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CHAPTER VII

APPOINTMENT TO CLASSIFICATIONIFIED POSITIONS

RULE 7.1 **PROCEDURES FOR APPOINTMENT**

- A. The subject of this rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

7.1.1 **PROCEDURES FOR SELECTION**

- A. The appointing authority shall interview eligibles certified from appropriate lists. A selection shall be required when a certification list of three (3) ranks has been provided.
- B. In all other instances of certification for position transfer, voluntary demotion, reinstatement and lateral transfer, selection shall be at the discretion of the appointing authority.

7.1.2 **APPOINTMENT**

- A. Official offers of employment to perspective employees shall only be extended by the Personnel Commission Office. Appointment to the position shall be approved by the Board.
- B. The prospective employee shall be allowed two (2) weeks to report for duty after an official offer of employment. In the case of management positions, the perspective employee shall be allowed one (1) month to report for duty.
- C. Should the perspective employee be unable or unwilling to report for duty within the required period, the time period may be extended at the discretion of the appointing authority.
- D. Should the perspective employee be unable or unwilling to report for duty within the required period, the appointing authority may request that additional eligibles be certified, if appropriate.

7.1.3 DISCRIMINATION PROHIBITED

- A. No applicant or eligible certified for appointment shall be discriminated against because of their political or religious opinions or affiliations, race, color, national origin or ancestry, gender, marital status, physical or mental handicap.

Reference: Education Code Section 45293

7.1.4 NEPOTISM

- A. No person shall be employed, transferred, or assigned in any position which is in direct line of supervision under a supervisor or administrator who is a member of that person's immediate family.
- B. For purposes of this Rule, immediate family shall include the spouse, brother, sister, parent, child or grandchild; son, son-in-law, daughter, daughter-in-law, brother-in-law, sister-in-law; stepfather or stepmother; step-brother, step-sister, half-brother, half-sister; and any person residing in the household of the supervisor or administrator.

RULE 7.2 PROVISIONAL APPOINTMENT

7.2.1 GENERAL PROVISIONS

- A. The appointing authority may make a provisional appointment when the Director of Classified Personnel certifies that:
 - 1. No eligibility list exists for the classification or an eligibility list exists, but there are less than three (3) ranks.
- B. A provisional appointment may accumulate to a total of ninety (90) working days. The Commission may extend the ninety (90) working days provisional appointment for a period not to exceed thirty-six (36) additional working days provided:
 - 1. An examination for the classification was completed during the initial ninety (90) working days of an employee's provisional assignment, and
 - 2. Extension of this provisional assignment is necessary to carry on vital functions of the District.
- C. A ninety (90) calendar day interval shall elapse before an employee is again eligible to serve in any full-time provisional assignment. In no case may a person be employed in full-time provisional assignments for a total

of more than one hundred twenty-six (126) working days in any fiscal year.

- D. In the absence of an appropriate eligibility list, successive ninety (90) working day appointments may be made to a position for a period exceeding the one hundred twenty-six (126) working day limitation when:
1. Continuous examination procedures have been authorized by the Commission, or
 2. The position is less than half time – twenty (20) hours/week.

Such appointment shall continue only until certification from an appropriate list can be made.

7.2.2 QUALIFICATIONS OF PROVISIONAL APPOINTEES

- A. Provisional appointees shall meet the qualifications for the classification. The appropriateness of qualifications shall be made by the Director of Classified Personnel prior to appointment.

7.2.3 STATUS OF PROVISIONAL EMPLOYEES

- A. To be eligible for appointment to a permanent regular position, the provisional appointee shall qualify by competitive examination for a place on the eligibility list.
- B. Time served in provisional status shall not be counted as credit toward permanency or completion of the probationary period for the classification in which the provisional appointment is made.

7.2.4 TERMINATING PROVISIONAL APPOINTMENT

- A. The services of a provisional appointee shall be terminated within twenty (20) working days after the certification list has been provided to the appointing authority.
- B. A provisional appointment may be terminated at any time at the discretion of the appointing authority.

Reference: Education Code Sections 45287, 45288, and 45289

RULE 7.3 SPECIAL APPOINTMENTS

7.3.1 PROCEDURE FOR EMERGENCY APPOINTMENT

- A. The Board through its authorized management representatives, to prevent the stoppage of public business when an actual emergency arises and persons on an eligibility lists are not immediately available, may make appointments for a period not to exceed fifteen (15) working days.

- B. When such emergency appointments are made, it shall be the duty of the Board to notify the Director of Classified Personnel in writing, naming the appointee or appointees, date of appointment and nature of the duties performed, providing a statement justifying the emergency nature of such appointments.

Reference: Education Code Section 45290

RULE 7.3.2 SUMMER SESSION ASSIGNMENT

- A. When the Board establishes temporary positions during the Summer recess, such positions shall be offered to permanent employees of the District, not regularly employed during this period.
Appointment to summer positions shall be as follows:
 - 1. Highest seniority in the classification at the work site;
 - 2. Highest seniority in the classification in the District;
 - 3. Highest seniority in a related classification at the work site;
 - 4. Highest seniority in a related classification in the District.

RULE 7.4 LIMITED TERM AND SUBSTITUTE APPOINTMENTS

7.4.1 POSITIONS DEFINED

- A. Positions established to perform duties which are not expected to exceed six (6) months shall be designated limited term positions.

- B. Positions established to replace temporarily absent employees shall be designated substitute positions.

7.4.2 PROCEDURE FOR LIMITED TERM AND SUBSTITUTE POSITIONS

- A. When a limited term position is requested, the appointing authority shall notify Assistant Superintendent-Human Resources in writing of the hours, starting date and length of the assignment. Limited term positions shall be subject to ratification by the Board.
- B. A limited term appointment may not exceed six (6) months.
- C. Limited term positions shall be reviewed and approved by the Director of Classified Personnel and shall be subject to ratification by the Commission.
- D. A substitute assignment may not exceed the duration of the absence of a regular employee.

7.4.3 ELIGIBILITY FOR APPOINTMENT

- A. Limited term and substitute appointments shall be made from eligibility lists and employment lists.
- B. If an eligible is appointed from an eligibility list to a substitute or limited term position, the eligible shall continue to be eligible for substitute or limited term appointments in the same classification. The same privilege of continued eligibility shall apply to a former employee who has resigned in good standing and has accepted a limited term appointment within thirty-nine (39) months after resignation.
- C. When no eligible is available to accept a substitute or limited term position, the Director of Classified Personnel is authorized to certify applicants or candidates for appointment.

7.4.4 COMPENSATION

- A. When a regular employee is appointed to a limited term position, the rate of pay shall be the rate of that classification.
- B. Former employees who accept a limited term or substitute assignment in their previous classification shall be placed on the step of the salary schedule closest to their last rate of pay. Former employees who accept a limited term or substitute assignment to positions in other classifications shall be placed on the first step of the salary range for that classification.
- C. All other limited term employees shall be paid at the hiring rate for regular appointments in the classification.

7.4.5 RIGHTS AND BENEFITS

- A. Regular employees who are serving in limited term assignments while retaining regular status in another classification shall continue to earn and be granted all rights and benefits of a regular employee.
- B. No credit toward completion of probation or seniority credit shall accrue from service in a limited term or substitute appointment.

7.4.6 TERMINATION OF APPOINTMENT

- A. A limited term or substitute appointment may be terminated at the end of an assigned shift at the discretion of the appointing authority.
- B. A limited term or substitute employee may be dismissed for cause. When the appointing authority dismisses the employee, the Assistant Superintendent-Human Resources shall be notified in writing of the cause for dismissal. The Director of Classified Personnel may investigate the matter and may remove that person's name from all employment lists.

Reference: Education Code Section 45286

RULE 7.5 EMPLOYMENT OF PERS RETIREES

7.5.1 GENERAL POLICY

- A. Any person receiving a retirement allowance from the Public Employee's Retirement System may be employed up to nine hundred eighty (980) hours per calendar year.
- B. The retired person must be informed that employment is restricted to nine hundred eighty (980) hours in any calendar year with the District.

7.5.2 COMPENSATION

- A. A retired employee under authority of this Rule shall be entitled only to the appropriate salary earned including overtime compensation.
- B. Retired employees appointed to positions in their last permanent classification shall be placed on the step of the salary schedule closest to their last rate of pay (excludes differential pay). Retired personnel appointed to positions in any other classification shall be placed on the first step of the appropriate range on the salary schedule.

7.5.3 ASSIGNMENT

- A. A retired employee employed under this Rule is not subject to reinstatement to PERS nor does the compensation period provide for retirement allowance adjustment.
- B. The appointing authority shall certify to the Director of Classified Personnel that a retired employee employed under this Rule meets the provision of this Rule and the combined calendar-year employment will not exceed nine hundred eighty (980) hours.

Reference: Education Code Section 45135 and Government Code Sections 21150 et seq)