

## CHAPTER VII

### APPOINTMENT TO CLASSIFIED POSITIONS

- Rule 7.1            **PROCEDURES FOR APPOINTMENT**
- 7.1.1            PROCEDURES FOR SELECTION
- A.        The appointing authority shall interview eligibles certified from appropriate employment or eligibility lists. A selection shall be required when sufficient eligibles are certified for a given vacancy to total three (3) ranks of eligibles.
- B.        In all other instances of certification for position transfer, voluntary demotion, reinstatement and lateral transfer, the decision to make a selection shall be at the discretion of the appointing authority.
- 7.1.2            APPOINTMENT
- A.        Upon selection, each prospective employee shall be given an offer of employment by the Personnel Commission Office. The offer shall include the time and date to report for duty and the salary at time of hire. 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 offer of employment to a permanent position has been made or one (1) month in the case of management classes. Should he/she be unable or unwilling to report for duty within the required period, the appointing authority may request that additional eligibles be certified.
- 7.1.3            DISCRIMINATION PROHIBITED (EDUCATION CODE 45293)
- A.        No applicant or eligible certified for appointment shall be discriminated against because of his/her political or religious opinions or affiliations, race, color, national origin or ancestry, sex, marital status, physical or mental handicap. No questions shall be asked relating to these matters.

7.1.4 NEPOTISM

- A. No person shall be employed in any position which is in a direct line of supervision under a supervisor or administrator who is a member of that person's immediate family.
- B. No employee shall be transferred, assigned to or remain at a work location in any position which is in direct line of supervision under a supervisor or administrator who is a member of the employee's immediate family.
- C. For purposes of this Rule, immediate family shall include the father, mother, grandparent, grandchild of the supervisor or his/her spouse; also included is the spouse, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, or any person residing in the household of the supervisor.

Rule 7.2

**PROVISIONAL APPOINTMENT**

7.2.1

GENERAL PROVISIONS (EDUCATION CODE 45287, 45288, 45289)

- A. The appointing authority may make a provisional appointment when the Director of Classified Personnel certifies that:
  - 1. no eligibility list exists for the class or
  - 2. an eligibility list exists, but there is an insufficient number of available eligibles, and the appointing authority requests three (3) ranks of eligibles to interview.
  
- B. A provisional appointment may accumulate to a total of ninety (90) working days. 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.
  
- C. The Commission may extend the ninety (90) working day provisional appointment for a period not to exceed thirty-six (36) additional working days provided:
  - 1. an examination for the class was completed during the initial ninety (90) working days of an employee's provisional assignment;
  - 2. satisfactory evidence is presented indicating:
    - a. adequate recruitment effort has been and is being made,
    - b. extension of this provisional assignment is necessary to carry on vital functions of the District or
    - c. the position cannot be satisfactorily filled by use of other employment lists or procedures.

- 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 must meet the qualifications for the classification stated in the class specification. 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 regular position, the provisional appointee must 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 class in which the provisional appointment is made.

#### 7.2.4 TERMINATING PROVISIONAL APPOINTMENT

- A. The services of a provisional appointee shall be terminated within fifteen (15) working days after the date on which certification for interview from an eligibility list has been made.
- B. A provisional appointment may be terminated at any time, at the discretion of the appointing authority.

Rule 7.3

**SPECIAL APPOINTMENTS**

7.3.1 PROCEDURE FOR EMERGENCY APPOINTMENT  
(EDUCATION CODE 45290)

- A. If it should become necessary in time of declared emergency to fill positions in the classified service to prevent the stoppage of public business, the Board through its authorized management representatives, may make emergency appointments without reference to eligibility lists, 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, giving a statement justifying the emergency nature of such appointments.

7.3.2 CONDITIONAL APPOINTMENT

- A. Temporary appointments in an existing class, not to exceed thirty (30) days, may be made in lieu of an appointment to fill a new position pending the classification of the new position by the Commission. Salary shall be determined by the Director of Classified Personnel subject to ratification by the Commission.

7.3.3 SUMMER SESSION ASSIGNMENT

- A. When the Board establishes temporary positions during the recess period between the regular September to June school year, they shall be offered to regular employees of the District not regularly employed during this period. Appointment to summer positions shall be on the basis of seniority among employees requesting summer employment in the class to which the position has been allocated. If there are insufficient employees in the class, appointments shall be made on the basis of seniority of employees who are qualified to perform the duties of the position.

Rule 7.4

**LIMITED TERM AND SUBSTITUTE APPOINTMENTS**

7.4.1

POSITIONS DEFINED (EDUCATION CODE 45286)

- 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 ESTABLISHMENT OF LIMITED TERM AND SUBSTITUTE POSITIONS

- A. When a limited term position is established, the appointing authority shall notify Personnel Services in writing of the hours, starting date and length of the assignment. Establishment of limited term positions shall be subject to ratification by the Board.
- B. A limited term appointment may not exceed six (6) months. A substitute assignment may not exceed the duration of the absence of a regular employee. The appointment may be in the same class as that of the absent employee or the duties may be reduced in level and the appointment may be made from a lower class.
- C. Limited term positions shall be classified by the Director of Classified Personnel and shall be subject to ratification by the Commission.

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, he/she shall continue to be eligible for substitute or limited term appointments in the same or a related lower class after the eligibility list has expired. 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 candidate for appointment.

#### 7.4.4 COMPENSATION

- A. When a regular employee is given a limited term appointment in a second higher class in lieu of all or part of his/her regular appointment, the rate of pay in the second class shall be the rate of that class which is next above his/her regular rate, if any, but not more than the highest rate applicable to that class.
- B. former employees who accept a limited term or substitute assignment in their previous class shall be placed on the step of the salary schedule closest to their last regular 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 class.
- C. All other limited term employees shall be paid at the hiring rate for regular appointments in the class.

#### 7.4.5 RIGHTS AND BENEFITS

- A. Regular employees who are serving in limited term assignments while retaining regular status in another class shall continue to earn and be granted all rights and benefits of a regular employee.
- B. No credit toward completion of probation 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 Personnel Services 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.

Rule 7.5

**EMPLOYMENT OF PERS RETIREES**

7.5.1

GENERAL POLICY (EDUCATION CODE 45135, GOVERNMENT CODE 21150 et seq)

- A. Any person receiving a retirement allowance from the Public Employee's Retirement System may be employed up to seven hundred twenty (720) hours per calendar year.
- B. The retired person must be informed that employment is restricted to seven hundred twenty (720) hours in any calendar year with the District and continuance in employment is at the discretion of 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 class 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 provisions of this

Rule and the combined calendar-year employment will not exceed seven hundred twenty (720).