

**PERSONNEL COMMISSION**  
**Manhattan Beach Unified School District**  
**325 S. Peck Avenue**  
**Manhattan Beach, CA 90266**  
**Notice of Public Meeting**  
**February 8, 2012**  
**4:30 pm**  
**1<sup>st</sup> Floor Conference Room**  
**District Office**

## **AGENDA**

### **I. WRITTEN AND ORAL COMMUNICATION**

- A. Commissioners  
Approval of Minutes – January 19, 2012
- B. Administration
- C. Employees
- D. Citizens

### **II. ACTION ITEMS**

- A. First Reading and Approval, Job Description for Systems Analyst
- B. Review and Adopt Revisions to Personnel Commission *Merit System, Rules and Regulations of the Classified Service*

### **III. ADJOURNMENT**

#### **REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY**

Any individual with a disability who requires accommodation to participate in a Personnel Commission meeting may request assistance by contacting Kathy Hall, Director of Human Resources, 325 S. Peck Ave. Manhattan Beach, CA, 90266.

Phone (310) 318-7345, x 5915, OR Fax (310) 303-3824.

Manhattan Beach Unified School District  
PERSONNEL COMMISSION  
MEETING MINUTES  
January 19, 2012

Attendees:

Commissioners: Vida Holguin and Cynthia Strand

District Staff: Kathy Hall, Director of Human Resources; Gina Germani, Human Resources Technician – Classified; Donna Hilgendorf, Administrative Secretary and Recorder.

CSEA Representatives: Rod Jorgensen

Ms. Holguin called the meeting to order at 9:05 a.m.

**I. WRITTEN AND ORAL COMMUNICATION**

**A. Commissioners:**

**1. Approval of Minutes**

Ms. Strand made a motion to approve the minutes of the December 16, 2011, Personnel Commission meeting, seconded by Ms. Holguin. **The minutes of the December 16, 2011, Personnel Commission meeting were approved 2:0.**

**2. Approval of Eligibility Lists**

**a) IA Special Education – Intensive Behavioral Instruction**

There are two (2) open positions; one (1) at Grand View and one (1) at Pacific. Testing is ongoing for this position.

Ms. Strand made a motion to approve the Eligibility List for IA Special Education – Intensive Behavioral Instruction, seconded by Ms. Holguin. **The Eligibility List for IA Special Education – Intensive Behavioral Instruction was approved 2:0.**

**b) Instructional Assistant – Special Education**

There are two open positions at MBMS.

Ms. Strand made a motion to approve the Eligibility List for Instructional Assistant - Special Education, seconded by Ms. Holguin. **The Eligibility List for Instructional Assistant-Special Education was approved 2:0.**

**3. Reorganization of Personnel Commission**

The Commissioner's Terms of Office are all in place. The reorganization is to officially appoint a new chairperson, or approve the continuation of the current chairperson. Ms. Strand made a motion to approve the continuation of Ms. Holguin as chairperson of the Personnel Commission for the period of January, 2012, through December, 2012. **Ms. Holguin consented, and was approved, as chairperson for the period of January, 2012, through December, 2012, 2:0.**

- B. **Administration:** Ms. Hall wished everyone a Happy New Year and provided a brief update on the three-year construction project at Mira Costa High School.
- C. **Employees:** Mr. Jorgensen stated CSEA negotiations were scheduled for next week and he is hoping the parties can reach a tentative agreement and sign off on the negotiated articles.
- D. **Citizens:** None present

## II. ADJOURNMENT

Ms. Holguin adjourned the meeting at 9:15 a.m.

The Personnel Commission has decided to schedule their next meeting in the late afternoon/early evening to hold an in-depth discussion and review of the Merit System Rules & Regulations of the Classified Service. After reviewing calendars and availability, Ms. Hilgendorf will notify the Commissioners of the scheduled meeting date.

## II. ACTION ITEM

### A. TITLE: First Reading and Approval, Job Description for Systems Analyst

**BACKGROUND:** As the District increases the number of databases used at all sites, it is imperative to create a position that allows someone to analyze and create databases and reports, and to assure compatibility with current systems. Changes in the manner in which data is reported to the California Department of Education (including CALPADS and CBEDS) require an employee with a high level of expertise in systems-based district-level database systems. Currently, the District's Technology Information Department consists of a Coordinator of Technology Services (Director), five Systems Technicians, and two Technology Resource Assistants. Responsibilities for each of the current positions are different from what would be required in the Systems Analyst job description.

Once approved by the Personnel Commission, the job description will be presented to the Board of Trustees for final adoption and approval.

**ACTION RECOMMENDED:** Read, comment and approve, if appropriate, the job description for Systems Analyst.

**PREPARED BY:** Kathy Hall, Director of Human Resources

**DATE:** February 8, 2012

AGENDA NOTE

AGENDA NOTE

AGENDA NOTE

# MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

## SYSTEMS ANALYST

### DEFINITION

Under general supervision of the Technology Services Coordinator, analyzes, designs, implements, modifies, troubleshoots, and integrates major student-based district-level databases to meet school, district and state information requirements; develops and provides user training on application systems and related databases; queries, extracts, manipulates and analyzes data.

### EXAMPLE OF DUTIES

The tasks listed in this section are representative of duties assigned to positions in this class. This list is not intended to be an exhaustive list of all of the tasks assigned to positions in the class, and it is not expected that all of the tasks listed are necessarily assigned to all positions in the class.

- Maintains the integrity, performance, reliability and security of the District's databases. E
- Assists in the design, implementation and maintenance of the District's databases. E
- Analyzes District database requirements. E
- Understands database tables to store District-defined data; performs data analysis and creates queries and reports. E
- Maintains backup and archive copies of databases and restores databases from copies as appropriate. E
- Assists users with analysis and resolution of problems with databases. E
- Loads, updates and cleans up database records to support daily operations; creates, maintains and monitors database batch jobs; designs data input and output forms. E
- Performs feasibility studies to determine appropriate resolution of user needs, compatibility with current systems and computer capabilities and cost and time required; evaluates requests for modifications to determine specific tasks and effects on existing programs and systems. E
- Creates project specifications based on user objectives; meets with end users to discuss design and requirements. E
- Develops and writes documentations for in-house and third party software programs to describe program development, logic, coding, updates and corrections. E
- Participates in the formulation of policies, procedures and programs; advises management of unusual trends or problems and recommends appropriate corrective action. E
- Writes and executes queries to verify integrity of data; analyzes input and output data, file contents, reports and source code to identify and resolve user issues; assures database backups are performed. E
- Debugs productions errors reported by users and make appropriate corrections. E
- Troubleshoots user operating issues and tests possible solutions; contacts software vendors as necessary to troubleshoot operating issues. E
- Maintains a variety of records and files related to assigned activities; extracts and prepares data for a variety of reports; modifies database table structures and data as necessary. E
- Develops and provides individual and group training on application systems and related databases; demonstrates computer programs; develops training and reference manuals, procedural guides and materials. E
- Prepares and maintains projects status reports; modifies projects and adjusts efforts to meet management and department priorities and goals. E

- Attends and participates in a variety of meetings to maintain current knowledge of technological advances in the field; learns new operating systems, utilities and programming languages and remains current with evolving computer technologies. E
  - Participates in the evaluation and testing of software applications for purchase by the District; provides recommendations to management regarding the purchase of new applications. E
  - Assists with system migrations, to newer web-based applications. E
  - Designs, develops and maintains web interfaces as assigned. E
  - Performs related duties as assigned. E
- \* Task statements coded with the letter “E” are essential elements of positions in this class pursuant to the Americans with Disabilities Act, 1990.

**TRAINING AND EXPERIENCE**

Any combination of training, education and experience which demonstrates possession of the knowledges and abilities stated above, and the ability to perform the duties of the position.

**EDUCATION**

Educational attainment equivalent to a high school diploma or its recognized equivalent, AND, an Associate’s Degree (60 semester units or equivalent) from an accredited college/technical or trade school in computer science or a closely related field, including coursework in relational database management systems (RDBMS).

Microsoft Certified Database Administrator is preferred.

**EXPERIENCE**

Three (3) years of professional information systems experience in applications systems and database developments, programming, testing, modification and maintenance.

Any other combination of training and experience that could likely provide the desired skills, knowledge or abilities may be considered.

**QUALIFICATIONS**

<p><b>Knowledge of:</b></p> <ul style="list-style-type: none"> <li>• Systems analysis methods and procedures;</li> <li>• Principles, practices and techniques of database structures within a web-based environment;</li> <li>• Database management applied to web-based systems;</li> <li>• Computer hardware systems, software applications, databases and programming languages utilized by the District, such as SQL and Visual Basic and web-based systems;</li> <li>• Applications such as: Aeries/ABI, IIS, CALPADS, SEIS, School Messenger, NutriKids, Edline, and Gradebook Wizard.</li> </ul>	<p><b>Ability to:</b></p> <ul style="list-style-type: none"> <li>• Develop, modify, test and implement the District’s student information and business software applications and related systems;</li> <li>• Create software and data specifications based on user objectives;</li> <li>• Develop code in a consistent manner with proper supporting documentation;</li> <li>• Perform systems analysis;</li> <li>• Write new and revised technical documentation to support software including manuals and user guides;</li> <li>• Design, modify and implement databases;</li> <li>• Transition to new database systems, including data conversions, training and full</li> </ul>
---	---

- User interface issues, navigation and computer software architecture;
- Documentation methods for programs, files and databases;
- Relational database design, implementation and manipulation;
- Oral and written communication skills.

implementation;

- Test and debug programs for accuracy and reliability;
- Read, understand and interpret technical documentation;
- Install software components and edit configuration data file systems and directories;
- Train and support system users in the use of database applications;
- Analyze data by linking database tables and creating queries;
- Analyze situations accurately and adopt an effective course of action;
- Create and utilize forms for data collection;
- Apply web programming languages and technologies;
- Work effectively with all levels of internal and external personnel;
- Maintain confidentiality of sensitive and privileged information;
- Communicate clearly and concisely, both orally and in writing;
- Prepare and deliver oral presentations;
- Plan and organize work to meet schedules and timelines;
- Work under limited supervision with a broad framework of standard policies and procedures;
- Exercise good judgment, flexibility, creativity, and sensitivity in response to changing situations and needs;
- Maintain current knowledge of technological advances in the field;
- Adjust to changing priorities and work assignments.

**PHYSICAL ABILITIES AND WORKING CONDITIONS OF CONTINUED EMPLOYMENT**

The Physical Abilities and Other Conditions of Continued Employment and the Associated Tasks listed in this section are representative of, but are not intended to provide an exhaustive list of Physical Abilities and Other Conditions of Continued Employment and Associated Tasks which may be required of positions in this class. Manhattan Beach Unified School District encourages persons with disabilities who are interested in employment in this class and need reasonable accommodation of those disabilities to contact the Personnel Department for further information.

<b>PHYSICAL DEMANDS</b>	<b>ASSOCIATED TASKS</b>
<p><b>Vision:</b> (which may be corrected)</p> <p>Read normal print</p> <p>View a computer monitor and read a variety of materials</p>	<p><b>To perform tasks such as to:</b></p> <p>Read notes from staff, see print on a screen, read software materials</p> <p>Instruct staff and install software</p>
<p><b>Hearing:</b> (which may be corrected)</p> <p>Understand speech in classroom or office setting</p> <p>Analyze sounds of equipment operation</p>	<p><b>To perform tasks such as to:</b></p> <p>Respond to questions</p> <p>Troubleshoot mechanical and software problems</p>
<p><b>Speech:</b></p> <p>Speak with a level of proficiency and volume to be understood in face-to-face public contact and in a classroom setting</p>	<p><b>To perform tasks such as to:</b></p> <p>Communicate with and instruct staff</p>
<p><b>Upper Body Mobility:</b></p> <p>Finger dexterity</p> <p>Use hands and fingers to feel, grasp, and manipulate small objects, manipulate fingers, twist and bend hands at wrist and elbow, extend arms to reach outward and upward, use hands and arms to lift objects</p> <p>Turn, raise, and lower head, twist and bend at torso</p>	<p><b>To perform tasks such as to:</b></p> <p>Access, enter and retrieve data using a computer keyboard and to operate standard office equipment</p> <p>Install and maintain computer equipment and software, operate keyboard, move cables,</p> <p>Plug and unplug equipment</p>



<p><b>Lower Body Mobility:</b></p> <p>Stand for periods of 50 minutes Ability to bend at the waist and twist, stoop, squat, kneel twist, turn and safely climb up and down to install equipment</p>	<p><b>To perform tasks such as to:</b></p> <p>Instruct staff Maintain equipment; lift and carry equipment</p>
<p><b>Strength:</b></p> <p>Physical demands may include climbing, bending and stooping and movement of objects</p>	<p><b>To perform tasks such as to:</b></p> <p>Lifting and carrying to connect cables and equipment that typically weigh 20 to 30 pounds</p>
<p><b>Environmental Requirements:</b></p> <p>This is primarily a sedentary classification and the employee works in an office environment with moderate noise levels, controlled temperature conditions and no direct exposure to hazardous physical substances. The employee may be required to work at varying heights and in restrictive areas.</p> <p>Note: Travel to various District sites may be required.</p>	<p><b>To perform tasks such as to:</b></p> <p>Instruct staff</p> <p>Learn new systems, install software, maintain equipment and inventory</p>
<p><b>Mental Requirements:</b></p> <p>Read, write, understand, interpret, and apply moderately complex information</p> <p>Analyzing</p> <p>Use judgment and process information quickly and make quick decisions</p> <p>Listen, demonstrate and give verbal instruction</p>	<p><b>To perform tasks such as to:</b></p> <p>Understand software and systems</p> <p>Instruct staff</p>

**License Required and Other Conditions of Continued Employment:**

- A valid California driver’s license and availability of private transportation or ability to provide transportation between District sites is required
- Participate in employer mandated training and retraining programs
- Comply with rules and regulations of the Classified Service and provisions of labor agreements

General supervision is received from the Technology Services Coordinator. No supervision of other staff is exercised.

Date approved by Personnel Commission:

Date approved by Board of Trustees:

**II. ACTION ITEM**

**B. TITLE:** Review and Adopt Revisions to Personnel Commission *Merit System, Rules and Regulations of the Classified Service*

**BACKGROUND:** Periodic revisions and updates to the Personnel Commission *Merit System, Rules and Regulations of the Classified Service* are required to reflect changes in the California Education Code, Government Code, and the MBUSD Collective Bargaining Agreement for the Classified Service.

A draft copy of the Personnel Commission *Merit System, Rules and Regulations of the Classified Service* is attached. The draft copy has been reviewed and edited by the District's counsel, Howard Friedman, of Fagen Friedman and Fulfrost to reflect any legal changes necessary.

**ACTION RECOMMENDED:** Review and Adopt Revisions to Personnel Commission *Merit System, Rules and Regulations of the Classified Service*

**PREPARED BY:** Kathy Hall, Director of Human Resources

**DATE:** February 8, 2012

**AGENDA NOTE**

**AGENDA NOTE**

**AGENDA NOTE**

# **Manhattan Beach Unified School District-** **Draft Revised PC Rules**

Formatted: Font: 24 pt

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)]

SUGGESTED CHANGES FROM HOWARD FRIEDMAN, Fagen, Friedman & Fulfrost, LLP, THAT REFLECT  
UPDATED ED. CODE CHANGES. 12/2011

**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

Formatted: Font: (Default) Arial

**Formulating rules and regulations** to ensure the efficiency of the classified service and the implementation of merit system principles.  
Ed. Code §§45261-88081

Formatted: Font: (Default) Arial

**Establishing procedures for performance ratings.**  
Ed. Code §§45261-88081

Formatted: Font: (Default) Arial

**Investigating and hearing appeals** of disciplinary actions.  
Ed. Code §§45306-88068

Formatted: Font: (Default) Arial

**Preparing an annual budget** for its own office.  
Ed. Code §§45253-88053

Formatted: Font: (Default) Arial

**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)]

Formatted: Font: (Default) Arial, Highlight

**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 Merit System.
- 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.

Formatted: Font: (Default) Arial

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.

Rule 2.08 Amendment and Suspension of the Rules – The Commission shall prescribe, amend, and suspend, subject to the provisions of the Act, such rules as may be necessary to insure the efficiency of the service and the selection and retention of classified employees upon a basis of merit and fitness. This provision shall not be construed as preventing the Board, subject to existing provisions of the law, from prescribing, amending or suspending such other rules governing classified employees as are deemed necessary in the conduct of school business.

Rule 2.1.1 Term(s) of Office and General Selection Procedures – The ~~Personnel~~ Commission is composed of three (3) individuals who must be registered voters, reside in the Manhattan Beach Unified School District, and be “known” adherents to the principle of the merit system. One member of the Commission is appointed by the Board of Education, one member is appointed by the Board of Education upon recommendation of the classified employee organization which represents the largest number of the District’s classified employees, and the third member is appointed by the other two (2) members of the Commission. Subsequent to the initial staggered appointments at the formation of the District, the term of all the Commissioners is three (3) years. No member of the Board or the county board of education shall be eligible for appointment, reappointment, or continuance as a member of the Commission. A member of the Commission shall not be an employee of the District. [Ed. C. § 45244)]. Delete reference to “Personnel”.

Adopted 3-7-94

### ARTICLE III

#### **CLASSIFICATION AND COMPENSATION**

JOB CLASSIFICATIONS AND ~~DESCRIPTIONS~~ DESCRIPTIONS – Job descriptions are written by the Human Resources Department subject to approval of the Commission and adoption by the Board. Compensation is subject to negotiation.

Rule 3.01 Establishment, Revision and Deletion of Job Classifications – The ~~Personnel~~ Commission shall be responsible for the establishment, development, revision, combination and deletion of job classifications used for employees in the classified service.

Rule 3.02 Job Classification – A job classification is defined as a job title which has a negotiated range of pay.

Rule 3.03 Job Description – For each job classification, a job description shall be developed by the Board and maintained in the administrative offices of the District. The job descriptions shall contain the following information:

- A. A title which is descriptive of the work functions described.

- B. A qualifying duties section in which the qualifying work functions of the classification shall be delineated. The tasks shall be described in a manner which makes it possible to distinguish the duties from those which are described in any other job description. Non-qualifying duties shall be identified by using such phrases as, "In connection with" or "May perform the following duties".
- C. A qualifications section which indicates the minimum qualifications for determining the eligibility of employees and other individuals who apply to take examinations for particular classifications. The information to be included in this section may cover education, experience, knowledge, skill, abilities, and personal characteristics needed to perform the duties of the classification.

Rule 3.04 Interpretation of Job Description – Job descriptions shall be interpreted in accordance with the following provisions:

- A. Each job description shall be interpreted in its entirety as a composite picture of the job requirements.
- B. An employee shall not be required to perform all of the work operations described in a job description in order to be eligible for the classification. An employee shall not be eligible for classification by reason of performing isolated or singular duties that are incidental to his job but which are described in another job description.
- C. To be entitled to a job classification, an employee must spend at least thirty-three and one-third percent (33 1/3%) of the time performing work operations which are representative of the requirements of the job description for the classification.
- D. It is expected that employees normally perform some of the work of higher rated job classifications in order to qualify for advancement and for purposes of training and cross-training, and some of the work described in lower rated job classifications when required.
- E. An employee is expected to perform the duties described by his job description under that degree or amount of guidance which is considered usual and normal for that classification.
- F. A job description shall not be construed to restrict in any manner the rights of the District to assign work to employees or to grant an employee or group of employees any right to refuse to perform assigned work for the reason that such work is not specifically described in the job description of his current classification or is described in another job description. It shall

be the sole and exclusive right of the District Administration to make all work assignments.

Rule 3.05 Performance of Job Analysis – Job analysis should be performed by the Personnel Director as required.

Adopted: 7.11.94

#### **ARTICLE IV**

#### **VACATIONS AND HOLIDAYS**

\* Refer to Article 11 of the CSEA Agreement, and Board policy for unrepresented classified staff.

#### **ARTICLE V**

#### **EXAMINATIONS**

Rule 5.01 Need for Examinations -- An examination shall be held whenever it is necessary to fill existing or anticipated vacancies in the classified service or whenever it is necessary to replace an eligibility list which is to be abolished in accordance with the provisions of the law and these rules.

Rule 5.02 Promotional Examinations – Upon the approval of the **Personnel** Commission, the Personnel Director shall announce and hold promotional examinations which shall be limited to those employees with permanent classified service status in lower level classifications. In order for an exclusively promotional examination to be held, a minimum of three (3) District employees must be deemed to meet the minimum qualifications of the promotional position by the Personnel Director.

Rule 5.03 Notice of Examination – The **Personnel** Commission may direct the holding of an examination to provide eligibles. Public notice of such examinations shall be given no less than fifteen (15) working days prior to the closing date of said position. Each notice of examination shall contain the following information and shall be developed by the Personnel Director:

- A. The last date for filing an application;
- B. Data concerning conditions of employment such as salary or other compensation, location of employment and expected number of vacancies;
- C. A summary of the duties and responsibilities of the position which are contained in the classification job description;
- D. The minimum desirable or required qualifications for the classification;

- E. The standards of proficiency and the relative weights for each portion of the examination;
- F. Such other information as will assist the public in understanding fully the nature of the employment and the procedure necessary to participate in the examination.

Rule 5.04 Advertisement for Examination Applicants – ~~The Personnel Director~~ shall be responsible to advertise for applicants for classification examinations. Notices of promotional examinations shall be mailed to all those eligible to take the examination within the District. Advertisement for all examination applications shall be posted in each school, maintenance shop, bus garage, warehouse and administration office of the District and on the public notices board in the City Hall of Manhattan Beach and public library branches in Manhattan Beach. Additional advertising shall be provided, if deemed necessary, by the Personnel Director. Written notices concerning tests, vacancies, transfer opportunities and other selection of shifts, positions, assignments, classifications, or locations shall be posted at all work locations of employees who may be affected, not later than 15 working days prior to the closing date of filing appropriate applications, together with the normal use of newspaper and bulletins for public notice for open or promotional vacancies. If the subject of those notices affects a probationary or permanent classified employee who will not be reporting at his or her work location during periods when that employee is not normally required to work, and other paid or unpaid leaves of absence, and who has previously requested notification, those notices shall be mailed to the employee. The Personnel Director may publish and distribute the information by electronic means.

[Ed. C. § 45278]

Rule 5.05 Location of Examinations -- Examinations shall be held at locations designated by the Personnel ~~Commission~~Director.

Rule 5.06 Who May Compete – Examinations for position openings in the classified service shall be open to all applicants who meet the minimum qualifications of education, experience, and training as well as the preliminary requirements provided by the Act and these rules.

While it is the policy of the MBUSD and ~~Personnel~~ Commission to base personnel decisions such as hiring, promoting, and transferring on merit and qualifications, employment under any of the following circumstances is believed to have the actual or apparent potential of creating either personal or business conflicts of interest and is prohibited:

1. When there is a supervisory/subordinate relationship between relatives, excluding staffing actions, which are required by classified collective bargaining agreements, or
2. When an "immediate family" relationship exists between a potential applicant and a District employee at the level of principal, or director, and above.
3. When an "immediate family" relationship exists between a potential applicant and an employee in any of the following departments: payroll, personnel, and information systems.
4. Immediate family relationships are defined as father (or stepfather), mother (or stepmother), spouse, grandparent, grandchild, niece, nephew, aunt, uncle, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, or any relative living in the immediate household.
5. This policy applies to employees hired after December 1, 1997.
6. Paragraph 2 and 3 above do not apply to temporary summer help.

#### Adopted 12-1-97

Rule 5.07 Notice to Applicants – Each applicant whose application is completed in a satisfactory manner shall be notified of the time and place of the examination in a reasonable time, normally a minimum of five (5) working days before the examination is to be given.

Rule 5.08 Authorization to Take Examinations – Each applicant's notice of examination shall serve as the authorization to take the examination. No candidate shall be admitted to any examination without an authorization or other satisfactory evidence of having filed an acceptable application, and picture I.D. ~~or other satisfactory evidence of having filed an acceptable application.~~

Rule 5.09 Types of Examination – Examinations may be in any form deemed suitable by the ~~Personnel~~ Commission including written, oral, technical or a practical demonstration of skill and ability or any combination of the foregoing. The ~~Personnel~~ Commission may authorize any investigation of education, experience, character or identify and any test of knowledge, manual skill, or physical and mental fitness.

#### Rule 5.10 Examination Procedure

- A. Examinations shall be approved by the Personnel Director in advance of the examination and, after their preparation, the examination questions shall be maintained in a secure location.
- B. All competitors in any written examination must take the examination on the prescribed date, unless expressly approved in writing by the Personnel Director.

- C. All necessary explanations will be made to the whole group of examination candidates, and no question will be explained to any individual competitor-examinee. Examiners are forbidden to explain the meaning of, or to make remarks relating to any question that may assist in its solution.
- D. Communication between competitors-examinees during an examination is strictly forbidden, and competitor-examinees are forbidden to receive aid from one another or to use unauthorized help in any form. Before the commencement of an examination, competitors-examinees will be required to hand to the examiner any printed or written matter in their possession that might serve to aid them in the examination. Evidence of copying or collusion by an competitor-examinee will automatically result in the cancellation of his examination papers and the debarment of the competitor-examinee from such future examination(s) as determined by the Personnel Director. Copies of the questions in the examination shall not be made or taken from the examination room.
- E. Where written examinations are required, they shall be so managed that none of the examination papers will disclose the name of any competitor until all examination papers of all the competitors in a given examination have been marked and rated.

Rule 5.11 Rating of Examinations – All examination papers shall be marked and rated under the direction of the Personnel Director, unless rated by a contracting agency.

Rule 5.12 Notice of Result of Examination – As soon as practicable after the rating of an examination has been completed and the eligibility list established, each competitor shall be notified by mail in writing of the result of his examination.

Rule 5.13 Appeal for Review of Written Examination – Any competitor-examinee may appeal to the Personnel Director for a review of his examination papers, presenting his reasons in writing therefore within ten (10) working days after the establishment of the eligibility list. The appeal must be specific and must state wherein errors have occurred and the revision/adjustment to which the applicant-examinee believes he is entitled. If the appeal is found to be justified, a review shall be granted and the ratings of the competitor changed in accordance with the findings. If such review by the Personnel Director discloses errors affecting the examination papers of all the competitors/other examinees, then all the examination papers shall be reviewed in like manner. All action taken on appeals shall be presented to the Personnel-Commission for ratification. No change in an eligibility list shall necessarily invalidate any appointment which was valid when made.

Rule 5.14 Inspection of Examination Papers – All examination papers prepared by competitor-examinees are the property of the Personnel-Commission and are confidential records to the extent permitted by law. Competitors-Examinees may be

permitted to review their own examination papers, when available, in the presence of the Personnel Director or his-a designated representative.

Rule 5.15 Ties in Open Competitive Examinations -- When two (2) or more ~~competitorsexaminees~~ have the same final grade, placement on the eligibility list shall be accomplished according to the highest score attained in that portion of the examination concerned with either job knowledge and/or job performance. [???

Rule 5.16 Ties in Promotional Examinations -- When two (2) or more ~~competitors-examinees~~ have the same score in a promotional examination, they ~~employee with the greatest seniority~~ shall be placed in the same rank on the eligibility list ~~first~~.

Rule 5.17 Continuous Examinations -- The Personnel Commission may authorize the Personnel Director to provide for the continuous examination to fill openings which the Commission determines cannot be practicably filled by promotional or open examination only.

Rule 5.18 Veterans' Credits -- ~~Competitors-Examinees in entrance examinations~~ who are veterans of the U.S. armed forces in time of war, with 30 or more days of service, shall have five (5) ~~percentage~~ points added to their passing examination score. ~~Such competitors who are disabled unless they are veterans disabled veterans of the U.S. armed forces, in which case they~~ shall have ~~to ten~~ (10) ~~percentage~~ points added to their passing examination scores. ~~(revised wording approved 4.22.02)~~ Education C. §§ 45294-45296

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Highlight

Rule 5.19 Promotional Preference -- Five (5) percentage points shall be added to the total examination score ~~toof~~ employees of the ~~Manhattan Beach Unified School District~~ classified service who receive a passing grade in open or promotional examinations.

## ARTICLE VI

### APPLICATIONS

Rule 6.01 Filing of Applications -- All applications must be made on official application blanksforms furnished by the Commission. Applications must be completed according to instructions on the application form and filed in the office of the Personnel Director on or before the closing date specified in the examination announcement or postmarked before midnight of that date. The applicant shall certify the truth of all statements made in the application by his signature on the application. All applications and related references shall become confidential records of the Board-of TrusteesCommission and shall not be returned to the applicant under any circumstances. Names of applicants shall not be made public.



|

Rule 6.02, Qualifications of Applicants – Applicants must be of good moral character, and in all respects mentally and physically competent to perform the duties of the position for which applied. Applicants must possess all requirements specified in the minimum qualifications established for the class.

DRAFT

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~~ felony 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 on 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

Office in writing of such election no later than ten (10) days after receiving notice of layoff.

#### Rule 14.02 Reemployment

A. Substitute or Temporary Employees who are ~~laid-off~~released shall hold no reemployment rights ~~as such~~.

B. ~~Probationary Employees who are laid off shall be returned to their former rank on the original eligibility list from which they were assigned with only such status as their position on the eligibility list gives them. Upon reappointment they shall be given credit for the position of the probationary period served before layoff. Persons laid off will be placed on a reemployment list and be eligible for reemployment for a period of 39 months, and shall be reemployed in reverse order of layoff in preference to new applicants/eligibility lists. They shall also have the right to participate in promotional examinations during the period of 39 months. Upon reemployment, the layoff absence shall not be regarded as a break in service.~~

C. ~~Employees who take voluntary demotions or reductions in assigned time in lieu of layoff or to remain in their present positions rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall be eligible to be considered for reemployment for an additional 24 months, subject to the same tests for fitness under which they qualified for appointment to the class.~~

Formatted: Bullets and Numbering

C. ~~Permanent Employees who are laid off shall be placed upon the reemployment list in reverse order of the layoff. The list shall supersede the existing eligibility list and shall be in effect for 39 months from the date of layoff. When an employee thus laid off is reemployed, the absence shall not be regarded as a break in service, but the layoff period shall not be included in computing length of service.~~

Formatted: Bullets and Numbering

1. An employee who receives such notice of reemployment and refuses to accept in writing the offer of reemployment in the classification held at the time of layoff within ten (10) work days, shall be deemed to have rejected that offer of reemployment. Failure to reply within ten (10) workdays will be considered a refusal. After an employee has declined two (2) such offers in the classification held at the time of layoff, he/she by such action relinquishes all reemployment restoration rights with the District.
2. If the employee in a layoff status accepts the classification being offered, the employee shall have up to ten (10) work days from the



date of acceptance to report for work. This does not preclude an employee from returning to work in fewer than ten (10) work days after acceptance of such an offer. Should the employee fail to return to work within ten (10) workdays following acceptance, all reemployment rights are relinquished.

Formatted: Indent: Left: 1"

## ARTICLE XV

### SUSPENSIONS, DEMOTIONS, AND DISMISSALS

Rule 15.01 Power to Suspend, Demote or Dismiss -- Suspensions, demotions, or dismissals of classified employees may be made only by the Board on the recommendation of the Superintendent.

Rule 15.02 Causes for Suspension, Demotion, or Dismissal -- Causes for suspension, demotion, or dismissal are:

- A. Use of fraud, deception or misrepresentation of material facts in obtaining an appointment or a place on an eligibility list.
- B. Willful violation of the Education Code or the rules and regulations of the District.
- C. Incompetence, inefficiency, insubordination, dishonesty, inattention to or dereliction of duty, lack of ability, or failure to perform assigned duties in a satisfactory manner.
- D. Conduct unbecoming an employee of the District, either on or off duty.
- E. Immoral conduct, drunkenness on duty, intemperance, addiction or use of narcotics, or conviction of a felony.
- F. Political activity during assigned hours of duty.
- G. Absence without good cause, or any unauthorized absence for more than three (3) days.
- H. Failure to pay or make reasonable provision for the payment of just debts.

Rule 15.03 Suspension -- Except as provided by law with respect to possible sex offenses, all suspensions shall be limited to a maximum of 30 working days, and shall be without pay.

Rule 15.04 Appeal by Employee for Suspension, Demotion, or Dismissal -- No appeal is possible in the following cases:

- A. Dismissal of a new employee during his probationary period.
- B. Demotion of an employee during his probationary period back to the position from which he had been promoted when both positions are in the permanent classified service.

Within ten (10) working days after any ~~other~~ suspension, demotion, or dismissal of an employee in the permanent classified service, the Personnel Director, shall file the Board's written charges with the Commission and provide a copy of the charges to the employee personally or by deposit in the United States registered or certified mail with postage prepaid and return receipt requested addressed to the employee at his last known address. Within 14 working days after such charges are filed, the subject employee may appeal by filing with the Commission a written answer to the charges.

Rule 15.05 Grounds for Appeal – Appeal can be made only on one or more of the following grounds:

- A. That the procedure set forth in these rules has not been followed.
- B. ~~That the removal was made because of political or religious beliefs or opinions, race, color, or marital status.~~  
That the removal was made unlawfully because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.  
 [Govt. Code § 12940; Ed. Code § 45293]
- C. That the charges made do not constitute sufficient cause for the actions taken.
- D. That the action taken was not in accordance with the facts.
- E. That there has been an abuse of discretion.

← - - - Formatted: Indent: Left: 1"

Rule 15.06 Investigation on Appeal – The Commission shall investigate the matter on appeal. It may require further evidence from either party. Upon request of the appealing employee, the Commission shall order a hearing, which will be held within a reasonable length of time from the receipt of the appeal. The investigation and the hearing, if any, shall be confined to the truth or falsity of the written charges and the written answer.

Rule 15.07 Conduct of Hearing – If a hearing is so ordered, it will be closed to the general public. The representative of the Board ~~of Trustees~~ shall first present

evidence in support of the charges. The appealing employee, who may be represented by counsel, shall have the right to present his evidence. Witnesses desired by either side shall be subject to subpoenaed issued by the Commission, but requests for subpoenas must be filed with the Commission at least five (5) working days prior to the date of hearing.

Testimony of all witnesses shall be presented ~~orally~~ at the hearing. If in the opinion of the Commission or other trier of fact, a witness has good and sufficient reason for being unable to be present, written testimony will be accepted under the following conditions:

- A. Such evidence must be submitted by sworn affidavit declaration of the witness. The affidavit declaration shall be confined to a statement of facts bearing on the case and within the knowledge of the witness, and shall not contain any conclusions of the witness.
- B. Copies of all such affidavits must be filed with the Commission at least five (5) working days prior to the date of the hearing, and may be inspected by the other party to the hearing, who shall be notified of the filing of such affidavits.
- C. The Commission may reject any such affidavit submitted which fails to comply with any of the foregoing conditions.

The Commission may authorize a hearing officer to conduct any hearing or investigation which the Commission itself is authorized to conduct. The hearing officer may administer oaths, subpoena and require the attendance of witnesses and the production of books or papers, and cause the deposition of witnesses to be taken in the manner prescribed by law. The Commission may instruct such hearing officer to present findings and recommendations. The Commission may accept, reject or amend any of the findings or recommendations of the hearing officer. Any rejection or amendment of findings or recommendations shall be based either on a review of the hearing transcript or investigation, or upon the results of such supplementary hearing or investigation as the Commission may order. The Commission may employ by contract or as a professional expert or otherwise any such hearing officer or representative and may adopt and amend such rules and procedures as may be necessary.

[Ed. Code § 45312]

Rule 15.08 Technical-Rules of Evidence Not Followed – All hearings before the Commission shall be governed by the above procedure, and in the conduct thereof neither the Commission nor any commissioner, nor the Personnel Director, nor other authorized agents of the Commission shall be bound by the technical rules of evidence. Evidence may be admitted if it is the type of information commonly relied on in the conduct of serious affairs. No informality in any proceeding or in the manner of taking testimony before the Commission shall invalidate any order, rule or regulation made, approved or confirmed by the Commission.

Rule 15.09 Decision of the Commission – The decision of the Commission, arrived at by majority action, shall be rendered in writing within ten (10) working days after the hearing is completed, or, if a hearing is conducted by a hearing officer, within 10 working days after the Commission's receipt of a proposed decision. If no hearing is held, a decision will be rendered within a reasonable time after the employee filed his written answer. Copies shall be sent to the ~~b~~Board and to the employee. The decision shall not be subject to review by the Board.

Rule 15.10 Failure to Answer – If the accused employee fails to appeal by filing his written answer within the time provided, the order of suspension, demotion, or dismissal shall be final without any action by the Commission.

Rule 15.11 Dismissed Employee Not Eligible – Any classified employee dismissed from employment shall be removed from all eligibility lists and may not take examinations thereafter without specific consent of the Board.

Rule 15.12 Reinstatement of Sustained Employees – If the Commission ~~sustains~~grants the appeal of the employee, in part or in whole, it may order paid all or part of his full compensation from the time of suspension, demotion, or dismissal, and ~~it shall~~may order a lesser form of discipline or order his reinstatement. Upon notification of the Commission's ~~decision,~~ the Board ~~shall reinstate~~take such action as is necessary to implement the Commission's decision~~the employee and authorize such compensation as the Commission directs.~~

00145.00004/296654.1