

Rule 6.03 Disqualification of Applicants – An applicant may be disqualified or his name removed from an eligibility list before or after he has taken the examination for the following reasons:

- A. Lack of any of the minimum requirements for applicants.
- B. False statement of material facts in the application.
- C. Failure to submit application correctly or by the stated closing date.
- D. Addiction to the use of narcotics or alcohol, or the habitual use of intoxicants of any kind to excess.
- E. Conviction of an infamous crime or any other crime that adversely reflects on the ability to perform job duties, or involving moral turpitude.
- F. Former-Previous dismissal from any public or private service-employer for delinquency, misconduct, or similar cause.
- G. Use of attempted use of political pressure or bribery to secure advantage in examination.
- H. Obtaining information regarding the examination to which, as an applicant, the applicant is not entitled.

Rule 6.04 Disqualified Applicant -- A disqualified applicant shall be notified of disqualification prior to the examination date within a reasonable period of time.

ARTICLE VII

ELIGIBILITY

Rule 7.01 Eligibility List – An eligibility list is a listing of at least three (3) individuals who are eligible for certification and appointment to a particular classification. [§45272]

Rule 7.02 Promotional Eligibility List – A listing of employees who are eligible for promotion to a particular classification. Employees who terminate their employment, except by layoff for lack of work or lack of funds, shall have their names stricken from promotional eligibility lists effective with the termination date.

Rule 7.03 Eligible Candidates – Eligible candidates are those individuals who have qualified for certification in a particular classification based upon satisfactory completion of a competitive examination.

Formatted: Font: (Default) Arial

Rule 7.04 Preparation and Maintenance of Eligibility Lists – The Personnel Director shall prepare and maintain all eligibility lists. The individual who receives the highest score in the competitive examination shall be placed in the first rank upon the list and the remainder in descending order of their scores. when two (2) or more individuals have the same score, they shall be placed in the same rank on the eligibility list. The names of individuals shall be stricken from an eligibility list on the effective date of their hire or promotion into a classification for which the list was prepared.

Rule 7.05 Duration of Eligibility Lists – The Personnel Director shall determine the period of time during which any type of eligibility list shall remain in effect, except that in no case may the time be less than twelve (12) months.

Rule 7.06 Notification of Eligibility – Each individual placed upon any ~~type of~~ eligibility list shall be informed of his position on the list and his score in writing by the Personnel Director or designee.

Rule 7.07 Inspection of Eligibility – A copy of ~~specific existing~~ eligibility lists shall be placed on file in the office of the Personnel Director and shall be available for inspection.

Rule 7.08 Combination of Successive Eligibility Lists -- Combinations of successive eligibility lists may be made during their first year. Eligibles on lists established within the first year of the life of another list may be placed in the order of their relative excellence scores in the examination on the like list, if lists so merged have been promulgated under conditions and techniques which are sufficiently similar to preserve their competitive character.

When the merging of non-continuous eligibility lists results in two or more candidates with identical scores for two or more persons, the higher place on the merged list shall be assigned the candidates with earlier eligibility dates shall be placed in the same rank.

ARTICLE VII

APPOINTMENTS

Rule 8.01 Vacancies – How Filled -- All vacancies in the classified service will be filled from certified eligibility lists by the Board upon recommendation of the Superintendent. When a list has been reduced to less than three (3) names, the Board may request a new list.

Rule 8.02 Request for Eligibility List – When a new eligibility list is needed, the Superintendent or his authorized agent shall notify the Director of that fact in advance of the date of the anticipated need.

Rule 8.03 Procedure for Filling Vacancies – When an opening is to be filled, the Personnel Director shall provide the Superintendent or his authorized agent, the names

and addresses of person or persons who have indicated a willingness to accept the conditions as specified. The names shall be provided from the proper list in the following order of precedence and each list shall be exhausted before obtaining names from the new lower list:

First – Reemployment List. When a reemployment list exists, the name of the eligible standing highest on the list shall be provided and he shall be appointed.

Second – Promotional List. When a promotional list exists, the names of the ~~three (3)~~ eligibles in the first three ranks standing highest on the list shall be provided ~~and~~ one (1) of them shall be appointed.

Third – Open Competitive List. When a list is developed from open competitive examination, the names of the ~~three (3)~~ eligibles in the first three ranks standing highest on the list shall be provided and one (1) of them shall be appointed.

Rule 8.04 Provisional Appointments – Full Time -- When no eligibility list exists for a position in the classified service, ~~an~~ new employee may receive provisional appointments 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. No person shall be employed for a total of more than 126 working days in any given fiscal year except as permitted by the Education Code.

Rule 8.05 (RESERVED) Provisional Appointments – Part-Time – When no one is available on an appropriate eligibility list for a part-time position, successive 90 working day provisional appointments may be made to the part-time position for a total of more than 126 working days in any given fiscal year.

Rule 8.06 Terminating Assignments of Provisional Employees – The services of provisional appointees who fail to establish a status for a position in their class after having taken an examination for such a position, shall be terminated within fifteen (15) calendar days after the date on which an eligibility list has been established for such a position, provided this fifteen (15) calendar day period does not extend beyond their ninety (90) working day provisional assignment.

Rule 8.07 Subjects Regarding Which No Questions Shall Be Asked – No questions relating to political or religious opinions or affiliations, age, preexisting medical condition except those which may limit an employee from satisfactory job performance (i.e., lifting), race, or color shall be asked of any applicant or any candidate whose name has been certified for appointment, nor shall any discrimination be exercised therefore. No questions relating to political or religious opinions or affiliations, or relating to race, religion, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation, shall be asked of any applicant or candidate whose name has been certified for appointment, nor shall any discrimination occur based thereon. Inquiry may be made into the ability of an applicant

to perform job-related functions and there may be a response to an applicant's request for reasonable accomodation.

[Ed. Code § 45293; Govt. Code § 12940(a)]

Rule 8.08 Physical and Psychological Examinations – Before the appointment of a new classified employee, the Superintendent ~~shall have the power to~~ may require physical and psychological examinations. All classified employees shall be examined for tuberculosis in accordance with Education Code provisions. When a medical examination is required, it shall be taken within a time designated by the Personnel Director and at the expense of the District.

ARTICLE IX

PROBATIONARY PERIOD

Rule 9.01 Length of Probationary Period – All appointments from an eligibility list to a permanent position shall be for a probationary period of six (6) continuous months or 130 days of paid service, whichever is the longer calendar period. The probationary period shall not include time served under any other appointment.

Rule 9.02 Permanent Status Upon satisfactory completion of the probationary period, an employee ~~automatically~~ acquires status as a permanent employee.

Rule 9.03 Termination of Probationary Service – During a probationary period, any new employee may be terminated by the Board of Trustees without recourse. A permanent employee who has vacated a position to accept another in a higher class ~~and who is rejected during the probationary period shall be reinstated in his former position~~ may be demoted to the class from which promoted without recourse to an appeal or hearing. If necessary, in the event of such reinstatement, another employee in the class to which ~~he was reinstated shall~~ reinstatement is made may be laid off in accordance with the layoff procedure specified in these rules and regulations.

ARTICLE X

PERFORMANCE EVALUATIONS*

ARTICLE XI

TRANSFERS*

ARTICLE XII

LEAVES OF ABSENCE*

* Refer to Articles 3, 5 and 6, respectively, of the CSEA Agreement.

[What about unrepresented classified employees]

ARTICLE XIII
RESIGNATIONS

Rule 13.01 Resignations in Good Standing – A permanent or probationary classified employee who desires to resign in good standing shall:

- A. Have a satisfactory record of performance in his present position.
- B. Submit his written resignation to the Superintendent. He should give at least (2) weeks' notice of his intention to resign, unless his supervisor consents to an earlier ~~resignation effective date~~. Failure to give the recommended two (2) weeks' notice may disqualify an employee's ~~for a resignation~~ from being considered as having been made in good standing.

Rule 13.02 Resignation during Probationary Period – A person who resigns in good standing during his probationary term and whose performance is deemed satisfactory may, at his request, return to his/her original place on the eligibility list at the discretion of the Commission. ~~A person who resigns because of inability to cope successfully with the requirements of a position will have no standing under this Article.~~

~~* Refer to Articles 3, 5 and 6, respectively, of the CSEA Agreement.~~

Rule 13.03 Appointment after Resignation – A former permanent classified employee may be placed on a reemployment list without examination if all of the following conditions are met:

- A. The employee resigned in good standing.
- B. The Superintendent approves the written request of the former employee.
- C. The position applied for is in a related lower class or in a lower class in which the employee formerly had permanent status.
- D. The appointment of the former employee will be placed on the reemployment list after all names of laid off employees on the list are exhausted. The order on the list of former employees who resigned will be by date of request to be placed on the list. If the former employee is re-appointed within the 39-month term as designated by the Education Code, his break in service shall be disregarded and his rights, benefits, and burdens as a permanent employee shall be restored.

~~Adopted 3.7.94~~

ARTICLE XIV

LAYOFF AND REEMPLOYMENT

Management, supervisory and confidential employees with prior classified service may have bumping rights back into ~~the bargaining unit previously held classified positions.~~ Where previously held positions are in the SCSEA bargaining unit, ~~the~~ bumping rights and reemployment of such individuals will be governed by Article 20 of the CSEA collective bargaining agreement.

Rule 14.01 Layoff ~~The Superintendent shall proceed as follows:~~

- A. Individuals may be laid off only for lack of work or lack of funds. It is the policy of the District to give a 30-day written notice in the event of layoff.
- B. Employees shall be released or laid off according to their status in the following order: 1) Substitute, 2) Temporary, 3) Probationary, 4) Permanent.
- C. In the case of permanent employees, ~~the~~ order of layoff within the class shall be determined by length of service. ~~In determining length of service for exercising bumping rights, the employee's time will include service in the affected classification plus credit for time served in any higher classification. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. "Length of service" shall be based on paid days of service after date of hire. [see §45308]~~
- D. In the case of two or more employees having the same date of hire, the order of layoff of such employees shall be determined by seniority in classification. If both hire date and seniority in classification are equal, the decision will be made based on employee skills, experience, attendance and work record. If each of the above criteria are equal for all affected employees, the ~~decision~~order of layoff will be made by lottery.
- E. In lieu of being laid off, an employee may elect demotion to any classification with the same or a lower maximum salary in which he/she had previously served a permanent appointment and provided he/she holds seniority rights greater than those of ~~the~~an incumbent. Any employee displaced by such a demotion shall have the same option of demotion, if available, afforded by this rule as if his/her position had been abolished or discontinued.
- F. To be considered for demotion in lieu of layoff, when demotion would result in the displacement of an employee with a ~~lower hire date~~shorter length of service subject to the provisions of this Article, the employee subject to demotion shall be required to notify ~~the~~ Human Resources