. Paternity leave
8. Graduation of self of immediate family
9. A leave for five (5) days within the seven (7) day maximum may be granted as personal necessity leave for confidential reasons. Disclosure of the general nature of the absence may be requested, but not required, by the supervisor.
10. Other personal necessities not listed above, and in such cases there will be a determination of necessity based upon the facts peculiar to the situation.

D. The employee shall complete a request stating the reason for the personal necessity with his or her signature attesting to the validity. The leave must be approved by the Superintendent or his designee.

E. Personal necessity may be taken in units of one (1) hour.

60.400.11 Pregnancy and Childbirth

Leaves of

B. Every classified employee of the school district who is on military leave other than temporary military leave of absence, and who has been in the employ of the District for a period of not less than one year immediately prior to the date on which the absence begins, shall be entitled to receive his salary for the first 30 calendar days while engaged in the performance of ordered military duty. The classified employee as defined in this section refers to an employee who:

1. Is ordered into active military duty as a member of a reserve component of the armed forces of the United States.

2. Is ordered into active military duty as a member of the National Guard or Naval Militia.

3. Is inducted into active federal military duty as a member of the armed forces of the United States.

C. No more than the pay for a period of 30 calendar days shall be allowed under the provisions of either category, or both, for any one military leave of absence or during any one fiscal year. (Military and Veterans' Code)

60.400.13 Transfer of Sick Leave

Any classified employee of any school district or county superintendent of schools who has been an employee of that district for one calendar year or more and whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently accepts employment with another school district or county superintendent of schools within one year of such termination of his former employment, shall have transferred with him to the second district or county superintendent of schools the total amount of earned leave of absence for illness or injury to which he is entitled under Section 45191 of the Education Code. This transfer shall be in the same manner as is provided for certi3(ne80.(a)13(c08(cer

1. Use of the bank shall be available to all CVAA members who have made an initial donation of at least (2) days to the bank (Note: donations for part-time employees shall be prorated). Once enrolled, members will be assessed a donation of one (1) day each year until the bank reaches a balance of two hundred (200) days to maintain eligibility unless they submit written notification to the Personnel Department prior to the close of open enrollment period that they are withdrawing membership from the bank. Should a member have insufficient leave balances to meet the annual donation requirement, eligibility for leave bank withdrawals shall be suspended.

2. Donations will be assessed during established open enrollment period or upon request by the Committee.

3. Eligibility Opportunity: Current employees may donate during the benefits open enrollment period each year. New employees may donate at the point of hire. If an employee does not elect to donate, they must wait until the next open enrollment period, and eligibility will become effective thirty (30) days after the first contribution.

4. Proof of ne

the probationary period in the new position, he or she shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment. (Rev 11/13)

B. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or choose to remain in their present positions rather than be reclassified or reassigned 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. The Personnel Commission shall make the determination of the specific period of eligibility for reemployment on a class-by-class basis. (Rev 11/13)

C. Employees who take a voluntary demotion or a voluntary reduction in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in his or her former class or to a position with increased assigned time as vacancies become available, and without limitation of time, but if there is a valid reemployment list the em.00000912 0 n0.000 G[e)13(m)-3(.0000091.)-3(o)13(t)

60.700.1 Causes for Suspension, Demotion, Dismissal

Persons employed in the classified service may be suspended, demoted, or dismissed for any of the following causes:

A. Incompetency, inability to fulfill the job description, inefficiency, insubordination, inattention or dereliction of duty, discourteous, offensive, or abusive language or treatment of the public, fellow employees, or pupils. Any other willful failure of good conduct tending to injure the public service, or any willful and persistent violation of the provisions of the Education Code or of rules, regulations, or procedures adopted by the Governing Board or the Personnel Commission pursuant to

dangerous drugs on District property or while on District business; and/or reporting for duty or being on duty under the influence of any intoxicant. (Added 4/94)

N. Verbal or physical attack upon a student, a member of the public, another District employee, or a District official. (Added 4/94)

O. Inappropriate touching, (i.e., indicating physical abuse) of a student, a member of the public, another District employee, or District official. (Added 4/94)

P. Violating Title VII of the Civil Rights Act of 1964 (sexual harassment/discrimination) by subjecting other employees, or students, to unwelcome sexual advances, harassing, ridiculing or otherwise demeaning other employees or students, and/or violating District policies 5141.5 (students) and 4118.11 (a) (personnel). (Added 6/94)

**60.700.2 Guidelines for Suspension, Demotion, or Dismissal Penalties**

This list is not intended to cover every possible type of offense. Penalties for offenses not specifically listed shall be consistent with the gravity of the offense. Where appropriate, consideration may be given to demotions to lower position class in lieu of removal.

| NATURE OF OFFENSE | RANGE OF PENALTIES FOR STATED OFFENSES | REPRIMANDS/SUSPENSIONS/REMOVALS | | |
|---|---|---|---|---|
| | | 1st | 2nd | 3rd |
| Abuse of leave privileges, including, but not limited to, unexcused or excessive absences or tardies | Minimum:<br>Maximum:<br>Reckoning Period: | Counsel<br>1 Day<br>6 Months | 1 Day<br>5 Days | 5 Days<br>15 Days |

| NATURE OF OFFENSE | RANGE OF PENALTIES FOR STATED OFFENSES | REPRIMANDS/SUSPENSIONS/REMOVALS | | |
|---|---|---|---|---|
| | | 1st | 2nd | 3rd |
| Falsifying school district records | Minimum:<br>Maximum:<br>Reckoning Period: | Reprimand<br>Removal<br>1 Year | 15 Days<br>Removal | Removal<br>Removal |
| Failure or delay in carrying out orders, work assignments, or instructions of superiors | Minimum:<br>Maximum:<br>Reckoning Period: | Reprimand<br>5 Days<br>1 year | 3 Days<br>10 Days | 10 Days<br>Removal |
| Unauthorized possession of, loss of, or damage to, District property or of others, or endangering same through carelessness | Minimum:<br>Maximum:<br>Reckoning Period: | Reprimand<br>5 Days<br>1 Year | 3 Days<br>10 Days | 10 Days<br>Removal |
| Gambling or unlawful betting on school district premises | Minimum:<br>Maximum:<br>Reckoning Period: | Reprimand<br>10 Days<br>1 year | 10 Days<br>Removal | 15 Days<br>Removal |
| Covering up or attempting to conceal defective work; removing or destroying same without permission | | | | |

| NATURE OF OFFENSE | RANGE OF PENALTIES FOR STATED OFFENSES | REPRIMANDS/SUSPENSIONS/REMOVALS | | |
|---|---|---|---|---|
| | | 1st | 2nd | 3rd |
| Discrimination against a student, employee, or applicant because of race, color, religion, sex, or national origin, or any reprisal action against an employee | Minimum:<br>Maximum:<br>Reckoning Period: | Reprimand<br>Removal<br>1 Year | 15 Days<br>Removal | Removal<br>Removal |

60.700.3 Procedure for Disciplinary Action

A. Discipline, for the purposes of this sub paragraph is the suspension, demotion, or dismissal of a permanent employee.

B. No employee in the classified service shall be reprimanded, suspended, demoted, dismissed, or in any way discriminate against because of his affiliations, political or religious acts or opinions, race, color, sex, or marital status, subject to the provisions of Paragraph C, Rule 60.700.1.

C. When a permanent employee is recommended for suspension, demotion, or dismissal, specific written charges shall be prepared and served upon the employee 10 calendar days prior to Governing Board's action. (Rev 08/11)

1. Service to the employee may be in person or by mail. Mail service will be deemed to have been met when the notice is placed in an envelope, addressed, sealed, with postage affixed and placed for collection and mailing following ordinary business practices. For purposes of this rule, if a notice is mailed, the official date of receipt shall be considered to be the third day following the date it was

Governing Board that it dismiss an employee, the Superintendent (or designee) must serve (defined in C. 1 of this rule) the employee, with a copy to the Personnel Commission Office, a written notice of his intent to so recommend, seven (7) days prior to the date the Board is scheduled to take action on the Superintendent's recommendation. The notice shall inform the employee of his right to obtain, examine, and copy all written materials upon which the Superintendent's recommendation is based. The employee's right to request a meeting with the Superintendent (or designee) prior to the date of the Board's action to present his/her own views with regard to the recommendation of the Superintendent; and the right to have counsel present during this meeting.

E. When formal disciplinary action has been approved by the Governing Board, the actions and the charges shall be reported to the Personnel Director, who shall immediately notify the employee and shall report the action to the Commission at its next regular meeting. (ECS 45304).

F. Notice to the employee shall include a copy of the charges and a statement of his right to appeal, if any, together with a copy of rule 60.700.4.

G. Notwithstanding the procedure prescribed above, an employee may be suspended prior to Board approval at the discretion of the Superintendent, subject to later ratification by the Board at the next scheduled Board meeting.

H. A regular employee charged with the commission of any sex offense as defined in Section 44010 if the Education Code by complaint, information, or indictment filed in a court of competent

60.700.4 Appeal

A. A permanent employee who has been suspended, demoted or dismissed may appeal to the Personnel Commission within 14 calendar days after having been furnished with a copy of the written charges by filing a written answer to such charges (ECS 45305). Appeal can be made only on the following grounds:

1. That the procedures set forth in these rules have not been followed.

2. That the action taken was because of affiliations, political or religious acts or opinions, race, color, sex or marital status.

3. That there has been abuse of authority

4.

time, and location of the prehearing conference.

Prehearing stipulation: At the prehearing conference, the

10.

# CHAPTER 70

## WAGE AND SALARY PROVISIONS

### 70.100 WORK PERIODS AND OVERTIME

70.100.1

The Commission shall recommend to the Governing Board salary schedules for the classified service. The Governing Board may approve, amend, or reject these recommendations. No amendment shall be adopted until the Commission is first given a reasonable opportunity to make a written statement of the effect the amendments will have upon the principle of like pay for like service. No changes shall operate to disturb the relationship which compensation schedules bear to one another, as the relationship has been established in the classification made by the Commission. (ECS 45268)

## 70.300 APPLICATION OF SALARY SCHEDULE

70.300.1 Initial Placement

A. New employees shall ordinarily be placed on Step 1 of the salary range on the salary schedule designated for the job classification.

1. Upon the recommendation of the appointing authority and the approval of the Classified Personnel Administrator, salary placement may be made up to Step 5 of the appropriate range for the classification. Such initial placement will normally be approved for classifications where prior experience is required, the appointee has exceptional qualifications and/or qualified candidates

B. Additional advancement will be at the beginning of the second year, and at one-year intervals thereafter until the maximum is achieved. For the purpose of this rule, appointment of an employee to a class

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A. When an employee is required to work in a higher classification for more than five days within a 15-calendar day period, the employee shall be compensated for each day so worked at the salary step of the higher classification, in which they are working, that represents an increase of at least 7 percent. (Rev. 08/10 as a result of negotiations)

B.

# CHAPTER 80

## MISCELLANEOUS PROVISIONS

with the person's application form. If there is a criminal record, the appointing authority shall decide whether or not the persons should be employed or retained in employment.

If the record discloses no information beyond that supplied by the person on his application form, and he was accepted for examination and/or appointment, he shall be considered employable.

3. If an employee is to be dismissed because of information disclosed on the criminal records report or if the appointing authority desires that an eligible be removed from an eligibility list because of such information, the Personnel Commission shall be notified of the recommended action and the reasons therefore.

If it approves the recommendation, the Commission shall notify the employee or eligible of 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 ten days of notification and may hold a hearing at its discretion. The decision of the Commission shall be final.

## 80.300 PENALTIES

80.300.1 Violations

Any person who willfully or through culpable negligence violates any of the provisions of this article (commencing at Education Code Section 45240) is guilty of a misdemeanor. It is also unlawful for any person:

A. Willfully by himself or in cooperation with another person to defeat, deceive, or obstruct any person with respect to his right of examination, application, or employment under this article...or Commission rule.

B. Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article...or Commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.

C. Willfully to furnish to any person any special or secret