

Manhattan Beach Unified School District- Draft Revised PC Rules

Manhattan Beach Unified School District

PERSONNEL COMMISSION – MERIT SYSTEM

RULES & REGULATIONS OF THE CLASSIFIED SERVICE

Not governed by the MBUSD/CSEA

Master Agreement

Adopted September 26, 1994  
Revised December 1, 1997

JR Revised 4.20.2000  
KH Revised 3.8.02 to incorporate  
Revision of 12.1.97 to make  
Corrections to 4.20.00 Approved 4.22.02  
[Standardize with revision dates (dates of PC approval of revisions)]

## SCOPE

### PERSONNEL COMMISSIONS AND THE MERIT SYSTEM

A **Personnel Commission** is a nonpartisan public body responsible for the administration of a "merit system" for the selection, retention, and promotion of classified (~~non-teaching~~) employees in a public school district.

#### Responsibility:

Commissions have a threefold responsibility: (1) to cooperate with the governing board and administrators in the quest for competent employees and good personnel administration, (2) to represent the interests of the general public by providing a personnel system dedicated to hiring and keeping good workers in the service of the jurisdiction, and (3) to see that classified employees receive fair and equitable treatment.

#### Functions:

**Maintaining a classification plan** which groups positions into classes on the basis of duties and responsibilities assigned by the governing board.

**Ed. Code** 45268-88088

**Recommending salary schedules** to the governing board.

**Ed. Code** 45268-88088

**Establishing rules for the examination of candidates for positions** and ensuring the application of a merit system appointment procedure.

**Ed. Code §§**45273-45278 and 88092-88097

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**Formulating rules and regulations** to ensure the efficiency of the classified service and the implementation of merit system principles.

**Ed. Code §§**45261-88081

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**Establishing procedures for performance ratings.**

**Ed. Code §§**45261-88081

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**Investigating and hearing appeals** of disciplinary actions.

**Ed. Code §§**45306-88068

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**Preparing an annual budget** for its own office.

**Ed. Code §§**45253-88053

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A **Merit System** is a system of public employment with the following characteristics: (a) hiring and promotion based on objectively tested fitness and (b) protection against discipline and dismissal for reasons other than performance, unacceptable or unlawful conduct.

## ARTICLE I

### DEFINITION OF TERMS

Rule 1.01 Words and phrases occurring in these rules shall have the following meanings:

**ACT** - The Act applying the Merit System to classified employees in certain school districts. Sections 45240-45318, inclusive, ~~Article I, Chapter 3, Part 2, Division 10 Title 2, Division 3, Part 25, Chapter 5, of the California~~ Education Code, ~~State of California~~.

**ANNIVERSARY DATE** – The first day of probationary status. Seniority, longevity and earned salary increments are determined by the anniversary date.

**APPEAL** – A request for review by an employee relative to an administrative decision detrimental to the employee.

**APPLICANT** – A person making application to the District for the purposes of taking an open or promotional examination for employment in a given classification.

**APPOINTING POWER** – The Board of Trustees of the Manhattan Beach Unified School District is the appointing power for assignments to positions in the classified service.

**ASSIGNMENT BASIS** – The portion of the year and day for which the employment is authorized for a specific position or classification.

**BOARD** – The Board of Trustees of the Manhattan Beach Unified School District.

**BUMPING RIGHTS** – The right of an employee, under certain conditions, to displace another employee with less seniority in the class.

**CANDIDATE** – A person who has participated or competed in one or more portions of the District's selection process.

**CAUSE** – Those specific activities, behaviors, or events which are listed within these Rules as being subject to disciplinary action.

**CLASS** – A group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be assigned by the Personnel Commission to designate each position allocated to the group.

**CLASSIFICATION** – The action of the ~~Personal~~ Personnel Commission in placing a position into a "Class".

**CLASSIFIED SERVICE** – All employees and positions within the jurisdiction of the governing board or of the Commission, except those exempt from classified service. The following employees are except: (1) Positions requiring certification qualifications; (2) Full-time students employed part-time; (3) Part-time students employed part-time in any college workstudy program, or in a work experience education program conducted by a community college district and that is financed by state or federal funds; (4) apprentice positions; (5) Positions established for the employment of professional experts on a temporary basis for a specific project by the Board or Commission when so designated by the Commission; (6) Part-time playground positions, where the employee is not otherwise employed in a classified position

**COMMISSION** – The Personnel Commission for the District as created by the Act as defined above.

**CONFIDENTIAL EMPLOYEE** – Any employee who, ~~in the regular course of his/her duties, has access to, or possesses information relating to his/her employer's employer-employee relations.~~ is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. [Govt. Code §3540.1(c)]

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**DEMOTION** – The change in assignment of a classified employee from one class to a position in a class with a lower salary range.

**DISMISSAL** – The permanent involuntary separation, for cause, of an employee from employment with the District by order of the Board and in accordance with the Rules and Regulations of the Personnel Commission.

**DISTRICT** – The Manhattan Beach Unified School District.

**ELIGIBILITY LIST** – An eligibility list is a listing of ~~at least three (3) individuals who are eligible successful applicants~~ based on qualifying through one of the District's competitive examination processes for certification and appointment to a particular classification. Final scores of examinees shall be rounded to the nearest whole percent and examinees with the same score shall be placed in the same rank on the eligibility list. If there are less than three ranks, the Personnel Director may schedule a new examination. [Ed. C. § 45272]

**EMERGENCY EMPLOYMENT** – An ~~employee holding a position under emergency appointment. "Emergency appointment" means an~~ appointment made in an emergency not to exceed fifteen (15) working days to prevent the stoppage of public business where an eligibility list is not available. The Commission authorizes the Superintendent or designee to make such appointments, subject to ratification by the Commission.

**HIRE DATE** – The first day of probationary status.

**LIMITED TERM EMPLOYEE** – A person employed from an appropriate eligibility list for a position that is periods not to exceed six (6) months, or employed during the authorized absence of a permanent employee.

**MERIT SYSTEM** – A system of public employment with the following characteristics: (a) hiring and promotion based on objectively tested fitness and (b) protection against discipline and dismissal for reasons other than performance or morality.

**OPEN EXAMINATION** – A competitive examination which is open to all persons, including District employees, who meet the specified qualifications and comply with the application procedures established by the **Personnel** Commission.

**PART-TIME EMPLOYEE** – An employee whose assignment is less than eight (8) hours per day or forty (40) hours per week. Part-time employees may have nine (9), ten (10), eleven (11) or twelve (12) month assignments. A position in which assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87.5 percent of the normally assigned time of the majority of the employees in the classified service.  
[Ed. C. §45256(e)]

**PERMANENT EMPLOYEE** An employee who is lawfully retained in a position after completion of an initial probationary period of six (6) months or one hundred thirty (130) working days of paid regular service, whichever is longer.

**POSITION** – Any job in the classified service as defined in the Act.

**PROBATIONARY EMPLOYEE** – An employee in regular service (i.e., not temporary, substitute, limited term, provisional) who has not completed the probationary period.

**PROBATIONARY PERIOD** – the six-month or 130-day period of paid service (whichever is longer) immediately following appointment to a position from an eligibility list. In unusual cases, the Director of Human Resources may establish a one-year probationary period for certain classes.

**PROMOTION** – The transfer of a classified employee from one classification to a position in a classification with a higher salary range.

**PROMOTIONAL EXAMINATION** – A competitive examination which is open only to permanent employees of the District who meet the specified qualifications and comply with the application procedures established by the **Personnel** Commission.

**PROVISIONAL EMPLOYEE** – An employee holding a position under temporary authorization not to exceed ninety (90) days, through the absence of an appropriate eligibility list.

**REEMPLOYMENT LIST** – A list consisting of the names of employees laid off in accordance with these rules, and who are eligible to be reemployed without

reexamination in the classification in which they held status. An employee's eligibility on the reemployment list has a limit of 39 months.

**SUBSTITUTE EMPLOYEE** – An employee temporarily serving in a position during the absence of the person regularly assigned, i.e., provisional, limited term or permanent employee working out of classification.

**SUSPENSION** – The temporary, involuntary separation of an employee, for cause, from employment with the District by order of the Board.

**TEMPORARY EMPLOYEE** – Employment on a basis other than permanent or probationary, i.e., limited term status or provisional.

**TRANSFER** – The reassignment of an employee without examination from one position to another position in the same class or to a position in a related or similar class with the same salary range.

## **ARTICLE II**

### **COMMISSION ORGANIZATION AND PROCEDURE**

Rule 2.01 The Commission – The Commission shall have jurisdiction over and responsibility for the following:

- A. Adopt the necessary rules and regulations for the administration of a **Mmerit Ssystem** for the District ~~– as required by~~ consistent with the California Education Code. The Commission's rules shall be printed and made available or electronically transmitted to each school, office, and permanent worksite where employees report, and shall be distributed to school libraries for loan to employees. [Ed. C. § 45262(a)]
- B. Establish general policy and maintain general supervision over the administration of the **Mmerit Ssystem**.

- C. Promote public understanding of the ~~M~~erit ~~S~~ystem.
- D. Provide for the hearing of appeals from suspensions, demotions, and dismissals.
- E. Review personnel operations and take any action necessary to enforce the provisions of these rules and applicable laws.

Rule 2.02 Election of a Chairperson – The Commission shall elect one of its members as chairperson. The election will take place at the last regularly scheduled meeting of the school year for the following year. In the absence of the chairperson at a meeting, the ~~next~~ most senior member will assume the role.

Rule 2.03 Quorum and Majority – The two (2) members shall constitute a quorum for any regular or special meeting of the Commission and the affirmative vote of two (2) members shall be required to make any motion of the Commission effective. [Delete "The".]

Rule 2.04 Regular and Special Meetings -- Meetings shall be held at times and places determined by the Commission. Special meetings may be called by the chairperson or upon the written request of two (2) members of the Commission. Notice shall be given to the members at least one (1) day prior to the date of such meetings.

Rule 2.04.1 Public Meetings -- All regular and special meetings of the Commission shall be open to the public except as provided for in the Education Code, Government Code or any other statute.

Rule 2.04.2 Agenda and Supporting Data – Commission agendas and meetings will be posted/conducted consistent with provisions of California's public meeting law, the Brown Act (Govt. Code §54950, et seq.). Insofar as possible, at least seventy-two (72) hours prior to every regular or special Commission meeting, the agenda shall be provided to the designated representatives of all employee organizations representing classified employees, the Commission members, and the Superintendent of Schools. The agenda(s) will be posted on the Commission's official bulletin board, and distributed to each school/work site for posting and the news media upon request.

Rule 2.05 General Duties of Director of Human Resources -- The Director of Human Resources shall perform and discharge all of the powers, duties, purposes, functions and responsibilities vested in him/her by law and contained in these rules, and shall do whatever else is both legal and necessary to administer the Merit System, including acting as Secretary to the Commission.

Rule 2.07 Enforcement of the Act and Rules -- The Commission shall enforce the provisions of the Act and these rules and hold such hearings and conduct such investigations as may be necessary.

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