

## CHAPTER III

### CLASSIFICATION OF EMPLOYEES AND POSITIONS

- Rule 3.1            THE CLASSIFIED SERVICE
- 3.1.1            POSITIONS INCLUDED (EDUCATION CODE 45104, 45105, 45241, 45256)
- A.      All positions established by the Board and the Commission which are not exempted by law shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and the positions shall be known as the classified service.
- B.      No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established in the law shall be employed outside the classified service.
- C.      Nothing in this section shall be construed to prohibit the employment of any individual in a position described by this section as a part of the classified service who is in possession of certification qualifications, nor shall the possession of certification qualifications be grounds for the elimination of an individual for consideration for employment in such a position.
- 3.1.2            EXEMPTION FROM THE CLASSIFIED SERVICE
- A.      General Exemptions (Education Cod 45256, 45257)
- The following shall be exempt from the classified service:
1.      positions which require certification qualifications;
  2.      part-time recreation positions;
  3.      full-time students, employed part-time;
  4.      part-time students, employed part-time in any college work-study program, or in a work experience education program conducted by a community college district per Education Code 51750 and which is financed by state or federal funds;
  5.      apprentice positions and

6. positions established for employment of professional experts employed on a temporary basis for a specific project by the Board or by the Commission, when so designated by the Commission.

B. Special Categories (EDUCATION CODE 45112)

The Board may create positions of staff assistants or field representatives to directly assist the Board or individual Board members. Such positions, if created, are exempt from the provisions of these Rules insofar as they relate to position classification, recruitment, employment and salary setting.

Persons employed in such positions shall be members of the classified service for all purposes except that they may not achieve permanency in the classified service. Staff assistants shall serve at the pleasure of the Board. A field representative shall serve at the pleasure of the individual Board member.

If a permanent classified employee is appointed to serve in such an exempt position, he/she shall retain status as a permanent employee. If he/she is terminated from the exempt position, he/she shall have bumping rights in his/her former class in the same manner as if he/she had been laid off for lack of work or lack of funds.

C. Community Representatives (EDUCATION CODE 45258)

Positions established for the employment of community representatives in an advising or consulting capacity for not more than ninety (90) working days in a fiscal year shall be exempt from the classified service provided that:

1. the authorized duties are not those normally assigned to a class of positions in the classified service,
2. the authorized duties are approved by the Commission in advance of employment and

3. the regular classified employee of the school district shall not receive a concurrent appointment to such a position.

D. Senior Management (EDUCATION CODE 45256.5)

1. The Board may designate certain positions as senior management of the classified service. The decision of the Board shall not be negotiable but shall be subject to review by PERB.
2. Employees whose positions are designated senior management shall be afforded all rights, benefits and burdens of the classified service, except they shall not gain permanent status.
3. Positions shall be filled from an unranked list of eligibles who have been found qualified as specified by the Superintendent and determined by the Commission.
4. Notice of reassignment or dismissal shall be in accordance with Education Code 35031.

3.1.3 PART-TIME DEFINED (EDUCATION CODE 45256)

- A. A part-time position is one for which the assigned time, when computed on an hourly basis, is less than thirty-five (35) hours per week.

3.1.4 EFFECT OF EXEMPTION

- A. Any position or employee lawfully exempted from the classified service shall be excluded from the benefits and burdens imposed by these Rules, except as provided by law or the Board.
- B. The Director of Classified Personnel shall be responsible for interpreting this policy regarding the employment of personnel.

3.1.5 PROFESSIONAL EXPERT ASSIGNMENTS (EDUCATION CODE 45256)

- A. When a professional expert assignment is to be made, the administration shall submit to the Director of

Classified Personnel, a description of the project, its duration and the duties to be performed. Professional expert assignments shall not be made to avoid payment of overtime to the assigned employee, nor shall a limited-term position be filled by a professional expert if the duties and responsibilities fit an existing class.

B. In order to be exempted from the classified service as a professional expert, an individual must be recognized as such by reputable members of his/her own profession, as evidenced by one of the following:

1. approval of a committee of members of his/her own profession;
2. certification of license to practice that profession by a government agency, if such license is established;
3. listing in such publications as the BIOGRAPHICAL DIRECTORY OF AMERICAN MEN AND WOMEN OF SCIENCE, or LEADERS IN EDUCATION, where individuals are chosen for listing by members of their own profession;
4. by membership in professional honor societies limited to that profession;
5. by advanced degrees from a recognized university with a major in the field of that profession or
6. by equivalent criteria acceptable to the Commission.

C. Evidence of professional qualifications must be presented to the Commission at the time the written request for temporary appointment is made. Authorization for service as a professional expert shall not exceed six (6) months. Additional service required shall be subject to approval by the Commission

### 3.1.6 RESTRICTED POSITIONS AND EMPLOYEES (EDUCATION CODE 45105, 45105.1, 45108, 45259, 45260)

A. Persons employed under specially funded programs and programs which are restricted to the employment of

persons of low income groups or from impoverished areas or other criteria which restricts the privilege of all citizens to compete for employment, shall be considered "restricted" employees.

- B. Positions established from general funds as aides in an instructional setting or other positions involving personal contact with students which are established to assist school staff personnel responsible for school community relations or educational support services in counseling, library, health or the correction or prevention of behavioral problems, may also be designated as "restricted".
- C. Positions established solely for the employment of persons having physical, mental or developmental disabilities may also be designated as "restricted".
- D. Persons employed in "restricted" positions shall be classified employees for all purposes except:
  - 1. they may not attain permanent status;
  - 2. they may not be accorded seniority rights;
  - 3. they may not be given provisional appointments concurrent with status in a restricted position and
  - 4. they are not eligible to compete in promotional examinations in the regular classified service.
- E. The selection and retention of restricted employees shall be made on the same basis as that of persons selected and retained in positions as part of the regular school program.
- F. The selection and retention of restricted employees for Instructional Aide positions, when recruitment is limited to specific geographic areas of residency, shall not be subject to all examination procedures prescribed in Rule 3.1.6 The area of residency for each school site shall be limited to the school attendance area as defined in the official Board record. No person shall be employed as a restricted employee unless the specific vacancy has been approved as a restricted position by the Board and he/she meets the residency and other requirements set

forth in these Rules and applicable government regulations.

- G. Employees serving in restricted positions may take such qualifying examinations as are required for all other persons serving in the same class. If an employee successfully completes the examination and attains placement on the eligibility list, regardless of his/her numerical standing on the list, he/she shall be considered a part of the regular classified service. Even though he/she may continue to serve in a restricted position, he/she shall be accorded full rights, benefits and burdens of a regular classified employee. Seniority rights shall be counted as of the date of the employee's initial appointment to the restricted position.
  
- H. Funds derived from the Federal Emergency Employment Act or any similar law enacted provide transitional employment in public service positions for unemployed or underemployed persons shall not be expended for work that
  - 1. would otherwise have been performed at federal, state or local expense;
  - 2. would result in a decrease in the employment which would otherwise be available;
  - 3. would result in the displacement of members of the classified service, including partial displacement, such as reduction in the hours of non-overtime work or wages or employment benefits or
  - 4. would impair the existing rights of permanent members of the classified service.

3.1.7 WEEKEND/HOLIDAY POSITIONS (EDUCATION CODE 45204)

- A. The Board may create a position or class of positions which require and permit incumbents to work only on weekends and holidays. If so created the Commission shall, in classifying the position:

1. establish a salary rate which recognizes the peculiarity of the work and the days and hours required to work;
2. exempt employees serving in such positions from overtime pay for work required to be performed on a holiday; however, overtime shall be paid for hours worked in excess of eight (8) on any Saturday, Sunday or holiday unless the class is specifically exempted in accordance with Education Code 45127 (for example, recreation and security classes) and
3. assure itself that the position being created is not being created to avoid payment of overtime to otherwise qualified employees. If it does find that such a position is being created to avoid overtime payment, it shall refuse to classify the position and will notify the Board.

Rule 3.2

**THE CLASSIFICATION PLAN**

3.2.1 ASSIGNMENT OF DUTIES (EDUCATION CODE 45109)

- A. The Board shall prescribe the duties and responsibilities of all positions in the classified service except those of the Commission staff. When the duties being performed by an employee are found to be inconsistent with the duties officially assigned to a specific position, the Director of Classified Personnel shall report the facts to the responsible administrator in order that appropriate action may be taken.

3.2.2 THE GENERAL CLASSIFICATION PLAN (EDUCATION CODE 45256, 45260)

- A. The commission shall classify all employees and positions within the jurisdiction of the Board or the Commission, except those positions which are exempt from the classified service under Rule 3.1.2.
- B. For purposes of this Rule, classification shall include, but not be limited to:
1. allocation of all positions to appropriate classes;
  2. arrangement of classes into occupational hierarchies (job families);
  3. determination of reasonable percentage relationships between classes within the occupational hierarchies and
  4. preparing written class specifications.
- C. The Commission shall maintain a classification plan for all positions in the classified service, organized by class series and occupational hierarchy. The plan shall indicate the classes in each series which are filled by open competitive examination. The Commission shall decide, when it orders an examination, whether the examination shall be open competitive, promotional or merged promotional and open competitive. The list of classes shall contain designation of the salary rate or range applicable to each class.

### 3.2.3

#### CLASS SPECIFICATIONS (EDUCATION CODE 45266)

- A. For each class, there shall be established and maintained a class specification which may include:
1. the class title;
  2. a definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme;
  3. a statement of examples of duties to be performed by persons holding positions allocated to the class;
  4. a statement of the minimum qualifications for service in the particular class - the minimum qualifications may include education, experience, knowledge, skills, abilities and personal and physical traits and characteristics;
  5. a statement of distinguishing characteristics which differentiates the class from other related or similar classes;
  6. license or other special requirements for employment or service in the particular class;
  7. any additional qualifications considered to be so desirable that any person applying for employment who possesses such qualifications may be given additional credit in the evaluation of his/her qualification, even though such additional qualifications were not listed as a prerequisite;
  8. minimum qualifications shall not require a teaching, administrative or other credential, nor may they require work experience which would restrict applicants to credential holders; titles may not be assigned that would restrict competition to holders of credentials and
  9. the title of the class shall be used as the title of all positions in the class on payrolls submitted to the Commission for auditing and in the records and

correspondence of the Commission and the Board.

### 3.2.4 INTERPRETATION OF CLASS SPECIFICATIONS

- A. The class specifications and their various parts have the following force and effect:
1. the definition and typical tasks are descriptive and explanatory only and not restrictive, indicating the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities and qualification requirements and do not prescribe what these details shall be in respect to any position;
  2. the use of a particular expression or illustration as to duties, responsibilities, qualification requirements or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Commission;
  3. the specification for each class is considered as a whole in determining the class to which any position shall be allocated - giving consideration, not to isolated clauses, phrases or words, but to the general duties, responsibilities, specific tasks and qualification requirements as affording a picture of the positions that the class includes;
  4. each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series in such manner as to maintain a proper relationship in the series in which the class is located and proper differentiation within the group of classes;
  5. qualifications commonly required of the incumbents of all positions, such as the physical ability to perform the duties of the position, honesty, sobriety and industry, even though not specifically mentioned in the specifications, are implied in the qualification requirements and

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

### 3.2.5 CREATION OF NEW POSITIONS (EDUCATION CODE 45109, 45276)

- A. When the Board creates a new position it shall submit the duties officially assigned to the position, in writing, to the Director of Classified Personnel. The board may recommend minimum educational and work experience requirements for the position. The Director of Classified Personnel Shall present recommendations to the Commission for action. The Commission shall:
  1. classify the position and determine whether the position should be allocated to an existing class or whether a new class should be established;
  2. if a new class is recommended, the Director of Classified Personnel shall set forth the qualifications he/she recommends and those recommended by the Board, if any; the qualifications approved by the Commission must reasonably relate to the duties assigned the position by the Board;
  3. the Commission shall designate the proper salary placement, if a new class is established and
  4. the Commission shall direct its Secretary to notify the Board of the Commission's action.

### 3.2.6 ALLOCATION OF POSITIONS TO EXISTING CLASSES

- A. All positions which substantially consist of comparable duties, responsibilities and qualifications shall be allocated to the same class.

### 3.2.7 CHANGES IN DUTIES OF POSITIONS

- A. Any substantial change in the duties of existing positions shall be promptly reported in writing to the Director of Classified Personnel, who shall conduct a review to determine whether the position shall be allocated to a new or existing class.

### 3.2.8 REVIEW OF POSITIONS

- A. The Director of Classified Personnel shall review the duties and responsibilities of positions as necessary to determine their proper classification and shall cause all positions to be reviewed periodically. If the Director of Classified Personnel finds that a position or positions should be reclassified, he/she shall advise the administrators involved of his/her findings. If the duties of the position are verified, or if the duties are not revised to fit within the current classification, the Director of Classified Personnel shall report his/her findings and recommendations to the Commission for approval. He/she shall also report his/her findings in cases where the review indicates that no change in classification is necessary.

### 3.2.9 WORKING OUT OF CLASS (EDUCATION CODE 45110)

- A. Each classified employee shall be required to perform the duties approved by the Board and classified by the Commission for the class to which he/she is assigned. He/She may be required to perform other related duties consistent with the definition of the class to which assigned.
- B. When an employee is assigned to perform work beyond that indicated in the definition of the class to which he/she is assigned for a period of time exceeding five (5) out of fifteen (15) calendar days, he/she shall be compensated as follows:
  - 1. if the work assignment is to a position in an existing class, upon the approval of the Director of Classified Personnel, it shall be processed as a limited term assignment under the provisions of Rule 7.4 or
  - 2. if an employee is required to perform duties which are not allocated to an existing class, the

assignment shall be reported to the Director of Classified Personnel in writing so that a review may be conducted to determine the appropriate pay differential for the temporary assignment.

- C. Requests for differential pay for working out of class shall be submitted to the Director of Classified Personnel within thirty (30) days of assignment. Such differential pay shall be limited to ninety (90) working days in one fiscal year for each employee. The Commission may authorize one extension of working out of class not to exceed an additional ninety (90) working days.
- D. A claim for a pay differential for working out of class may be submitted by the employee or the supervisor. The Director of Classified Personnel will notify the supervisor upon receipt of a claim submitted by an employee.
- E. A claim for pay differential for working out of class must contain a list of the assigned duties.
- F. The Commission staff shall review the duties assigned to the position and shall determine if the assigned duties are at a higher level and shall recommend an appropriate pay differential to the Commission for approval.
- G. If the Commission staff review determines that the assigned duties are not at a higher level, the Director of Classified Personnel shall notify the employee and the appropriate supervisor and present the findings to the Commission at the next regular meeting.

Rule 3.3

**RECLASSIFICATION (EDUCATION CODE 45285)**

3.3.1

RECLASSIFICATION OF POSITIONS

- A. The only basis for reclassification of a position shall be the gradual accretion or growth of duties. Recommendations as to gradual accretion will be made by the Director of Classified Personnel. The Commission shall be the final approving authority.
- B. Requests for a reclassification study of an existing position shall be presented in writing to the Director of Classified Personnel, together with a statement setting forth the reasons for the request. Requests for the reclassification study of a position may be initiated by an employee or the administration.
  - 1. Requests initiated by an employee shall include a listing of duties and a statement indicating the reasons the employee feels a reclassification is justified.
  - 2. Requests initiated by the administration shall include a statement by the employee's supervisor verifying the authorized duties of the position.
  - 3. At least one (1) year from the completion of a reclassification study must elapse before another request for reclassification can be initiated for the same position.
- C. This Rule shall apply only to positions which are occupied at the time of reclassification. If reclassification occurs to a vacant position, the position shall be filled through normal selection procedures.

3.3.2

EFFECTIVE DATE OF RECLASSIFICATION

- A. Notification of a recommendation for the classification or reclassification of a position or employee shall be given to the employee(s) affected, their exclusive representative, the employee's supervisor and the Assistant Superintendent-Human Resources before the classification proposal is adopted.

- B. changes in classification and salary resulting from the permanent reclassification of a position shall be effective no later than which ever of the following dates is applicable:
  - 1. the first of the month following the Personnel Commission approval of the reclassification, provided the employee is eligible to be reclassified with his/her position without examination as specified in these Rules or
  - 2. the first of the month following the date on which the employee becomes fully qualified for the position by successfully completing all parts of the selection procedure. (Rule 3.3.3A)

3.3.3 EFFECTS OF RECLASSIFICATION ON INCUMBENTS  
(EDUCATION CODE 45285)

- A. The reclassification of positions to a higher salary level shall have the following effect on incumbents:
  - 1. when all of the positions in a class or when one or more positions in a class are reclassified to a higher classification, and incumbent who has a continuous employment record of three or more years in the position shall be reclassified with the position, without examination and shall serve a probationary period or
  - 2. in all cases of upward reclassification where the incumbent has not been in the position for three years, the position shall be filled through competitive examination procedures. Prior to filling the position, a promotional only examination for the higher class shall be held, with the resulting eligibility list taking precedence. The examination shall be held in accordance with these Rules.
- B. The reclassification of a position or group of positions to a class with a lower salary range, shall have the following effect on incumbents;
  - 1. if the incumbent has been performing satisfactorily he/she shall be transferred to any vacant position for which he/she is qualified and which is at his/her

present salary level; if no vacancy exists he/she may elect to remain in the position, in which case he/she shall be demoted; if neither of these actions is taken, the employee may choose to be demoted to any vacant position for which he/she is qualified or may be laid off for lack of work or

2. when a regular classified employee is demoted to a position at a lower salary range due to displacement, the reclassification, or abolishment of his/her position and the employee has been performing satisfactorily shall be Y-rated; the Y-rate shall terminate on the earlier of these dates:
  - a. the effective date of an annual salary increase which results in the Y-rate falling within the salary range of the class to which the position was reclassified or
  - b. the date an equal vacancy exists in the same class from which the employee was Y-rated. If the employee does not accept the vacancy but elects to remain in his/her present position, the Y-rate shall terminate.
- C. When the position is reclassified to a similar class at the same salary range, the incumbent may elect to remain in the position, in which case his/her salary shall be treated as if it were a lateral transfer.
- D. When a position is abolished, the incumbent may be transferred, demoted or laid off.
- E. An employee who has been reclassified with his/her position, shall be ineligible for subsequent reclassification with his/her position for a period of at least three years from the date on which the reclassification became effective.
- F. Any positions which are created or changed as a result of a sudden reorganization or assignment of new duties and responsibilities shall be filled through normal competitive selection procedures.

### 3.3.4

### REEMPLOYMENT LIST FOR DISPLACED INCUMBENTS

- A. Any displacement of a permanent employee which results from the reclassification of a position or class of positions, shall be considered a layoff for lack of work and an appropriate reemployment list shall be established. The employee shall have the right of reemployment in his/her previous classification for a period of up to thirty-nine (39) months provided that the duties have not changed substantially as determined by job review procedures.

3.3.5 REAPPRAISAL OF ELIGIBILITY LIST DUE TO RECLASSIFICATION

- A. When all positions in a class are reclassified, the Commission shall determine whether the current eligibility and employment lists are to be reclassified. Salary reallocation of classes shall have no effect on lists.