

SECTION 100 – THE PERSONNEL COMMISSION

101 ORGANIZATION

The Personnel Commission consists of three members who are appointed for three-year staggered terms with the term of one commissioner commencing at noon, December 1, each year.

Members of the Personnel Commission are appointed alternately by:

- One member is nominated by the classified employees of the District;
- One member is appointed by the governing board; and
- One member is appointed by the first two members. (Ed. Code, § 88069.)

The Personnel Commission elects one of its members as chairperson in December each year for a term of one year. Two members constitute a quorum for any regular or special meeting of the Commission. The affirmative vote of two members is required to make any vote effective. The regular meetings of the Personnel Commission are held monthly, usually the third Thursday of the month unless otherwise noticed. Meeting agendas and minutes are posted at the three colleges, the District Service Center and the Commission web site at vcccd.net/pc1.

The Personnel Director serves as Secretary to the Commission and shall present an annual report, as approved by the Commission, to the Governing Board.

102 RESPONSIBILITIES OF THE COMMISSION

The Personnel Commission shall prescribe and amend such rules as may be necessary to ensure the efficiency of the classified service and the selection and retention of employees on the basis of merit and fitness. The rules and regulations adopted by the Commission shall be binding on the classified employees and the Governing Board. (Ed. Code, § 88080.) The rules and regulations shall provide for the procedures to be followed by the Governing Board as they pertain to the classified service. (Ed. Code, § 88081.)

103 PERSONNEL COMMISSION STAFF

The Personnel Commission staff is appointed by the Commission from an eligibility list established by an examination given under the auspices of the Commission. (Ed. Code, § 88084.) The Personnel Director shall be responsible to the Commission for carrying out all procedures necessary to administer the classified personnel program in conformity with the provisions of the Education Code and the rules and regulations of the Commission. (Ed. Code, § 88086.)

SECTION 110 - CLASSIFIED SERVICE

111 CLASSIFIED SERVICE

All employees under the jurisdiction of the Governing Board, except positions requiring certification, part-time playground positions, full-time students employed part-time, apprentices, and professional experts shall be included in the classified service. (Ed. Code, § 88076.)

The Commission shall classify all employees and positions within their jurisdiction. No person whose contribution consists in rendering personal services and whose employment does not come within the scope of the exceptions listed above shall be employed outside the classified service. (Ed. Code, § 88076.)

No discrimination shall be exercised in accepting applications, testing, grading, certification, or employment of persons because of race, religious creed, color, national origin, ancestry, disability, medical condition, sex, marital status, age, or sexual orientation of any person. (Gov. Code, § 12940.)

112 REGULAR EMPLOYEES

A regular employee is any classified employee who is not designated as limited-term or provisional. A probationary employee is a regular employee who has not completed his/her probationary period. A permanent employee is a regular employee who has successfully completed his/her probationary period.

113 PART-TIME EMPLOYEES

A part-time employee is a regular employee who is in a position for which the 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 employees in the classified service.

114 PROVISIONAL, LIMITED-TERM, OR RESTRICTED POSITION ASSIGNMENTS

All persons assigned as provisional, limited-term, or restricted shall have the minimum qualifications as outlined on the job specifications for the classification in which they are serving. Verification of the minimum qualifications must be certified by the Personnel Director prior to the start date.

115 PROFESSIONAL EXPERT

A person who possesses unique qualifications in the area in which they are employed on a temporary basis for a specific project.

SECTION 120 – APPLICATIONS FOR EMPLOYMENT

121 FILING APPLICATIONS

All applications must be on a standard District application form and filed in person, on-line, by mail, or by fax with the Office of the Personnel Commission on or before the closing date specified in the announcement. Filing of the application must include all required documents as specified in the job announcement.

122 QUALIFICATIONS

Applicants for positions in the Ventura County Community College District must possess the minimum qualifications established for the classification. Certain classifications may require applicants to successfully complete a background investigation/polygraph at the expense of the District before being certified as a qualified candidate for a position. Certain classifications may require conditional offers of employment based upon successful completion of a physical and/or psychological examination.

123 DISQUALIFICATION OF APPLICANTS

The Personnel Commission or designee may disqualify an applicant, remove a candidate's name from the eligibility list, or refuse to certify any candidate as being eligible, for any of the following reasons:

- A. Failure to meet minimum requirements or qualifications for the classification
- B. Failure to submit application correctly or within the prescribed time limit
- C. Conviction of a felony or misdemeanor involving moral turpitude
- D. False statement or failure to list material facts on application
- E. Dismissal from any position for cause
- F. Using or attempting to use political pressure or bribery to secure advantage in examination or appointment
- G. Securing unauthorized information regarding the examination
- H. Taking part in the administration, correction or compilation of results of the examination
- I. Known membership in any political party or special interest group that advocates the overthrow of the government by violent means or physical revolution (Ed. Code, § 88122 & Gov. Code, § 1028)
- J. Negative job-related information received from current or previous employers during the reference check process
- K. Failure to sign the Confidential Inquiry Waiver releasing all current and previous employers from any liability or damage which may result from furnishing information collected during the reference check process
- L. For public safety classifications, failure to pass a subjective background investigation as determined by the Personnel Director

124 NOTIFYING DISQUALIFIED APPLICANTS

A disqualified applicant or candidate shall be notified promptly. The notification will specify reasons for the disqualification and, wherever possible, will be given in time to enable the applicant to submit additional evidence to the Personnel Director before the examination or certification of eligibles. (Also see Section 144.)

125 VETERAN'S PREFERENCE

On all examinations, veterans with thirty (30) days or more of service who become eligible for appointment by attaining the passing mark established for the examination shall be allowed an additional credit of five (5) points; an additional ten (10) points for disabled veterans, which shall be added to their combined percentage score. To be entitled to such veteran's preference, applicants must apply for preference by the final testing date by presenting their honorable discharge papers or certificates of honorable active service in the "armed forces" during the periods designated below and proof of military disability. "Armed forces" means the United States Air Force, Army, Marine Corps, Navy, or Coast Guard. (Ed. Code, §§ 88113, 88114, 88115.)

To qualify for veteran's credit, thirty (30) days or more of service must have been between the dates listed below.

WORLD WAR II:

December 7, 1941, to December 31, 1946.

KOREAN CONFLICT:

June 17, 1950, to January 31, 1955.

VIETNAM ERA:

August 5, 1964, to May 7, 1975.

PERSIAN GULF:

August 2, 1990, to present.

SECTION 130 – EXAMINATIONS

131 EXAMINATION ANNOUNCEMENTS

Whenever it is necessary to fill existing or anticipated vacancies in the classified service or whenever an old eligibility list is about to expire or has been exhausted (see Section 142), competitive examinations will be held to provide a new list of eligibles. At least ten (10) days' public notice of such examinations will be given. The announcement will contain the following information:

- A. The date and place of examination
- B. The final date for filing of applications
- C. Information, when available, regarding the expected number of vacancies and any unusual conditions of employment such as place of employment, varied shifts, workweek, etc.
- D. The minimum qualifications including education, experience, knowledge, and abilities
- E. Description and requirements of any qualifying skills test
- F. Salary range for the classification
- G. Description of the duties and responsibilities of the classification
- H. Conditions of the competitive examination, including the examination components and their relative weights and the scope of the written and/or performance examinations when such information is available at the time of posting.
- I. Such other information as will assist the public in understanding the nature of the employment and the procedures necessary to participate in the examination

132 RELIGIOUS DOCTRINES EXCEPTIONS

Persons, whose religious doctrines do not allow for testing on specific days of the week may be allowed to take the examination on an alternate day, provided the required material is submitted to the Personnel Director and other requirements also listed below are met:

- A. Individual requests in writing to take the test on an alternate day. This request must be filed before the deadline for filing applications.
- B. Individuals must attach a signed letter from a religious leader that includes the following data:
 - 1. A statement that the candidate is a member of the religious group
 - 2. The reason(s) the test day is against the religious doctrine
 - 3. A quotation from the appropriate religious doctrine which would make participation in a test day contrary to the beliefs of the religious group

If the above letter is not possible because it is contrary to the religious doctrine, the candidate may write it himself/herself and make a statement at the end of the letter that all statements reflect the true facts.

- C. The individual must take the test on the assigned alternate day provided.
- D. The candidate must sign a statement that he/she received no help from other candidates where the same form of the tests has been given previously.
- E. Cost shall be kept to a minimum.

133 EXAMINATION RETAKE POLICY

A candidate who is unsuccessful in an examination component may not retake the same exam component for a period of ninety (90) calendar days provided the exam component is comprised of essentially the same questions or problems. This provision does not apply to the evaluation of minimum qualifications and other entrance requirements stated in the classification specification.

The 90 calendar-day period is applied to the period of time between the date the last eligibility list was established and the application filing deadline for the new examination.

An applicant who, under the provisions of this rule, is prohibited from retaking an exam component shall be permitted to compete in the examination for another classification provided the score most recently obtained for the exam component is used.

134 SCOPE OF EXAMINATIONS

The Personnel Director shall determine the standards of proficiency to be required for each examination and determine the examination components and weights as they relate to successful job performance required at entry. These shall be administered objectively in a technically acceptable manner as determined by the Personnel Director.

The Personnel Director shall ensure that personnel selection procedures are based on the principles of merit, comply with federal and State regulations, follow professional standards, and are planned, designed, constructed, and administered in an efficient and cost effective manner.

Examinations may be either written, oral, practical demonstrations of skill and ability, or any combination of these that assess the competencies required to perform the critical duties of the classification. The Personnel Director shall be responsible for determining the components of the examination.

All examinations, including individual components, shall be based on an analysis of the job. They should reliably assess the competencies required to successfully perform the primary functions of the job at the entry level.

134.1 EXAMINATION POLICY

All examinations will be open and promotional.

134.2 ORAL EXAMINATION

When an oral examination (interview) is conducted, the Personnel Director shall ensure the following:

1. Unless specifically directed to evaluate candidates' technical knowledge and skills, the interview panel shall confine itself to evaluating general fitness for employment in the classification. When assessing technical knowledge and skills, the panel shall consist of at least two persons technically qualified in the specified occupational area.
2. A first or second level supervisor over a vacant position for which the examination is being conducted shall not serve on the interview panel.
3. Members of the Board of Trustees or Personnel Commission shall not serve on an interview panel.
4. Interviews shall be electronically recorded.
(Ed. Code, § 88092.)

135 WEIGHTING AND SCORING OF EXAMINATIONS

All examination components shall be prepared under the direction of the Personnel Director who shall assign relative percentage weights to each component of the examination and determine passing scores. The procedure for setting percentage weights shall be impartial and shall bear a reasonable relationship to the duties performed.

The Personnel Director or his/her designee shall score examinations objectively. The Personnel Director or his/her designee shall not consider the identities of the individual participants in determining passing scores. When applicable, the Personnel Director shall determine the number of applicants who will proceed to subsequent phases of the selection process from among the total number of applicants who pass each examination component.

136 NOTICE OF RESULTS

Each applicant taking an examination will receive a written notice of the results of his/her examination, his/her final percentage rating and his/her ranking on the eligibility list, if applicable.

137 APPEAL OF EXAMINATION RESULTS

An applicant may contest the outcome of any step in the examination process. To appeal, an applicant must submit a completed Examination Appeal Form within three (3) business days following notice of the examination results. The date an applicant is notified of the results counts as a business day. Examination Appeal Forms are accepted by email, fax, mail, and in-person.

The appeal must contain specific proof supported by facts and must be based on one of the following qualifying bases:

Procedural error - Procedural error is a lapse, omission, or breach in the consistency of the administration of the process that may cause some individuals to be unfairly advantaged or disadvantaged in the assessment. To appeal on the basis of procedural error, appellant must identify the specific error and explain the reason that the issue affected their examination outcome.

Fraud - Fraud is a false representation of a matter of fact – whether by words, conduct, false or misleading allegations, or concealment of what should have been disclosed – that deceives and is intended to deceive an individual so that the individual will act upon it to his or her disadvantage. To appeal on the basis of fraud, appellant must identify the specific false representation of facts and explain how the false representation affected their examination outcome.

Unlawful discrimination - Unlawful discrimination is anything written, stated, or otherwise communicated that indicates discrimination on the basis of race, color, religion, national origin, age, gender, gender identity, sexual preference, or any other category of people protected under anti-discrimination law. To appeal on the basis of discrimination, appellant must identify specific evidence of discrimination (e.g., a comment, statement, or act) and explain how the comment, statement, or act affected their examination outcome.

Abuse of discretion or bias - Abuse of discretion is the exercise of judgment made irrespective of the facts. Bias is an express or implicit favoritism or disfavor for specific individuals. To appeal on the basis of abuse of discretion or bias, appellant must identify the divergence of judgment from facts and data or the specific biasing relationship or factor and explain the reason that the conduct affected their examination outcome.

Statements that only express general disagreement with test results or with the judgment of raters are not bases for an appeal.

Review Process and Outcomes:

Examination appeals will be reviewed by the Director of Employment Services/Personnel Commission or his/her designee. All appeals will be thoroughly reviewed and determined to be either valid or denied. Appellants will be notified of the determination in writing. If valid, the Director of Employment Services/Personnel Commission will assess the possible effects of the appeal, if any, on the candidacy of the appellant, the examination process as a whole, and/or appointments from the eligibility list(s). Based on such assessment the Director may:

1. Allow the appellant to participate in the examination process; or
2. Change the rating of one or more applicants; or

3. Temporarily suspend examination activities; or
4. Dispose of the examination results and order for another administration of all or part of the examination to be conducted; or
5. Withhold certification from all or part of the eligibility list(s).

The Director may, at any time, rescind or modify a decision to withhold certification upon review of the specifics of an examination appeal.

138 REVIEW OF EXAMINATION MATERIALS

Examination materials are considered confidential and will not be available to the public or to District employees not responsible for the administration of the examination or the review of associated complaints of unlawful discrimination. Examination materials will be made available to applicants under the following conditions:

1. Requests to review scores or evaluations must be made to the analyst in charge of the examination within three (3) business days following notice of the examination results. The date an applicant is notified of the results counts as a business day.
2. Only applicants' scores and evaluations are subject to review. Questions, items, scoring keys, rater notes, and rating criteria are not subject to review by applicants due to test confidentiality and security considerations. However, for written tests, applicants may indicate the questions they wish to have reviewed. Personnel Commission staff will make any necessary corrections or adjustments to the applicants' scores if a written test question is found to be flawed. If corrections are required, they shall be applied uniformly to all applicants if applicable.
3. A qualified representative of the Personnel Commission will be present during the examination review session.
4. Applicant's scores and evaluations will not include the identification of the rater(s).
5. Applicants may not leave with or make copies of any examination materials.

The Director of Employment Services/Personnel Commission may deny a request to review examination materials if he or she determines that granting the request would violate the security or confidentiality of the examination.

SECTION 140 – ELIGIBILITY LISTS

141 ESTABLISHING ELIGIBILITY LISTS

After compiling results of all parts of an examination for a particular classification, the Personnel Director shall prepare a list of eligible candidates in the order of their final ranking. Final scores of eligible candidates shall be rounded to the nearest whole percent. All eligible candidates with the same percentage score will be considered as having the same rank. Candidates shall be placed on the eligibility list in the order of their relative merit as determined by competitive examinations after seniority credits, if any, and veteran's credits, if any, have been added. Appointments shall be made from the first three ranks on the list who are ready and willing to accept the position, except as specified under Education Code section 88096, in which instances candidates other than the first three (3) on the eligibility list may be certified and appointed. (See Section 14.7 of SEIU contract.)

141.1 Permanent employees laid off or on leave without pay may be considered as promotional applicants for purposes of seniority credits during their re-employment period or leave, as applicable. (Ed. Code, § 88117.)

142 DURATION OF LISTS

All eligibility lists shall continue in force for a period of at least one (1) year from the date of the oral examination. Eligibility lists may be established for a period of six (6) months upon the approval of the Personnel Commission so long as the six (6) months' duration of such a list is noted in the recruitment bulletin announcing the examination. A list may be extended for an additional period of one (1) year or less by the Commission, or it may be terminated before the end of the first year if, through use and through eligibles being unavailable, it is considered exhausted. An eligibility list may be deemed exhausted by the Personnel Director if fewer than three (3) ranks remain. Upon termination of an eligibility list, notice must be given to all eligibles remaining on the list. (Ed. Code, § 88119.)

143 COMBINING LISTS

Any available candidate remaining on an exhausted list shall have his/her name placed on a subsequent examination list in order of his/her percentage rating, providing the examinations are comparable in score and sufficiently similar to preserve their competitive character.

144 REMOVAL OF NAMES FROM LISTS

The Personnel Director may remove the name of a candidate from an eligibility list for any of the following reasons:

- A. Any of the reasons specified in Section 123 for which an applicant may be disqualified
- B. Evidence the eligible candidate cannot be located by the postal authorities
- C. Receipt of a written statement from the eligible candidate that he/she no longer wishes to be considered for an appointment
- D. The candidate declined three (3) selection interviews and/or offers of appointment to the classification
- E. Investigation of the candidate's references reveals information which contradicts his/her statements on his/her application or in his/her oral interview

The Personnel Director or designee shall notify a candidate who is removed from the eligibility list and give the candidate an opportunity to provide sufficient reason why the action should be reversed. The Personnel Director may reinstate an eligible's name on the list when sufficient reason is given. It shall be the responsibility of applicants on the eligibility lists to keep the Office of the Personnel Commission informed of the address or phone number where they may be contacted when openings develop.

145 ELIGIBILITY AFTER APPOINTMENT

Appointment of an eligible candidate to a limited-term position shall not affect his/her standing on the eligibility list for probationary appointment to a regular position.

146 REEMPLOYMENT LISTS

An employee who has been laid off for lack of work or lack of funds may be placed on a re-employment list. Such employees shall have first priority in appointments to classified positions in their classifications in accordance with their length of service with the District and individual classifications. (Ed. Code, § 88127.)

147 PROMOTIONAL CONSIDERATION FOLLOWING SEPARATION

Employees laid off because of lack of work or lack of funds shall be eligible to take examinations on a promotional basis for classifications for which they are qualified during periods of layoff.

An employee who leaves the District (except by layoff) shall have the seniority credits, if any, removed and be ranked according to their relative merit after the addition of veterans credits, if any.

148 REINSTATEMENT CONSIDERATION

Upon petition to the Personnel Director, an employee who had a satisfactory performance rating and was classified as permanent at the time of his/her resignation may be considered for reinstatement within thirty-nine (39) months after his/her last day of paid service without examination to a position in his/her former classification or a lower classification in the same classification series or lower classification in which the employee had permanent status. (Ed. Code, § 88128.)

SECTION 150 – CERTIFICATION OF ELIGIBLE INDIVIDUAL

151 REQUEST FOR CLASSIFIED PERSONNEL

When a position is to be filled, the supervisor shall notify the Personnel Director on a *Request for Classified Personnel Employment* form. The Personnel Office will post transfer and examination announcements. (See Section 131.)

152 CERTIFICATION OF NAMES

Candidates will be certified to the supervisor by the Personnel Director from the existing lists in the following order. Each list shall be exhausted or terminated before candidates from the next list are certified.

152.1 RE-EMPLOYMENT LISTS

- 1) Former employees who were laid off because of lack of work or lack of funds are eligible for re-employment in their classification for a period of thirty-nine (39) months. They will be re-employed in preference to new applicants and shall be ranked according to seniority in their classification on the re-employment list. The employee who had the longest time in the classification shall be re-employed first. This list will be exhausted first. (Ed. Code, § 88127.)² Employees who were terminated after all available leaves of absence have been exhausted, whether paid or unpaid, due to either industrial or non-industrial accident or illness shall be grouped together and ranked according to seniority in their classification on the re-employment list. The employee who had the longest time in the class shall be re-employed first once they provide a medical release to perform the functions of the classification. (Ed. Code, §§ 88192 & 88195.)

152.2 ELIGIBILITY LIST FROM OPEN/PROMOTIONAL COMPETITIVE EXAMINATION

Certification shall be made from the three highest ranks ready and willing to accept the position.

152.3 OTHER APPROPRIATE LISTS

Candidates for transfer and reinstatement shall be certified to the supervisor in addition to eligibles from the Open/Promotional eligibility lists. If no Open/Promotional list exists for the classification, candidates for transfer may be certified to the supervisor prior to a public announcement of competitive exam.

If there is no other eligibility list for the class in which the vacancy occurs, certification shall be made from the next most appropriate list, if one exists. Only the names of persons having the qualifications required for the classification shall be certified for appointment.

153 REPLY TO NOTICE OF SELECTION INTERVIEW

Failure of a candidate to reply to a notice of selection interview within three working days will be considered an automatic waiver. The Personnel Director or designee will then certify the next eligible on the list.

154 WAIVER OF APPOINTMENT FOLLOWING CERTIFICATION

An eligible candidate may waive appointment after certification and retain his/her place on the eligibility list. However, after three waivers of probationary appointments, his/her name will be removed from the list for the classification. In some cases where waivers were caused by circumstances beyond the control of the eligible candidate, the Personnel Director, upon written request, may restore his/her name to the list.

If a candidate declines the appointment, the reason should be noted on the *Interview Slip* form by the supervisor and returned to the Personnel Office. Another candidate will be certified, if appropriate, by the Personnel Director upon receipt of the returned form.

155 TEMPORARY WITHDRAWAL FROM ACTIVE LIST

An eligible individual may have his/her name temporarily removed from an active eligibility list by submitting satisfactory reason in writing to the Personnel Director. Reinstatement may be made by the Personnel Director during the period the list is in effect.

SECTION 160– APPOINTMENTS

161 APPOINTMENTS

All vacancies in the classified service shall be filled from applicants on eligibility lists. Appointments may also be made by means of transfer, demotion, reinstatement, and re-employment in accordance with the rules of the Commission. (Ed. Code, § 88091.)

162 INITIAL APPOINTMENTS

Upon initial appointment and upon each change in classification thereafter, each classified employee shall be furnished two (2) copies of his/her job specifications, salary, assignment of work location, duty hours, and prescribed workweek. The employee shall sign the forms, retain one (1) copy and return the other to his/her supervisor. (Ed. Code, § 88168.)

163 LIMITED-TERM APPOINTMENTS

When the Board creates a limited-term position, not to exceed six (6) months, **OR** when a replacement is needed for the term of an employee's absence, candidates shall be certified in accordance with their positions on the appropriate eligibility list and their willingness to accept limited-term employment. The acceptance or refusal of an appointment shall not affect an eligible's standing on the list or his/her eligibility for probationary appointment. Successive limited-term appointments to the same position shall not be made. (Ed. Code, § 88105.)

164 PROVISIONAL APPOINTMENTS

When no eligibility list exists for a classified position, the Personnel Director may certify a qualified individual for provisional appointment which may accumulate to a total of ninety (90) working days. Successive provisional appointments of any one person may not be made to any full-time position without a lapse of ninety (90) calendar days. The Personnel Director may extend the provisional appointment beyond the ninety (90) days by thirty-six (36) additional days if an examination for the class failed to result in qualified candidates, it is necessary to carry on vital functions, and the position cannot be filled by the use of other lists. No full-time person shall be employed in a provisional capacity for more than one hundred twenty-six (126) working days in any fiscal year. After continuous examination procedures for the classification have been authorized by the Commission, successive provisional appointments may exceed the one hundred twenty-six (126) day limit, extending until such time as certification can be made from an appropriate eligibility list. (Ed. Code, §§ 88106, 88107, 88108.)

165 EMERGENCY APPOINTMENTS

In order to prevent the stoppage of public business when an emergency arises and persons on the appropriate eligibility list are not immediately available, the Personnel Director may certify the appointment of an employee for a period not to exceed fifteen (15) working days. (Ed. Code, § 88109.) Time served under such an emergency appointment shall be considered a part of the period permitted under Education Code section 88106 for provisional appointments.

166 RESTRICTED APPOINTMENTS

Restricted appointments shall be made to specially funded positions that limit the employment of persons from specific groups, areas, or for a particular function and restrict the privilege of all citizens to compete for employment. The positions filled by restricted appointment shall, in addition to its regular classification title, be labeled as "Restricted." Persons employed in restricted positions shall be classified employees for all purposes except they shall not be accorded employment permanency or acquire seniority credit. (Ed. Code, § 88008.)

SECTION 170 – PROCESSING NEW EMPLOYEES

171 OATH OR AFFIRMATION OF ALLEGIANCE FOR CIVIL DEFENSE

Every college District employee shall sign the Oath or Affirmation of Allegiance as required in chapter 8, section 3103, of the Government Code.

172 FINGERPRINTING

All new and reinstated classified employees are required to be fingerprinted within ten (10) working days of the date of employment. The fingerprint form and instructions are furnished by the Human Resources Department, and all fees are paid by the District. (Ed. Code, § 88024.)

173 TB TESTING

No person shall be initially employed in a regular classified position unless the person has submitted to an examination within the past sixty (60) days to determine his/her freedom from active tuberculosis. However, the individual can be exempted if the school district that previously employed the applicant verifies that it has a certificate on file that indicates the person was examined within the past four (4) years and was found to be free of communicable tuberculosis.

Thereafter, all employees who skin test negative shall undergo the required examination at least once every four (4) years or more often if directed by the Governing Board. Employees who skin test positive, followed by a negative x-ray, must submit a completed follow-up questionnaire form to the Human Resources Department annually. (Ed. Code, § 87408.6.)

It is the employee's responsibility to return evidence of the results of the test to the District Human Resources Department.

174 FORM W-4 (WITHHOLDING)

Form W-4 (*Employee's Withholding Exemption Certificate*) must be filed by every employee and will be used for both Federal and State withholding.

175 SOCIAL SECURITY NUMBER

Upon employment, employees must show their Social Security card to the Human Resources Department for payroll verification.

176 I-9 EMPLOYMENT ELIGIBILITY VERIFICATION FORM

New employees must complete an I-9 form within seventy-two (72) hours of employment documenting their right to work in the United States.

177 PERSONNEL COMMISSION RULES AND FORMS

All regular classified employees shall be issued a copy of the Personnel Commission Rules at new employee orientation, all forms as provided for in Section 162, and appropriate policies and procedures of the Governing Board. Copies of the Commission Rules are available at the President's office at each college, Office of the Personnel Commission and the worldwide web at vcccd.net/pc1.

SECTION 180 – PROBATIONARY PERIOD

181 PURPOSE OF PROBATIONARY PERIOD

The probationary period shall be an essential and continuing part of the new employee process, and shall be utilized for an effective orientation of new employees and to assure the retention of only qualified employees who meet the performance standards for the position.

182 LENGTH OF PROBATIONARY PERIOD

All appointments from eligibility lists for initial appointment or for promotion, with certain exceptions, shall be probationary for a period of six (6) months or one hundred thirty (130) days of paid service, whichever is longer. Classified management, police, and designated executive classifications shall be probationary for a period of one (1) year of paid service from initial appointment or promotion. (Ed. Code, § 88120.)

This probationary period shall not include the time served under emergency, limited-term, or provisional appointments; but shall date from the time of probationary appointment to a permanent position, except as provided below.

If the same person who was certified and served in a limited-term position is appointed to a regular position in the same classification, the individual must have a break in service before appointment to the probationary status, and the individual's time of limited-term service shall not be considered as part of the person's probationary period.

If, at any time after completion of the required probationary period, a person serving in a "restricted" position is appointed to a regular and permanent position in the same classification after passing the qualifying examination, the individual's time in the regular classified service shall be counted from the initial date of employment in the "restricted" position. (Ed. Code, §§ 88079 & 88005, subd. (c).)

Any probationary employee who is terminated upon exhaustion of industrial injury leave or laid off during the probationary period shall, in the event of re-employment, be required to complete a full probationary period.

183 PERFORMANCE EVALUATIONS DURING PROBATIONARY PERIOD

For classifications with a six (6)-month probationary period, supervisors shall submit written performance evaluations of probationary employees to Human Resources at the end of two (2), four (4), and five-and-a-half (5-1/2) months of service. For classifications with a one (1)-year probationary period, supervisors shall submit written performance evaluations of probationary employees to Human Resources at the end of four (4), eight (8), and eleven-and-a-half (11-1/2) months. The purpose of these evaluations is to assist employees in maintaining satisfactory levels of performance during this probationary period. Evaluations must be related to job performance, and the procedure must provide information and assistance to the employee to help him/her increase the efficiency of his/her work. (See Sections 193 and 194.)

184 TERMINATION OF PROBATIONARY SERVICE

If the probationary employee is found to be unsatisfactory by the supervisor, it shall be the duty of the supervisor to recommend in writing that permanent status not be granted. The Human Resources Department shall notify the employee of the supervisor's recommendation and submit the recommendation to the Governing Board or designee for action.

185 CHANGE FROM PROBATIONARY TO PERMANENT

If the supervisor finds the probationary employee fully qualified for permanent status, the supervisor shall recommend the employee for permanency by indicating such in the space provided on the final probationary performance evaluation form. This evaluation form must be sent to the Human Resources Department in advance of the date the employee is due to receive his/her permanent status. The change of status from probationary to permanent shall be effective the day following the completion of the probationary period.

186 RESTORATION TO FORMER CLASSIFICATION - AFTER PROMOTION

A classified employee who has accepted a promotion shall serve a probationary period during which time the individual is subject to the regulations governing probationary employees. (Reference Sections 181-185.) If the individual is found unsatisfactory during the probationary period, the person shall be reinstated to the former classification. No recourse to appeal or hearing before the Personnel Commission is provided in a demotion of this type. (Ed. Code, § 88124.) The employee in the position the promoted employee formerly held may transfer to an equivalent position, if available and approved by the Personnel Commission under Section 241, or exercise bumping rights under Section 252, or terminate in accordance with separation procedures.

If the former position no longer exists, the employee may transfer to an equivalent position, if available and approved by the Personnel Commission under Section 241, or exercise bumping rights under Section 252, or terminate in accordance with separation procedures.

187 EXTENSION OF PROBATIONARY PERIOD

The probationary period shall be extended by the same number of days a probationary employee is absent for any combination of leaves (paid and unpaid) in excess of ten (10) working days over the probationary period.

SECTION 190– PERFORMANCE EVALUATIONS

191 PROBATIONARY EMPLOYEES

The purpose of the performance evaluation process is to assist new employees to establish and maintain satisfactory levels of performance during the probationary period. The immediate supervisor evaluating a new employee will explain the purposes of the performance evaluation process in assessing and improving employee proficiency. A copy of the performance evaluation form used by the District will be given to new employees during their orientation.

192 PERMANENT EMPLOYEES

The purpose of these evaluations is to assist permanent employees in maintaining satisfactory levels of performance, and to encourage growth and improvement of performance. Work performance evaluations must be related to job performance and must provide information to the employee to enable him/her to increase the efficiency of his/her work where this is indicated. Performance ratings may be considered in such matters as promotions and transfers.

Employees will be evaluated annually for their performance following the end of each fiscal year (June 30). Nothing in this section shall prohibit a supervisor from evaluating an employee more frequently.

192.1 PERFORMANCE RATING FOR RESTRICTED EMPLOYEES

Under certain conditions, the time served by an employee on a restricted appointment becomes a part of the probationary period. Performance ratings for restricted employees shall be made on the same basis as probationary employees.

193 RATING PERFORMANCE

Ratings for a permanent employee shall be prepared by the employee's immediate supervisor. The rating supervisor, who is the one most closely acquainted with the employee's work performance, should either oversee, review or check the daily work of the employee being rated.

194 RATING CONFERENCE

Each employee must have a performance evaluation conference with her/his supervisor. This conference shall communicate the performance standards for the position, explain the ratings, and identify goals. A development plan for growth and improvement entails discussion with the employee at the time the report is presented to him/her for his/her signature.

195 PERFORMANCE EVALUATION RECORD

Supervisors will forward the completed and signed performance evaluation forms to the Human Resources Department within 60 days following the end of the evaluation period.

The performance evaluation form becomes a permanent part of the employee's personnel record.

SECTION 200 – NON-DISCRIMINATION

201 NO DISCRIMINATION

No person who is in the classified service or who is on any eligibility list shall be appointed, demoted, or removed, or in any way discriminated against because of his/her political acts, opinions, or affiliations except as prohibited by the Government Code or by the Oath or Affirmation of Allegiance.

Any person who intimidates, coerces, or discriminates in any way against any classified employee for doing any act authorized by the Education Code shall be personally liable to such employee for all damages suffered thereby and such exemplary damages as the court may allow. (Ed. Code, § 88056.)

SECTION 210 – POSITION CLASSIFICATION

211 POSITION CLASSIFICATIONS

Position classification is a system for identifying and describing duties performed by employees, grouping them together under common job titles, creating job families, and placing them in appropriate salary ranges.

A position is a group of duties and responsibilities assigned by the Governing Board and requiring the full or part-time employment of one person.

A classification is a position or group of positions determined by the Personnel Commission as having duties and responsibilities sufficiently similar so that each position in the class:

- A. Can be given the same classification title
- B. Has essentially the same requirements of education and experience
- C. Can be filled by the same test of fitness of applicants
- D. Can equitably receive the same compensation

The titles of classifications and positions should be used in all personnel and payroll records and correspondence.

Classifications are established and abolished by the Personnel Commission. The Personnel Director may reestablish abolished classifications subject to ratification by the Personnel Commission under the following conditions:

- A. The duties listed in the classification specifications are sufficiently similar so as to preserve the original classification concepts.
- B. The minimum qualifications remain unchanged.
- C. The classifications are reestablished at the same salary ranges and do not result in internal misalignment with other classifications.

The reestablishment of abolished classifications that do not meet the aforementioned conditions must receive prior approval by the Personnel Commission.

Confidential classifications are distinct classifications that reflect the defining characteristics of confidential employees as provided in Board Policy 7240.

212 JOB SPECIFICATIONS

The Commission shall maintain official job specifications for each classification it establishes that will include:

- A. The official classification title
- B. The basic functions defining the classification, indicating duties, essential functions, responsibilities, and distinguishing characteristics
- C. A statement of representative duties performed
- D. A statement of the minimum qualifications which may include education, experience, knowledge, skills, abilities, licenses and certifications, and working conditions

- E. Any additional qualifications considered desirable enough to give additional credit in the examination process even though not prerequisite to employment

213 CREATING NEW POSITIONS

The establishment of a new position and the duties to be performed by the employee filling the new position is the responsibility of the Governing Board. (Ed. Code, § 88009.) New positions must be specifically authorized by the Board. When a new position is to be created or filled, the Personnel Director shall determine whether the position should be allocated to an existing classification or whether a new classification should be created. If a new classification is to be established, the job specifications and recommended salary placement of the classification shall be submitted by the Personnel Director to the Personnel Commission for approval. (Ed. Code, §§ 88076-88079.)

214 CHANGES IN DUTIES OF EXISTING POSITIONS*

It is the immediate supervisor's responsibility to maintain the employee's duties and responsibilities consistent with the job specifications. It is the supervisor's responsibility to immediately contact the Personnel Director if changes occur in the employee's duties.

Any changes in duties or responsibilities as specified in the job specifications shall be reported by the employee or supervisor to the Personnel Director (with a copy to the supervisor if reported by the employee), using the form(s) provided by the Office of the Personnel Commission. The incumbent in the position may be required to complete a Position Information Questionnaire pertaining to their specific job duties. The supervisor and department head will review the questionnaire and job description to determine the completeness and accuracy of the statements and to clarify or give information concerning the duties and responsibilities. The supervisor or the department head may not change the description of duties as prepared and certified by the incumbent. A copy of this form will be submitted to the Personnel Director who may initiate a review (desk audit). Recommendations will be subject to review and approval by the Personnel Commission and a new classification and salary schedule range allocated when appropriate.

The basis for reclassification of a position must be a gradual accretion of duties and not a sudden change caused by a reorganization or the assignment of different duties and responsibilities to a position. (Reorganization plans will include classification authorizations.)

A gradual accretion is a change in duties and responsibilities that takes place over an extended period of time of at least eighteen months. The Personnel Commission will make the final determination in case of a disagreement between the requesting department and the Personnel Director.

The Personnel Commission will have a general desk audit of all positions whenever necessary and practicable. The Personnel Commission will conduct individual desk audits of those positions that are determined to have substantially different duties and responsibilities.

The purpose of the desk audit is to study position(s) to determine whether or not the position(s) are correctly placed in the appropriate class; to reclassify those specific position(s), which are not correctly placed, into the appropriate class; and to update class specifications with appropriate changes as needed. The audit may be combined with a salary survey to adjust the classes on the salary schedule to the appropriate level.

215 RECLASSIFICATION – ALL OR A PORTION OF THE POSITIONS IN THE CLASSIFICATION

When all or only a portion of the positions in a classification are reclassified to a higher classification or responsibility level, the incumbents who have been in the classification for two (2) or more years with satisfactory service may be reclassified without a competitive examination. Incumbents with less than two (2) years and satisfactory service in the classification may be reclassified to the higher classification after passing a competitive or qualifying examination provided by the Personnel Commission. (Ed. Code, § 88104.)

When all or only a portion of the positions in a classification are reclassified to a lower classification, the incumbents shall be placed in the lower level classification.

Employees who are reclassified are ineligible for subsequent reclassification within their position for a period of at least two (2) years from the initial action.

Final approval for a reclassification of the affected position(s) to the new classification is the responsibility of the Governing Board or designee.

216 REALLOCATION

A reallocation is a change to a higher or lower classification in the same classification series in those positions assigned according to the manager's classification.

When a position is reallocated to a higher classification, the incumbent who has been in the classification for three (3) or more years with satisfactory service may be reallocated without a competitive or qualifying examination. An incumbent with less than three (3) years and satisfactory service in the classification may be reallocated to the higher classification after passing a competitive or qualifying examination as provided by the Personnel Commission.

When a position is reallocated to a lower classification, the incumbent shall be placed in the lower level classification or may invoke bumping rights, if applicable.

217 INCUMBENTS FAILING TO QUALIFY FOR REALLOCATED OR RECLASSIFIED POSITIONS

An incumbent failing to qualify for a reallocated or reclassified position by any of the procedures listed above may be transferred or demoted. If ineligible to be transferred or to be demoted, he/she may be separated by procedures outlined in these rules. (See Section 252.)

218 PROBATIONARY PERIOD – AFTER RECLASSIFICATION

Probationary employees being reclassified must serve the established probationary period in new classification or responsibility level.

219 DETERMINING INITIAL SALARY AFTER AND RETROACTIVE OUT-OF-CLASS PAYMENT UPON RECLASSIFICATION

Employees who are reclassified to a higher classification shall be placed on the step of the higher salary range that provides a one (1) step increase over their current salary. Such placement may not exceed the top step of the salary range. (see Section 295)

Retroactive out-of-class payment will be provided from the date the Office of the Personnel Commission is notified of the assignment of out-of-class duties via a signed and properly completed Position Information Questionnaire (PIQ). The effective date of the retroactive payment will be the date the PIQ is signed by the supervisor. The Personnel Director may make exceptions with regard to what is considered appropriate notification and the effective date of retroactive payment as warranted.

SECTION 220 - PROMOTION

221 PROMOTION DEFINED

A promotion is a change from one classification to a higher classification that involves an increase in pay and change of duties and responsibilities.

222 PROBATIONARY PERIOD – AFTER PROMOTION

An employee, upon being promoted to a different classification, shall serve a probationary period, during which time the individual is subject to the regulations governing probationary employees. (See Section 180.)

223 DETERMINING SALARY IN PROMOTION

Employees who are promoted to a higher class shall be placed on the step of the higher salary range that assures them of at least a one (1) step increase from the initial range. (See Section 295.)

SECTION 230 – DEMOTIONS

231 DEMOTION DEFINED

The change of an employee from a position in one classification to a position in another classification with a lower salary range.

232 INVOLUNTARY DEMOTION

A permanent employee may be either temporarily or permanently demoted for disciplinary purposes where the cause does not warrant dismissal. No employee shall be demoted except for reasonable cause designated by the Personnel Commission. Procedures for demotion shall be the same as for suspension or dismissal (see Section 265) and the employee shall have the same right of appeal. This rule shall not be applied to prevent layoffs for lack of work or lack of funds. (Ed. Code, § 88121.)

233 VOLUNTARY DEMOTION

Voluntary demotion to a vacant position for which the employee possesses the minimum qualifications may be permitted by the Commission when requested by the employee or by his/her supervisor with concurrence of such employee.

234 PROBATIONARY PERIOD AFTER DEMOTION

An employee must serve a six (6) month probationary period in the classification to which she/he demotes. If a permanent employee fails to pass the probationary period in the new classification, she/he has appeal rights to the Personnel Commission.

235 DETERMINING SALARY IN DEMOTION

(See Section 296.)

236 REINSTATEMENT AFTER VOLUNTARY DEMOTION

An employee who accepts a voluntary demotion will retain the right to be certified for consideration to his/her former classification without examination for a period of thirty-nine (39) months from the date of demotion. In no event will an employee be reinstated more than once in a thirty-nine (39) month period. This provision does not apply to a demotion in lieu of layoff.

237 REINSTATEMENT AFTER VOLUNTARY DEMOTION IN LIEU OF LAYOFF

An employee who accepts a demotion in lieu of layoff will retain the right to his/her former higher classification without examination for a period of thirty-nine (39) months if a vacancy occurs, plus an additional twenty-four (24) months, provided the test for fitness under which he/she qualified to the classification still applies. (Ed. Code, § 88117.)

SECTION 240 – TRANSFERS AND LATERAL REASSIGNMENTS

241 TRANSFER

All transfers of employees must be certified by the Personnel Director and approved by the Governing Board. No increase in salary shall accompany a transfer.

Notice for all vacant positions for which a valid eligibility list is on file will be provided via email to eligible classified employees no less than five working days before the referral of lists of candidates is sent to the appropriate supervisor. Employees interested in transferring or being reassigned to a vacant position will be considered as having filed a timely application if it is received in the Office of the Personnel Commission by the deadline posted in the announcement.

242 LATERAL REASSIGNMENTS

A lateral reassignment is a change from one classification to a related classification on the same salary range. Employees requesting a lateral reassignment must meet the minimum qualifications of the new classification. Determination of whether classifications are sufficiently related to permit reassignment between them shall be based upon the similarity of duties, similarity of occupation fields, and the similarity of the examination processes, as determined by the Personnel Director.

243 PROBATIONARY PERIOD FOLLOWING TRANSFERS AND REASSIGNMENTS

A probationary period is not required for transfers or reassignments; however, courtesy evaluations are provided within the first six (6) months to facilitate communication and work expectations. Lateral reassignments to different classifications must serve a probationary period.

244 TRANSFER LIST

The Personnel Director shall maintain a list of all employees who submit a written request to be considered for transfer. This list will be used to certify candidates to supervisors. The supervisor is under no obligation to fill positions by transfer in preference to other methods. (See Section 152.2.)

245 TEMPORARY REASSIGNMENT

Employees may be temporarily reassigned to another department or location without a change in salary. Employees assigned to the duties and responsibilities in a higher classification for more than five (5) days within a fifteen (15) calendar day period shall be eligible for a salary adjustment as provided in Section 299. (Ed. Code, § 88010.)

246 REASSIGNMENT BECAUSE OF ILLNESS OR INJURY

A regular employee who is incapable of performing the duties of his/her class because of illness or injury may be assigned to duties which he/she is capable of performing. The assigned position is subject to classification by the Commission. If classified to a higher wage or salary, the employee may be retained in the position at his/her present salary. The employee shall receive no increase in wages or salary as a result of the assignment unless he/she is appointed from an eligibility list resulting from a competitive examination. If classified to a lower wage or salary, he/she shall be paid whatever is appropriate for the position and classification. (Ed. Code, § 88098.)

SECTION 250 – TERMINATION OF EMPLOYMENT

251 RESIGNATIONS

Resignations should be submitted in writing to the supervisor, with a copy to the Personnel Director, on the form provided, at least two (2) weeks in advance of the date of termination. A resignation relates only to the specific position from which the employee resigns and does not impair his/her rights on other eligibility lists.

252 LAYOFFS AND RE-EMPLOYMENT

Layoffs of classified employees within each class because of lack of work or lack of funds shall be determined by length of service. Length of service shall mean date of hire within classification exclusive of unpaid leaves of absence. The employee who has been employed the shortest time in the classification shall be laid off first. Re-employment shall be in the reverse order of layoff. Laid-off employees are eligible for re-employment for a period of thirty-nine (39) months and shall be re-employed in preference to new applicants. (Ed. Code, § 88127; and see Section 152.)

- A. When, as a result of a bona fide reduction or elimination of the service being performed by any department, or as a result of the expiration of specially funded programs, classified positions must be eliminated and classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than sixty (60) days prior to the effective date of layoff, and informed of their displacement rights, if any, and re-employment rights.
- B. Nothing herein provided shall preclude a layoff for lack of funds in the event of an actual and existing financial inability to pay salaries of classified employees, nor layoff for lack of work resulting from causes not foreseeable or preventable by the Governing Board, without the notice required by subsection A hereof. (Ed. Code, § 88017.)
- C. In the notice of layoff, the employee will be requested to respond in writing within two (2) weeks as to whether he/she will accept the layoff or invoke bumping rights.
- D. An employee may bump the least senior employee in his/her present classification. Seniority will be determined by time in present classification and any higher level classification. The least senior employee in the classification may bump into a lower classification if he/she holds permanent status in the lower classification and there is an employee in the lower classification with less seniority.

253 UNEMPLOYMENT INSURANCE NOTIFICATION

The District will furnish printed statements relating to claims for benefits to laid off classified employees.

SECTION 260 – DISCIPLINARY ACTIONS

261 DISCIPLINARY ACTIONS

Disciplinary action may result from a wide range of types and severity of rules, regulations, policies, or laws. The types of action may involve suspension, demotion, or dismissal.

- A. Suspension refers to exclusion of an employee from his/her job without pay for a prescribed number of days. Suspension must occur only for a reasonable cause and shall not be for more than thirty (30) days.
- B. Demotion refers to a downward movement of an employee from a class of positions to another, and involves a reduction in pay.
- C. Dismissal refers to the permanent separation of the employee from employment within the District.

The burden of proof in any disciplinary proceedings shall remain with the Governing Board, and any rule or regulation to the contrary shall be void.

262 SEX OFFENSE OR NARCOTICS OFFENSE

No person shall be employed or retained in employment by the District who has been convicted of the specific crimes as defined in sections 87010 and 87011 or any other section of the Education Code relating to arrests. If an employee is charged with the commission of any sex offense or narcotics offense as outlined in section 88123 of the Education Code, the Governing Board of the District may immediately suspend the employee for not more than ten (10) days following the date of the entry of the court judgment. Extensions to the suspension beyond the ten (10) day period may be made as outlined in section 88123 of the Education Code.

263 CAUSES FOR DISCIPLINARY ACTION

No person in the classified service shall be disciplined except for reasonable cause designated by rule of the Personnel Commission.

An employee may be suspended without pay for not more than thirty (30) days, or he/she may be demoted or dismissed following the procedures set forth in this section. This section shall not be construed to prevent layoffs for lack of work or lack of funds.

Any of the following actions may be deemed sufficient for suspension, demotion, or dismissal:

- Fraud in securing appointment
- Incompetence or inefficiency
- Insubordination
- Inattention or dereliction of duty
- Consecutive unsatisfactory performance ratings
- Unexcused absences or tardiness, abuse of leave provisions or absence without notification
- Discourteous, offensive or abusive conduct towards others
- Immoral conduct on the job
- Verbal or physical abuse or altercation
- Uninsurability of an employee to drive a District vehicle when such is a requirement of the employee's position
- Unauthorized access to, creating, changing, or deleting of data or other information and/or use of same for personal or other unauthorized purposes or unauthorized release to others and/or violation of confidentiality or privacy
- Possession of opened alcoholic beverages containers, drinking, or being intoxicated while on duty and/or use or possession of illegal or dangerous drugs, while on duty, except as prescribed by a physician and not otherwise impairing behavior or ability

- Work-related dishonesty, theft, willful destruction or mishandling of District property
- Unauthorized possession of a firearm or other weapon while on duty
- Political activities engaged in by any employee during his/her assigned hours of employment
- Any willful or persistent violation of the rules, provisions, regulations, or procedures adopted by the Governing Board or the Personnel Commission
- Knowing membership by the employee in the Communist Party, or other conduct specified in section 1028 of the Government Code
- Arrest and/or conviction of any sex or controlled substance offense as outlined in section 88123 of the Education Code
- Any other work-related offense so grievous that a reasonable person would interpret it as an unacceptable work behavior or action

264 PROCEDURE

The following procedure shall be followed in all cases of suspension, demotion, dismissal, or other disciplinary action taken against an employee.

264.1 INTENT TO IMPOSE DISCIPLINARY ACTION

No probationary or permanent classified employee may be subject to disciplinary action until the employee has been provided a written notice of the *Intent to Impose Disciplinary Action* and the employee has had an opportunity to respond to the charges. Such notice shall be hand delivered or deposited in the U.S. registered mail to the employee no less than ten (10) days prior to the action date. The notice shall include:

- Statement of proposed disciplinary action to be taken
- Statement of the causes, acts or omissions upon which the disciplinary action is based
- Designation of the rule, regulation, policy, procedure, or statute (if any) which the employee has violated
- Statement of employee's right to examine any materials upon which disciplinary action is based
- Statement of the employee's right to present relevant facts, materials, and information on his/her behalf orally or in writing
- Timeline for the employee to respond to charges and the party to whom the response is to be made

If the employee requests to present facts in person and requests a meeting, he/she shall have the right to representation at such meeting.

All material on which the charge is based shall be provided to the employee upon request.

A copy of the written notice of the *Intent to Impose Disciplinary Action* shall be sent to the Director of Personnel for Personnel Commission notification purposes.

264.2 NOTICE OF DISCIPLINARY ACTION

Once a decision to impose disciplinary action is made, written notice from the Vice Chancellor, Human Resources or designee must be served on the employee. Such notice shall include:

- Statement of disciplinary action to be taken
- Statement of the causes, acts, or omissions upon which the disciplinary action is based
- Designation of the rule, regulation, policy, procedure, or statute (if any) that the employee has violated

A copy of the written notice of the disciplinary action shall be sent to the Director of Personnel.

264.3 NOTICE OF APPEAL RIGHTS

The Director of Personnel shall, within ten (10) days of the disciplinary action, file written charges with the Commission and hand deliver a copy of the charges to the employee or deposit it in the U.S. registered mail with postage prepaid, addressed to the employee at his/her last known place of address.

The notification shall include a copy of the charges, related rules, contract and Education Code provisions and a statement of the employee's right to request a hearing to appeal the disciplinary action if such right applies.

264.4 APPEAL

A permanent classified employee may appeal a suspension, demotion, or dismissal to the Personnel Commission by filing a written request for an appeal hearing. The request for appeal must be postmarked or hand-delivered to the Director of Personnel within fourteen (14) days of service of the copy of the charges and appeal procedures. Probationary classified employees do not have the right of appeal or hearing by the Commission. An employee who is a permanent classified employee and probationary in the class may be demoted to the previous class without right to an appeal or hearing by the Commission, provided the demotion does not result in separation from the permanent classified service. (Ed. Code, § 88124.)

Failure on the part of an accused employee to file an answer within the specified fourteen (14) days shall be construed as an admission of the truth of the charges, and judgment shall be in favor of the complainant.

All appeal hearings shall be scheduled to provide the employee with the most expeditious hearing date(s) which is/are reasonably consistent with the work schedules of all parties involved and the complexity of the disciplinary situation. The employee may utilize a representative at the appeal hearing procedure.

The Commission shall investigate the matter on appeal and may require further evidence from either party, and may—and upon request of an accused employee shall—order a hearing within a reasonable length of time and after written notice to both parties. The accused employee shall have the right to appear in person or with counsel and to be heard in his/her own defense. The decision shall not be subject to review by the Governing Board. Both the accuser and the accused shall have the right and opportunity to submit all proper and pertinent evidence and to have witnesses. (Ed. Code, § 88125.)

The Personnel Commission may authorize a hearing officer or other representative to conduct any hearing or investigation as outlined in Education Code section 88131.

The Personnel Commission shall have the right to sustain or reject any or all of the charges filed against the employee, take action to sustain or modify or reject the disciplinary action against the employee, but not to invoke more stringent discipline.

If the Commission sustains the employee, it may order paid all or part of his/her full compensation from the time of suspension, demotion, or dismissal and it shall order his/her reinstatement. (Ed. Code, § 88126.)

SECTION 270 – GRIEVANCES

271 DEFINITION

A personnel rule grievance is a complaint alleging misinterpretation or misapplication of Personnel Commission rules.

272 EXCLUSIONS

Matters related to discipline (see Rule 260) are excluded from the grievance process.

273 GRIEVANCE PROCEDURE

A grievance must be submitted within ten (10) working days after the grievant first knew, or should have known, of the condition(s) upon which the grievance is based.

Step 1

- A. An employee shall discuss the grievance with his/her immediate supervisor in an effort to resolve the matter satisfactorily. The supervisor shall respond to the grievance within ten (10) working days. If the matter is one which can be resolved by the immediate supervisor to the satisfaction of the complainant, this shall terminate the grievance.
- B. Exceptions to this procedure are:
 - 1) A grievance with an immediate supervisor, in which case the employee shall have the right to discuss the grievance directly with the next level of supervision
 - 2) A grievance in which the authority for effective resolution of the matter lies with a higher level of Supervision; the employee shall have the right to discuss the grievance directly with the higher level of supervision
 - 3) If after discussion and an effort to solve the problem at this level fails, the employee shall have the right and should be invited to go to the next level of supervision

Step 2

- A. If there is no satisfactory resolution in Step 1, the employee may submit the grievance in writing, within five (5) working days of the supervisor's response, on the *Employee Personnel Commission Rule Grievance* form (Appendix A), to the individual with whom the Step 1 discussion originated. The statement of grievance must be specific and must include pertinent dates, times, places, specific rule alleged to have been violated, remedy desired, and the date the Step 1 discussion was held.
- B. The *Supervisor Grievance Response* form (Appendix B) shall be completed and attached to the *Employee Personnel Rule Grievance* form within ten (10) working days.

Step 3

- A. If there is no satisfactory resolution to the employee's grievance, the employee submits the *Employee Personnel Commission Rule Grievance* form and the *Supervisor Grievance Response* form to the next level of supervision, up to and including the Chancellor or the Chancellor's designee, within five (5) working days. The *Supervisor Grievance Response* form shall be completed, within ten (10) working days, at each level of supervision at which a formal grievance conference is held.

Step 4

- A. If there is no satisfactory resolution to the employee's grievance, the employee submits the *Employee Personnel Commission Rule Grievance* form and the *Supervisor Grievance Response* form(s) to the Personnel Director within five (5) working days.

Step 5

- A. If the grievance is not resolved to the satisfaction of all parties and further action is desired, the matter shall be referred to the Personnel Commission, to be heard at the earliest possible meeting.
- B. Grievances referred to the Personnel Commission shall follow formal hearing procedures as applicable. (Ed. Code, §§ 88130, 88131.)
- C. Actions of the Personnel Commission shall be final as provided by law.

SECTION 280 – HOURS OF WORK, OVERTIME AND COMPENSATORY TIME OFF

281 DEFINITION OF WORKWEEK AND WORKDAY

281.1 NORMAL WORKWEEK AND WORKDAY & GENERAL PROVISIONS

The normal workweek of a classified employee as defined in Education Code section 88026 shall be forty (40) hours a week. The workday shall be eight (8) hours. These provisions do not restrict the extension of a regular workday or workweek on an overtime basis when such is necessary to carry on the business of the District.

281.2 ALTERNATIVE WORKWEEK

The Governing Board of the District may establish alternative workweeks in excess of eight (8) hours per day with the concurrence of the employee organization, or in the absence of an employee organization, the concurrence of the affected employee. If the Governing Board establishes a workday in excess of eight (8) hours per day, the overtime rate shall be paid for all hours in excess of the established workday or forty (40) hours per week. (Ed. Code, § 88040.)

281.3 REGULAR WORKDAY LESS THAN EIGHT HOURS BUT MORE THAN SEVEN HOURS

The Board may approve a regular workday of less than eight (8) hours but more than seven (7) hours and a workweek of less than forty (40) hours but more than thirty-five (35) hours for classified positions. (Ed. Code, § 88027.)

281.4 FLUCTUATING DAILY SCHEDULE

Specific classes, such as police, may have a fluctuating schedule on a daily basis due to the demands of the job when approved by the Board and the Personnel Commission. (Ed. Code, § 88026.)

281.5 REGULAR PART-TIME POSITIONS

The Board may also establish regular part-time positions with an assigned workday of less than seven (7) hours and a workweek of less than forty (40) hours. Overtime provisions may apply on the sixth or seventh day following the workweek. (Ed. Code, § 88030.)

282 DEFINITIONS OF SHIFTS

The workday may begin at any hour of the day. When the major portion of the workday for a position falls between 5:00 p.m. and 12:00 midnight, the position shall be designated as a “swing shift” position. When the major portion of the workday falls between 12:00 midnight and 8:00 a.m., the position shall be designated as a “graveyard shift” position. A “split shift” is one in which there is a break of more than one (1) hour between the employee’s assigned working times. Employees assigned full-time or part-time positions meeting shift requirements shall be paid the salary differential approved for the shift on the applicable salary schedule. Personnel on a split shift shall receive the differential for each hour in the total shift—not just the first or second part.

283 OVERTIME AND COMPENSATION

283.1 OVERTIME AND COMPENSATION FOR EMPLOYEES WORKING A REGULAR EIGHT-HOUR SHIFT FOR FIVE DAYS A WEEK

Overtime is defined to include any time required to be worked in excess of eight (8) hours in any one day and in excess of forty (40) hours in any calendar week.

Employees, except those specifically designated as “exempt,” shall be compensated at the rate of one and one-half (1-1/2) times the regular hourly pay in the assigned classification for all overtime worked.

283.2 OVERTIME AND COMPENSATION FOR EMPLOYEES WORKING AN ALTERNATIVE WORKWEEK

Overtime is defined to include any time required to be worked in excess of the established alternative workday or in excess of forty (40) hours in any alternative workweek and work performed on the fifth, sixth, and seventh days of the workweek. Overtime shall be compensated for a rate equal to one and one-half (1-1/2) times the regular rate of pay. (Ed. Code, § 88027.)

When a four (4) day workweek is established, the overtime rate shall be paid for all hours worked in excess of the required workday, which shall not exceed ten (10) hours. Work performed on the fifth, sixth and seventh days shall be compensated for a rate equal to one and one-half (1-1/2) times the regular rate of pay of the employee designated and authorized to perform the work. (Ed. Code, § 88031.) (See also Section 287 – Exclusion of Positions From Overtime.)

283.3 OVERTIME AND COMPENSATION FOR EMPLOYEES WORKING A REGULAR WORKDAY OF LESS THAN EIGHT HOURS BUT MORE THAN SEVEN HOURS AND A WORKWEEK OF LESS THAN 40 HOURS BUT MORE THAN 35 HOURS

Overtime is defined to include all time worked in excess of the established workday and workweek and shall be compensated at the rate of one and one-half (1-1/2) times the regular hourly pay. All time worked in excess of the established workday shall be paid at the overtime rate unless the employee and supervisor agree to a temporary alternative workday/week.

Employees, except those specifically exempted by the Governing Board with the approval of the Personnel Commission (see Section 287 – Exclusions of Positions From Overtime), shall be compensated at the rate of one and one-half (1-1/2) times the regular hourly pay in the assigned classification for overtime worked in excess of the established workday and workweek.

The foregoing provisions do not apply to classified positions for which a workday of fewer than seven (7) hours and a workweek of fewer than thirty-five (35) hours has been established, nor to positions for which a workday of eight (8) hours and a workweek of forty (40) hours has been established, but in which positions employees are temporarily assigned to work fewer than eight (8) hours per day or forty (40) hours per week when such reduction in hours is necessary to avoid layoffs for lack of funds and the consent of the majority of affected employees to such reduction in hours has been first obtained. (Ed. Code, § 88027.)

283.4 OVERTIME AND COMPENSATION FOR EMPLOYEES WORKING A FLUCTUATING DAILY SCHEDULE

Overtime is defined to include any time required to be worked in excess of forty (40) hours in any calendar week. If such fluctuating schedule is adopted, the incumbents are exempted from overtime payment for hours worked in excess of eight (8) per day. (Ed. Code, § 88026.)

The Governing Board may, with the approval of the Personnel Commission, exempt specific classes of positions from compensation for overtime in excess of eight (8) hours in one day, provided that hours worked in excess of forty (40) in a calendar week shall be compensated on an overtime basis. This section applies only to those classes which the Governing Board and the Personnel Commission specifically find to be subject to fluctuations in daily working hours not susceptible to administrative control, such as police, but shall not include food-service and transportation classes. (Ed. Code, § 88026.)

283.5 OVERTIME AND COMPENSATION FOR REGULAR PART-TIME POSITIONS

Overtime is defined to include any time required to be worked in excess of eight (8) hours in any one day and in excess of forty (40) hours in any calendar week.

- 1) **Compensation for Employees Having an Average Workday of Four Hours or More During the Workweek**
Employees having an average workday of four (4) hours or more during the workweek shall be compensated for any work required to be performed on the sixth or seventh day following the commencement of the workweek at a rate equal to one and one-half (1-1/2) times the regular rate.
- 2) **Compensation for Employees Having an Average Workday of Less Than Four Hours During the Workweek**
Employees having an average workday of less than four (4) hours during the workweek shall be compensated for any work required to be performed on the seventh day following the commencement of the workweek at a rate equal to one and one-half (1-1/2) times the regular rate of pay.

283.6 HOURS USED TO COMPUTE OVERTIME

- 1) **Holidays and Other Paid Leaves of Absence**
In addition to regular hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensating time off, or other paid leave of absence, shall be considered as time worked by the employee. (Ed. Code, § 88027.)
- 2) **Rest Periods and Lunch Breaks**
The rest period(s) are counted as working time. Lunch breaks are not counted as working time provided the employee is completely relieved of all duty during such period.
- 3) **Time Related to Conference or Meetings Which the Employee is Required to Attend as Part of His/Her Employment**
The general rule is that time spent traveling to and from such conferences or meetings is not counted as work time except travel away from the employee's home community and during the employee's regular work hours.

283.7 COMPUTATION OF THE REGULAR RATE OF PAY THAT IS USED AS THE BASIS FOR OVERTIME PAYMENT

Compensation or compensatory time off shall be provided at a rate at least equal to time and one-half of the regular rate of pay of the employee designated and authorized to perform the overtime.

The regular rate of pay includes the following factors:

- 1) The current placement of employee on the salary schedule
- 2) Shift differentials
- 3) Differential for bilingual ability
- 4) Supervisory responsibility factor

The regular rate of pay for purposes of overtime computation does not include fringe benefits and employer contributions to state and federal programs, such as:

- 1) Uniform allowance
- 2) Medical insurance payments
- 3) Dental insurance payments
- 4) PERS contribution
- 5) Social Security employer contributions
- 6) Unemployment Insurance contribution
- 7) Workers' Compensation Insurance contribution

283.8 ASSIGNMENT OF REGULAR AND EMERGENCY OVERTIME

1) Assignment of Regular Overtime

Employees may be assigned overtime when such is necessary to carry on the business of the District. (Ed. Code, § 88026.) Overtime must be authorized in advance by the designated supervisor.

2) Assignment of Overtime – Emergencies

Employees may be assigned overtime in emergencies. Emergency overtime may be assigned without prior notice.

283.9 PAYMENT FOR OVERTIME

Payment for overtime will be made on the next regular paycheck provided payroll deadlines are met.

284 LIABILITY FOR OVERTIME

The District is liable for all overtime work by covered employees. If the District knows or has reason to know that an employee is working overtime, it must pay overtime compensation. The promulgation of a rule or the giving a directive against overtime work does not eliminate the District's liability for payment of the overtime. However, the District may enforce the rule or directive, up to taking disciplinary action against an employee who fails to comply.

285 OVERTIME IN MULTIPLE ASSIGNMENTS

When a District employee works in two different classifications during the workweek and is entitled to overtime pay, the overtime rate will be based on the weighted average of the two base rates in the classifications.

286 COMPENSATORY TIME OFF

Compensatory time off in lieu of overtime payment may be granted upon the mutual agreement and arrangement between the employee and his/her supervisor. In the event mutual agreement is not possible, such overtime will be paid using the regular rate as given above in Section 283.7.

Compensatory time off when used in lieu of overtime pay must be calculated based upon the overtime rate. The compensatory time off shall be granted within twelve (12) calendar months following the month in which the overtime was worked and without impairing the services rendered by the District. (Ed. Code, § 88028.)

287 EXCLUSION OF POSITIONS FROM OVERTIME

The Personnel Commission may specify certain classifications as supervisory, administrative, or executive and exclude the incumbents from overtime. The Personnel Commission shall certify that the duties, flexibility of hours, salary, benefit structure, and authority of those positions are of such a nature that they should be set apart from those positions that are subject to overtime provisions. Such positions shall be entitled to overtime pay in the event they work on a holiday. (Ed. Code, § 88029.)

If an employee whose position is exempt, and who, during their regular workweek, is required to spend more than a majority of his/her time performing non-exempt work, he/she should bring this to the attention of the Office of the Personnel Commission for review. However, in emergencies when conditions beyond the control of the District arise which threaten the safety of the employees, or a cessation of operations, or serious damage to the District's property, normally non-exempt work performed by an otherwise exempt is not included in computing the majority limitation on non-exempt work.

288 REST PERIODS

Each employee shall be entitled to a fifteen (15) minute rest period approximately midway during each four (4) hour period of his/her workday. Employees may not use this time to extend lunch periods or to shorten their workday. Each employee shall receive a thirty (30) minute duty free, non-paid meal period when such employee is scheduled to work five (5) or more hours.

SECTION 290 – SALARY PLAN

291 SALARY SCHEDULES

All classified employees receive compensation according to the salary schedules recommended by the Personnel Commission and adopted by the Governing Board. The salary schedules will be based on the principle of like pay for like service.

When a salary schedule has been adopted, it shall constitute the official schedule for all classes of positions in the classified service. All salaries shall conform to the approved salary schedules and shall be at one of the salary levels for the classification.

292 INITIAL APPOINTMENT

292.1 REGULAR CLASSIFIED EMPLOYEES

New regular classified employees shall be placed on the first step of the appropriate salary range. The Personnel Director shall provide new regular classified employees, when eligible, with advanced step placement on the salary range based on additional related education and comparable experience beyond what was minimally required as prescribed below.

A. **Additional comparable experience beyond that which is required for entry into the classification:**
Placement above the first step may be granted in increments of one (1) step for each additional year of full-time-equivalent comparable experience, as determined by the Personnel Director, beyond that which is required. Comparable experience is defined as experience in which the performed duties were equivalently complex and similar to those of the subject classification in which the individual is being hired.

B. **Additional related college-level education beyond that which is required for entry into the classification:**
Placement above the first step may be granted in increments of one (1) step for two (2) years of additional qualifying college-level education above that which is minimally required and which is related to successful performance of the essential functions of the classification as determined by the Personnel Director. A year is defined as the completion of 30 semester units of undergraduate coursework or 15 semester units of graduate-level coursework.

Employees approved for advanced step placement upon initial appointment shall be subject to probationary procedures and policies. In no instance shall that placement be higher than the maximum salary step of the range for the classification.

292.2 CLASSIFIED MANAGEMENT EMPLOYEES*

Notwithstanding Section 292.1, new employees in regular and temporary classified management assignments may be placed on any step of the salary range consistent with education and experience.

292.3 LIMITED-TERM AND PROVISIONAL CLASSIFIED EMPLOYEES IN NON-MANAGEMENT ASSIGNMENTS*

Non-management employees who are serving in limited-term or provisional assignments shall be placed on the first step of the salary range of the assigned classification. Regular employees who are serving in limited-term or provisional assignments in a higher classification shall be placed on the first step of the salary range of the assigned classification or the step of the salary range of the assigned classification that provides them with at least a one-step increase in salary (whichever is higher). Former regular classified employees who are serving in limited-term or provisional assignments in the same classification or a lower classification in which the employee formerly held permanent status, or in a lower classification in the same classification series, shall be placed on the step of the salary range that is nearest to but not higher than the employee's salary at the time of separation of employment from their regular assignment with consideration given to increases applied to the salary schedule since the time of separation.

**Amended by the Personnel Commission on September 19, 2019.*

293 SALARY STEP ADVANCEMENTS WITHIN CLASS FOR REGULAR EMPLOYEES AND RESTRICTED EMPLOYEES

293.1 RULES THAT APPLY TO ALL SALARY MOVEMENTS*

Eligibility for salary advancement requires the employee to have rendered service in a paid status for a minimum of one-half of the total working days computed on a monthly basis. Unpaid leaves of absence do not count unless otherwise provided for by state or federal legislation for some military personnel.

Appointments shall be considered effective as of the first calendar day of the month when the first day of service in a class falls on the first working day of the month.

293.2 SALARY ADVANCEMENTS AFTER THE INITIAL APPOINTMENT IN THE CLASSIFIED SERVICE

- 1) For employees who do not receive advanced step placement in accordance with Section 292.1, advancement from the initial step to the next step shall occur on the first day of the calendar month following completion of the six (6) months in regular assignment in the classification. (Example: If an employee started work on January 3, the individual would have six (6) months completed on July 3, and would advance to the second step on August 1.) Advancement from that point on shall occur twelve (12) months after the date the employee received the initial advancement.

Employees who do receive advanced step placement in accordance with Section 292.1 will advance to the next step of the range following completion of twelve (12) months in regular assignment in the classification.

- 2) Notwithstanding Section 293.2 (1), a new classified management employee with an effective date of employment from July 1 through December 31 shall receive a step advancement on July 1 of the next calendar year. A classified management employee with an effective date of employment from January 1 through June 30 shall have step advancement on July 1 of the following calendar year. Advancement from that point shall occur each July 1 thereafter.

293.3 SALARY ADVANCEMENTS AFTER PROMOTION

For employees who do not receive advanced step placement in accordance with Section 295.1, advancement from the initial step to the next step shall occur on the first day of the calendar month following completion of the six (6) months in regular assignment in the classification. (Example: If an employee started work on January 3, the individual would have six (6) months completed on July 3, and would advance to the second step on August 1.) Advancement from that point on shall occur twelve (12) months after the date the employee received the initial advancement.

Employees who do receive advanced step placement in accordance with Section 295.1 will advance to the next step of the range following completion of twelve (12) months in regular assignment in the classification.

Salary advancement for a management employee shall occur in the same manner as outlined in Section 293.2 (2).

293.4 EMPLOYEES SERVING IN LIMITED-TERM ASSIGNMENTS

Employees serving in a limited-term assignment shall not receive any step advancements. If the employee serving in the limited-term assignment has a regular classified position, the time served as a limited-term employee would not be considered a break in service and regular step advancement in the regular classified position would continue if all other conditions were satisfied.

293.5 RESTRICTED CLASSIFIED EMPLOYEES

If at any time after completion of six (6) months of satisfactory service, a person serving in a "restricted" position is appointed to a regular permanent position in the same class, the individual's time in the regular classified service shall be counted from the initial date of employment in the "restricted" position.

Salary advancement for restricted employees after movement into the regular classified service would follow the same rules that apply to regular classified employees.

294 CREDITED SERVICE FOR LONGEVITY

Accrual of service increment time credit shall start on the first day of each month. If an employee's service commences the first through the fifteenth, service is counted from the first of the month. If an employee's service commences on or after the sixteenth, service is counted from the first of the following month.

294.1 ANNIVERSARY DATE FOR SERVICE INCREMENT (LONGEVITY) ACCRUAL

The anniversary date for entitlement of service increments shall be computed on an annual basis beginning on the first of the month following the date of probationary status. Nine (9), ten (10), eleven (11), or twelve (12) full months of paid service shall equal one (1) year of service for this purpose.

294.2 OTHER SERVICE INCREMENT QUALIFICATIONS

If an employee resigns or separates from the classified service and has worked half or more of the work days in the month of termination, service increment credit for that month shall be credited to the employee.

295 PROMOTION

295.1 PROMOTION FOR CLASSIFIED EMPLOYEES

Whenever possible, an employee who is promoted shall be placed at the salary step on the new range that provides a minimum one-step increase over the employee's current salary in the regular assignment. Adjustments to an employee's compensation due to a temporary change in assignment (e.g., out-of-class compensation) will not be considered in the determination of the employee's current salary. In no instance shall that placement be higher than the maximum salary step of the range for the new classification.

The Personnel Director shall provide eligible employees with advanced step placement on the salary range based on additional related education and comparable experience beyond what was minimally required as prescribed below.

A. Additional comparable experience beyond that which is required for entry into the classification provided such experience was not counted for salary placement upon entry or internal promotion within the classified service: Placement above the first step shall be granted in increments of one (1) step for each additional year of full-time-equivalent comparable experience, as determined by the Personnel Director, beyond that which is required. Comparable experience is defined as experience in which the duties performed were equivalently complex and similar to those of the subject classification in which the individual is being hired.

B. Additional related college-level education beyond that which is required for entry into the classification provided such education was not counted for salary placement upon entry or promotion within the classified service: Placement above the first step shall be granted in increments of one (1) step for two (2) years of additional qualifying college-level education above that which is minimally required and which is related to successful performance of the essential functions of the classification as determined by the Personnel Director. A year is defined as the completion of 30 semester units of undergraduate coursework or 15 semester units of graduate-level coursework.

Employees approved for advanced step placement upon promoting shall be subject to probationary procedures and policies. In no instance shall that placement be higher than the maximum salary step of the range for the classification.

295.2 RECLASSIFICATION OR REALLOCATION TO A HIGHER LEVEL

Employees reclassified or reallocated from an existing classification to a higher classification, either existing or newly created, shall receive a minimum one (1)-step increase or the first step of the new salary range, whichever is greater.

295.3 RECLASSIFICATION OR REALLOCATION ON THE SAME LEVEL

Employees reclassified or reallocated from an existing classification to an existing or newly created classification on the same level shall receive the same step level on the salary schedule.

295.4 RECLASSIFICATION OR REALLOCATION TO A LOWER LEVEL

Employees reclassified or reallocated from an existing classification to an existing or newly created classification on a lower level shall receive the highest step level on the salary schedule that does not decrease the salary more than one step if possible.

If the highest step on the lower range would result in more than a one (1) step decrease, the employee will be placed on the highest step of the lower range unless an exception is granted by the Personnel Commission to "Y" rate the individual, wherein salary is frozen and not subject to cost of living allowances or any other salary increase until the range catches up to the individual's earnings.

295.5 RECLASSIFICATION INVOLVING ONLY A TITLE CHANGE

If the position is reclassified and only the title is changed and the classification is placed at the same level on the salary schedule, the employee shall remain at the same step position as was previously established with the old title.

295.6 CONCURRENT RECLASSIFICATION AND STEP INCREASE

In the event the step placement after reclassification and annual step increase are both computed on the same date, the annual step increase will be applied first then the appropriate movement to the new range resulting from reclassification will take place.

296 DEMOTION

- A. Voluntary Demotions – The demoted employee shall be placed on the step in the lower salary range that is nearest to but not greater than his/her current pay.
- B. Involuntary Demotions
 - 1) An employee who is demoted for cause shall have his/her salary reduced to the same step in the lower salary range that was established in the higher salary schedule. The employee's anniversary date for step increases will remain unchanged.
 - 2) An employee who demotes back to his/her former classification after failing to pass a promotional probationary period will be placed on the same step of the lower salary range that he/she was on prior to promotion. The anniversary date for step increases will be adjusted (increased) for the period of time the person served in the higher class.

297 REASSIGNMENTS AND TRANSFERS

Employees who are reassigned or transferred will not have their salary adjusted.

298 REINSTATEMENT, REEMPLOYMENT, AND REHIRE

298.1 REINSTATEMENT AND REEMPLOYMENT

Reinstatement or reemployment of a former permanent employee in the same classification within thirty-nine (39) months or sixty-three months (63) months, as appropriate, of separation will be at the same salary step established at the time of separation. If reinstated or reemployed in a lower classification in which the employee formerly held permanent status or a lower classification in the same classification series, the employee shall be placed on the step of the salary range that is nearest to but not higher than the employee's salary at the time of separation of employment from their regular classified assignment. Consideration will be given to increases applied to the salary schedule since the time of separation.

298.2 REINSTATEMENT FROM VOLUNTARY DEMOTION

An employee who is reinstated to his/her former higher classification after a voluntary demotion shall be placed on the salary range for the higher classification at the step he/she held at time of demotion provided the compensation level is equal or greater than their current earnings. If that step is not equal to or greater than their current earnings, the employee will be placed on that step in their original classification that will provide them with equal or greater pay than their current earnings.

298.3 REHIRE

A former regular classified employee who is rehired from an eligibility list shall be placed on the step of the salary range that is nearest to, but not higher than, the employee's salary attained at the time of separation from a regular classified assignment with consideration given to increases applied to the salary schedule since the time of separation. If Rule 292 INITIAL APPOINTMENT provides for higher placement, the employee will be placed on the range in accordance with Rule 292.

299 WORK OUT OF CLASSIFICATION

Supervisors are responsible for ensuring that employees' duties are consistent with their job specifications. In the event an employee is temporarily assigned duties outside of his/her classification for more than five (5) working days in a fifteen (15) calendar day period, the employee shall be paid at the first step of the classification in which they are temporarily assigned or the step in the higher classification that assures them of a one-step raise in pay during the period they work out of classification. The supervisor shall put such out-of-classification assignment in writing and shall indicate the duties and the length of the assignment. Employees must meet the minimum qualifications for the classification in which they are temporarily assigned. It is the supervisor's responsibility, prior to the assigning of duties, to contact the Office of the Personnel Commission to determine the appropriate classification and salary of the assignment.

In no instance shall the employee be assigned out of his/her classification for more than ninety (90) working days without the position being filled through Merit System procedures.

SECTION 300– PAYROLL PROCEDURES

301 CERTIFICATION FOR PAYMENT

No warrant shall be drawn by or on behalf of the Governing Board of the District for the payment of any salary or wage to any employee in the classified service unless the assignment bears the certification of the Director of Personnel that the person named in the assignment has been employed and assigned pursuant to Merit System procedures (Ed. Code, § 88060) and the rules and regulations of the Personnel Commission. (Ed. Code, § 88129.)

When the Personnel Commission or designee determines that an appointment was made in violation of Merit System procedures or the rules of the Commission, the Commission may direct the employee be terminated and paid only for services rendered through that date.

SECTION 310 – HOLIDAYS

311 PAID HOLIDAYS AND CALENDAR

All regular classified employees are entitled to paid holidays as provided by law or authorized by the Governing Board if they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday. (Ed. Code, § 88203.)

312 COMPENSATION FOR WORKING ON A HOLIDAY

Any classified employee required to work on any legal or board-authorized holiday shall be paid or given compensatory time off at the rate of time-and-one-half of his/her regular rate of pay in addition to the regular pay received for the holiday. (Ed. Code, § 88205.)

When a holiday falls on a Sunday, the following Monday shall be deemed to be the holiday. When a holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday.

Regular classified employees who are assigned to work in December or January, but not normally assigned to duty during the legal holidays of December 25 and January 1, shall be paid for those holidays if they were in a paid status during any portion of the last/first working day of their normal assignment preceding or succeeding the holiday period. (Ed. Code, § 88203.)

Employees whose normal day off falls on a holiday shall be entitled to equivalent time off within the same workweek.

Regular classified employees on a part-time basis shall be entitled to all benefits granted full-time employees on a prorated basis, including paid holidays.

SECTION 320 – VACATIONS

321 PAID VACATION TIME

Classified employees accrue vacation time in accordance with their employment classification, i.e., bargaining unit classified employee, classified confidential employee, supervisory employee, or classified manager as approved by the Board. In no instance shall the accrual of vacation credit be less than that specified in Education Code section 88197 for classified employees. Limited-term and provisional employees are excluded from this provision unless specifically authorized. (Regular classified employees serving in a limited-term or provisional assignment shall, during such an assignment, continue to accrue vacation for their regular position.)

Regular part-time classified employees shall be entitled to paid vacations on a prorated basis in accordance with their board-approved schedule as provided in Education Code sections 88035 and 88036.

Employees must request vacation time in advance of use. Employees shall request approval of their vacation time so a satisfactory operation schedule for the department can be arranged. Department supervisors shall provide time for all employees to take their accrued vacation time off in the fiscal year in which it is accrued.

When a holiday falls within a vacation period of an employee, no accrued vacation credit shall be deducted for the holiday. Earned vacation shall not become a vested right until the completion of six (6) months of service. (Ed. Code, § 88197, subd. (e).)

If an employee separates from the classified service after permanency is attained, any accrued vacation credit is paid at the regular rate of pay effective on the date of the separation. If an employee separates from the classified service and has worked half or more of the work days in the month of termination, vacation time credit for that month shall be credited to the employee. No credit shall accrue for a month in which the employee has served less than half the working days.

Vacation time credit shall not be accrued for any period in which an employee is on leave of absence without pay for one-half of the work days in a month.

322 VACATION FOR PART-TIME EMPLOYEES

Regular part-time employees shall accrue vacation time at a rate proportional to the time worked as compared to a full-time position. (Ed. Code, §§ 88035, 88197.)

323 CHANGE IN TYPE OF LEAVE

Classified employees may request an interruption or termination of vacation leave to begin another type of paid leave without return to work. The employee must provide adequate notice and supporting documentation to support the change.

SECTION 330 – LEAVE OF ABSENCE WITH PAY

331 BEREAVEMENT LEAVE

Regular classified employees shall be allowed a leave of absence with pay not to exceed five (5) days for a death in his/her immediate family. Immediate family shall include mother, father, grandmother, grandfather, grandchild, of the employee or the employee's spouse, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee or as specified by collective bargaining agreements or Board policy. (Ed. Code, § 88194.) Bereavement leaves shall be reported on the District's *Employee Absentee Report* form upon an employee's return to duty.

332 SUBPOENA OR JURY SERVICE LEAVE

A regular classified employee shall suffer no monetary loss because of a leave of absence due to mandated court appearances when not a litigant or for jury service. Fees, exclusive of mileage, paid by the court or as a result of a subpoena, if less than the employee's salary for the period of absence, shall be paid to the District. If the fees exceed the employee's salary, they may be retained in lieu of payment of salary but the leave must be reported as leave without pay. A copy of the subpoena or a certificate of the clerk of the court must be filed with the *Employee Absentee Report* form for any subpoena or jury service leave.

333 INDUSTRIAL ACCIDENT OR ILLNESS LEAVE

All regular classified employees shall be granted industrial accident and illness leave in accordance with the provisions of Education Code section 88192. Employees shall be entitled to industrial accident or illness leave for not more than sixty (60) working days in any one (1) fiscal year for any one accident or illness. The following provisions shall apply in granting industrial accident or illness leave:

- A. Allowable industrial accident or illness leave shall be for not less than sixty (60) working days in any one (1) fiscal year for the same accident or illness.
- B. Allowable leave shall not be accumulative from year to year.
- C. Industrial accident or illness leave will commence on the first day of absence.
- D. Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage of the day.
- E. Industrial accident leave will be reduced by one (1) day for each day of authorized absence regardless of a compensation award made under workers' compensation.
- F. If an industrial absence leave overlaps two (2) fiscal years, the sixty (60) day provision does not restart for the new fiscal year.

Industrial accident or illness leave shall be used by an eligible employee in preference to accumulated sick leave. Accumulated sick leave shall be used only after industrial accident or illness leave has been exhausted.

All industrial (on-the-job) injuries, no matter how trivial, should be reported immediately so that appropriate medical care may be provided. A completed *Supervisor's Report of Employee Incident or Illness* and an *Employee Claim for Workers' Compensation Benefits* (DWC-1) shall be submitted to the District's third party claims administrator via the District's Risk Management Office within one working day of receipt of the completed form DWC-1 from the employee. The employee is required to obtain authorization from the third party administrator if any change in treating doctor is desired within the first thirty (30) days following notification of injury.

An employee shall be issued normal wages and salary checks during industrial accident leaves until such times as all paid leaves of absence, as provided by law or the action of the Governing Board, i.e., industrial accident or illness leave, sick leave, earned vacation have been exhausted. The employee, in turn, shall endorse to the District any compensation received in wage-loss benefit checks during a paid leave of absence.

333.1 RE-EMPLOYMENT PREFERENCE

When all available leaves of absence, paid or unpaid, have been exhausted, and the employee is not medically able to assume the duties of his/her position or other available positions, he/she shall be placed on a re-employment list for thirty-nine (39) months. Any time during the thirty-nine (39) months that the employee is able to assume the duties of his/her position, he/she shall be employed in the first vacancy in his/her previous classification in preference to all others on the list except for those laid off for lack of funds. If two (2) or more employees in the same classification are eligible for re-employment in accordance with this section, they shall be re-employed according to seniority. (See Section 152.) Upon resumption of duties, an employee who is re-employed shall be fully restored as a regular employee with all accrued rights and benefits. (Ed. Code, § 88192.) In the event the employee did not complete the probationary period prior to the industrial accident leave, upon return to work he/she must complete the remainder of the probationary period. An employee will be dismissed if he/she has been placed on a re-employment list and has been medically released for return to work and fails to do so. (Ed. Code, § 88192.)

334 SICK LEAVE

Absence from duty of any employee because of illness, injury or exposure to contagious disease.

334.1 ACCUMULATION OF SICK LEAVE

Any regular full-time classified or "restricted" employee shall earn sick leave with full pay at the rate of eight (8) hours or one (1) day per calendar month. A regular full-time classified or "restricted" employee employed for less than a full fiscal year is entitled to that portion of twelve (12) days leave as the number of months he/she is employed bears to twelve (12). Any regular part-time or hourly classified employee holding a position shall earn sick leave at a rate proportional to their board-approved schedule as compared to a full-time position.

Classified employees shall be granted the annual sick leave allocation in July of each fiscal year. Leave is earned only for each calendar month in which salary is paid one-half calendar month or more. Credit for leave need not be accrued prior to taking such leave (up to a maximum allowed for one year); however, an employee with less than six (6) months of continuous service shall not be eligible to take more than six (6) days, or the proportionate amount to which he/she may be entitled. Any employee who takes sick leave prior to accrual must repay the District for that time upon termination. Employees shall be allowed unlimited accumulated sick leave. (Ed. Code, § 88191.)

An employee re-employed after a separation of less than thirty-nine (39) months shall have his/her accumulated sick leave reinstated.

Limited-term and provisional employees shall accumulate sick leave for each calendar month in which salary is paid for one-half month or more. However, sick leave for limited-term and provisional employees must be accrued prior to taking such sick leave.

334.2 GRANTING AND REPORTING SICK LEAVE

An employee who cannot report for work because of illness or injury shall notify, or see that someone else notifies, his/her supervisor before or at the beginning of his/her shift. An employee returning from any sick leave absence shall file a completed *Employee Absentee Report* form with his/her supervisor at the end of the month in which the absence occurred. If the absence is five (5) days or more, the employee shall provide his/her supervisor with a physician's certification of illness and authorization to return to work and attach it to

the absentee report. A physician's certificate of disability shall be requested at regular intervals by an employee's supervisor for extended absences due to illness or injury. Circumstances may warrant a physician's certificate for less than one (1) week's absence.

Exceptions

No employee shall be entitled to sick leave with pay while absent from work for disability arising from sickness or injury caused by any willful misconduct.

334.3 ENTITLEMENT TO OTHER SICK LEAVE

When a permanent classified employee is absent from his/her duties because of illness or accident, whether or not the absence arises out of or in the course of employment of the employee, the employee shall be credited with a total of one hundred (100) working days per year of paid sick leave, in addition to the accumulated or current sick leave to which he/she is entitled under Section 334.1, and shall be compensated for such at a rate of fifty (50) percent of the employee's regular salary, in accordance with District policies and collective bargaining agreements regarding use and documentation. (Ed. Code, § 88196.) The paid sick leave authorized under this section excludes any other paid leave, holidays, vacation, or compensating time to which the employee is entitled. This benefit shall be limited to one hundred (100) days per fiscal year. In addition, if an absence overlaps two (2) fiscal years, the 100-day provision does not restart for the new fiscal year.

If the absence is due to industrial accident or illness, this benefit shall be utilized only after the regular sick leave, comp time, vacation, and other available paid leaves have been exhausted. (Ed. Code, § 88196.)

334.4 SICK LEAVE ALLOWED FOR PERSONAL NECESSITY

Any regular classified employee may use up to seven (7) days of accumulated sick leave per fiscal year in cases of personal necessity, including any of the following:

- 1) Death of an immediate family member
- 2) Accident involving his/her person or property, or the person or property of a member of his/her immediate family
- 3) Appearance in any court
- 4) Personal emergencies
- 5) Recognized religious holidays

Notwithstanding any of the above purposes, accumulated sick leave shall not be used to compensate any employee whose absence results from participation in a strike, work stoppage, work slow-down, or any other labor disturbance.

334.5 TRANSFER OF SICK LEAVE FROM ANOTHER SCHOOL DISTRICT

Classified employees with at least one (1) year's service in another community college, school district, Superintendent of Schools office or California public post secondary and higher education institution, whose employment is terminated for reasons other than cause, and who subsequently accepts employment with the Ventura County Community College District within one year of their termination with the previous district, may be credited with all accumulated sick leave. Transfer of sick leave will not take place until the employee completes the probationary period. (Ed. Code, § 88202.)

335 COMPASSIONATE LEAVE

Any regular employee may be granted a maximum of three (3) days leave (non-cumulative) without loss of pay in any fiscal year to meet an emergency within his/her family. The college president or the appropriate District Service Center administrator may approve such leave. This leave is to be granted only after all other types of leave have been exhausted.

336 MATERNITY LEAVE

Regular classified employees are eligible for leaves of absence for pregnancy or convalescence from childbirth.

Any regular full-time classified employee who is absent because of pregnancy or convalescence following childbirth shall be granted maternity leave without loss of pay up to fifteen (15) working days. Requests for leave shall be supported by physician certification.

Regular-part-time classified employees shall be entitled to leave on a prorated basis. Limited-term and provisional employees are not eligible.

Nothing in this section shall deprive any employee of any leave entitled under Section 334. (Ed. Code, § 88193.)

337 FAMILY LEAVE

Regular classified employees who have worked at least 1250 hours within twelve (12) months preceding the commencement of leave shall be eligible for an unpaid family care leave for birth, adoption, or serious illness of a child, or to care for a spouse or parent of the employee with a serious health condition or for the employee's own serious health condition. The length of the leave will not exceed sixty (60) working days in any twelve (12) month period. The days of leave need not be consecutive. The employee may use paid vacation during such leave. If the leave is due to illness of a family member, as defined above, paid sick leave (exclusive of half-pay) may be utilized. The twelve (12) month period begins the first day of the leave. Additional leaves may not be granted until twelve (12) months have expired from the first day of the leave period. A physician's certification of illness or leave requested for a serious health condition of the employee or family member must include the date in which the serious health condition commenced, the probable duration of the condition, and an estimate of the amount of time the employee needs to provide care to another or is unable to perform the functions of his/her position. Coverage under the District's group health plans will continue during such leave to a maximum of sixty (60) days.

SECTION 340 – LEAVE OF ABSENCE WITHOUT PAY

341 SHORT TERM LEAVE

Up to ten (10) days leave of absence without pay may be granted a classified employee by the supervisor with the approval of the College President or appropriate District Office administrator. Granting of such leave is subject to the provisions of appropriate collective bargaining agreements.

342 LONG TERM LEAVE

The Governing Board may grant a maximum of six (6) months' leave without pay to permanent classified employees. An additional six (6) months maximum may be granted by another action of the Governing Board. Total leave without pay shall not exceed one year.

The leave request shall specify the purpose of the leave and, if the leave is for education or personal development training, the request should indicate how the selected program will enhance the employee's future performance and/or opportunities for advancement within the District. The administration will recommend approval or disapproval of the leave request. Any recommendation for disapproval shall include adequate documentation explaining why the leave should be denied.

343 ADDITIONAL LEAVE FOR NON-INDUSTRIAL ACCIDENT OR ILLNESS

A permanent classified employee who has exhausted all entitlement to sick leave, vacation, or other available paid leave and who is absent because of non-industrial accident or illness may be granted additional leave without pay not to exceed six (6) months. (Ed. Code, § 88195.) The employee must submit written request for leave without pay through his/her supervisor for approval of the Governing Board. The Board may renew the leave of absence for two (2) additional six (6) month periods. The maximum leave granted may not exceed eighteen (18) months. (Ed. Code, § 88195.)

A recovered employee, prior to return to duty, shall present a medical certificate signed by a licensed health care provider indicating the employee is medically released and physically able to assume the duties and responsibilities of his/her position. The employee shall be restored to a position within the class to which he/she was assigned and, if at all possible, to his/her previous position.

If, at the conclusion of all leaves of absence, the employee is still unable to assume the duties of his/her position, he/she shall be placed on a re-employment list for a period of thirty-nine (39) months. (Ed. Code, § 88195.)

An employee who has been medically released for return to duty and who fails to accept an appropriate assignment shall be dismissed.

344 NOTICE OF INTENT TO RETURN BEFORE EXPIRATION OF LEAVE

Two (2) weeks' written notice is required of an employee desiring to return to duty before expiration of an authorized leave of absence.

345 REINSTATEMENT AFTER LEAVE

Leave of absence without pay shall not constitute a break in service. The employee shall be restored to all the rights, benefits, and burdens of a permanent employee. No benefits shall accrue while on leave without pay. The period of absence is not included in computing service credit for vacations, longevity or seniority.

346 TEMPORARY REPLACEMENT

A vacancy caused by leave of absence may be filled with a limited-term employee for the duration of the leave only.

347 CANCELLATION OF LEAVE

The Governing Board may, for cause, cancel an authorized leave of absence by giving the employee a two (2) week notification in writing. Failure to report for duty within a reasonable period of time after leave of absence has been cancelled, shall be considered as an automatic resignation.

SECTION 350 – ABSENCES WITHOUT LEAVE

351 DEFINITION

Any unauthorized absence may be declared absence without leave by the supervisor and reported to the Personnel Director. Absence from duty without leave for any length of time shall be considered cause for discipline under the provisions of Section 264.

352 AUTOMATIC RESIGNATION

Absence from duty without leave for ten (10) consecutive working days shall be considered as an automatic resignation and recorded as such. The employee shall be notified in writing of such action by the Personnel Director, such notification either given to the employee personally or sent by registered mail with postage prepaid and addressed to the employee at his/her last known place of address. If satisfactory explanation is made to the Personnel Director within thirty (30) calendar days from the first day of absence, the Personnel Director, in consultation with the supervisor, may restore the employee to his/her position or place his/her name on an appropriate re-employment list.