Merit System Rules and Regulations

for classified employees
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CHAPTER 10 - DEFINITIONS AND PRELIMINARY STATEMENT

10.100  DEFINITIONS, GENERAL
Unless otherwise required by context and/or prevailing law, words used in these rules are understood to have the following meanings:

ACT or THE ACT: The Act shall mean those sections of the Education Code of the State of California applying the Merit System to classified employees in the Sonoma County Office of Education. It shall include all the provisions of Article 6, Chapter 5, Part 25, Division 3, Title 2, and applicable provisions of Chapter 1 and Articles 1 to 4, Chapter 5, Part 25, Division 3 (E.C. 1317).

ALLOCATION: The official placing of a position in a given class, also the placement of a class on the salary schedule.

ALTERNATE POSITION: A single position, which may be filled alternately by an employee in either of two or more classes, at the discretion of the Superintendent. The highest alternate class shall be construed as being the normal working level of the position, and any alternate lower class shall be considered a level suitable for recruitment and training.

ANNIVERSARY DATE: The date upon which an employee is granted an earned salary increment. Effective July 1, 2014, for the purposes of salary step advancement, the anniversary date of each classified employee will be recognized as July 1 of each year. All subsequent earned step advancements will be made on July 1 of subsequent years unless otherwise provided by the contract terms or merit system. (Revised 2/23/15)

APPEAL: A request from an employee, or a recognized employee organization, to have complaints, protests, or points of disagreement heard, after which a former decision may or may not be upheld by the hearing officer, Commission, or Board. (See 40.200.15 and 60.1000.4.)

APPLICANT: A person who has filed an application to take a merit system examination.

APPOINTING AUTHORITY OR POWER: The County Superintendent, or designee, or the Personnel Commission, when referring to Commission employees and positions, having the power by lawfully delegated authority to make appointments to or removal from positions in the County Office classified service. (Revised 10/25/10)

APPOINTMENT: The official act of the appointing authority in approving the employment of a person in a specific position. (Revised 10/25/10)

ASSIGNMENT: Placement of an appointee in a position. It also refers to the position into which the employee is placed. (Adopted 10/25/10)

BEREAVEMENT LEAVE: A paid leave of limited duration granted to an employee upon the death of a member of the employee’s immediate family or household. (Adopted 10/25/10)

BUMPING RIGHTS: The right of an employee under certain conditions, such as layoff, to displace another employee with less seniority in the classification. (Adopted 10/25/10)
CANDIDATE: A person who has competed in one or more portions of a merit system examination.

CERTIFICATED SERVICE: Those persons and positions required by law to possess credentials issued by the States Department of Education for the State of California. (Revised 10/25/10)

CERTIFICATION: The submission by the Commission of the names of eligibles from an appropriate eligibility list or from some other source of eligibility to the appointing power or to the department which selects employees prior to approval of the appointing power.

CLASS or CLASSIFICATION: A group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be used to designate each position allocated to the class; substantially the same requirements of education, experience, knowledge, and ability are demanded of incumbents; substantially the same tests of fitness may be used in choosing qualified appointees; and the same salary range may be applied with equity. (Gov. Code Section 18523.)

CLASSIFICATION: A formal statement of the duties and responsibilities of the positions in the class, illustrated by examples of typical tasks, and of the qualification requirements of the positions in the class. (AKA Job Description.)

CLASSIFIED SERVICE: All positions in the County Office to which The Act applies and which are not excepted by The Act.

COMMISSION: The Personnel Commission established pursuant to The Act for the Sonoma County Office of Education.

COMPLAINT: An employee or candidate complaint concerning violations or alleged violations of these rules. The term does not apply to appeals of disciplinary action, requests for classification study, or requests for salary review. (Adopted 10/25/10)

CONTINUOUS EXAMINATION: A method of recruiting applicants, in which the last day for filing applications is not specified and examinations are conducted from time to time as the needs of the service require and there are sufficient applications on file for the classification.

COUNTY OFFICE: The Sonoma County Office of Education. (Adopted 10/25/10)

DAY: Unless otherwise provided in these rules, means a day the County Office is open for business. (Adopted 10/25/10)

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class that is allocated to a salary range with a lower maximum rate.

DISCHARGE or DISMISSAL: Separation from service for cause.

DISTRICT: The Sonoma County Office of Education.

DUAL CERTIFICATION: A special procedure, which provides for simultaneous certification, in specified cases, from an open list and a promotional list exists in accordance with the examinations scores attained by the candidates. (Revised 10/25/10)
ELIGIBLE: Adjective: Legally qualified to be appointed. Noun: A person whose name appears on an eligibility list.

ELIGIBILITY LIST: A list of the names of persons who have qualified in a competitive examination. See Employment List.

EMERGENCY APPOINTMENT: An appointment for a period not to exceed 15 working days to prevent the stoppage of public business when persons on eligibility lists are not immediately available.

EMPLOYEE: A person who is legally an incumbent of a paid position or who is on authorized leave of absence.

EMPLOYEE GROUP: All employees designated as belonging to a designated unit, such as the confidential unit, the SEIU bargaining unit, or the classified management unit.

EMPLOYEE ORGANIZATION: An organization, which represents classified employees and acts as the exclusive representative for the employee in his/her employment relationship with the employer. Also includes any person of the employee organization authorized to act on its behalf. (Government Code section 3540.1)

EMPLOYMENT LIST: A list of names from which certification may be made. Includes eligibility lists, reemployment lists, and lists of persons who wish to transfer, demote, be reinstated, or be reemployed after resignation, or be restored after voluntary demotion or reduction to limited-term status. (Rule 50.100.)

EMPLOYMENT STATUS: An employee’s present appointment indicating whether the employee is probationary, regular, provisional, emergency, or limited-term. (Adopted 10/25/10)

EXAMINATION: The process of testing and evaluating the fitness and qualifications of applicants.

EXCLUSIVE REPRESENTATIVE: The employee organization recognized or certified as the exclusive negotiating representative of classified employees in an appropriate unit as recognized by the Public Employees Relations Board.

EXEMPT CLASSIFIED: Refers to those positions and employees exempt from the regular classified service as provide in Education Code Sections 45256 (b), 45257 and 45258. (Adopted 10/25/10)

EXTENDED SCHOOL YEAR EMPLOYEE: An employee who works during the Extended School Year. Such an employee may return to work for the County Office year after year, but shall not work more than 150 hours in any one year, except that such an employee may be employed in excess of 150 hours in a year when employed as a substitute employee to cover the absence of a regular employee. An Extended School Year employee does not attain regular employee status.

EXTENDED SCHOOL YEAR POSITION: A limited-term position, which is used during the Extended School Year.

FISCAL YEAR: July 1st of one year through June 30th of the following year. (Adopted 10/25/10)

GOVERNING BOARD: The Board of Education of the Sonoma County Office of Education.
GROUP: A number of classes related in duties and responsibilities, as set forth in the list of classes promulgated by the Personnel Commission.

HEARING: A formal review of evidence, in the presence of the parties involved, in connection with an action affecting an employee and concerning an appeal, which the employee has filed. (Adopted 10/25/10)

HIRE DATE: Date of original employment, or most recent employment if there has been a break in service, with the County Office. (Adopted 10/25/10)

ILLNESS LEAVE: Paid or unpaid leave granted to an employee because of his/her personal injury or illness, or the injury or illness of a spouse, domestic partner, child or parent. (Adopted 10/25/10)

INCUMBENT: An employee assigned to a particular position with a job class. (Adopted 10/25/10)

INTERMITTENT ASSIGNMENT: A limited-term position, available to regular employees, which is used to cover assignments which start and stop and have varied hours during the school year. Such assignments not to exceed a total of 1040 hours in any year.

INTERVIEW: Part of the selection process, usually the final portion of an examination, for the purpose of evaluating the qualifications of the candidate for a position; also known as the oral exam. This term also applies to a meeting between an eligible and the appointing authority, or designated representative, to discuss possible appointment to a specific vacancy within the County Office, also know as a hiring interview. (Adopted 10/25/10)

JOB DESCRIPTION: (Please see class specification.)

JOB TITLE: The title assigned to a classification by the Personnel Commission. The Assistant Superintendent of Human Resources may suggest titles for new job classifications, and may use such title, pending final approval of the Commission. (Adopted 10/25/10)

Layoff: Separation from a permanent position because of lack of work or lack of funds, or because the position has been abolished or reclassified, or because an employee has exhausted all leave privileges after illness or injury. Layoff also includes any reduction in hours of employment due to lack of funds or lack of work, unless voluntarily requested by the employee. (Revised 10/25/10)

LEAVE OF ABSENCE: An approved absence from duty, with or without pay, for a prescribed period of time. (Adopted 10/25/10)

LIMITED-TERM: A term used in the Education Code and these rules to designate employment for periods not to exceed six (6) months or employment of a temporary employee during the authorized absence of a regular employee. (Synonymous with "temporary"). (Revised 10/25/10)

LIMITED-TERM EMPLOYEE: An employee who is serving as a substitute for an absent employee or in a position established for a period of six (6) months or less. The employee may have been elected from an eligibility list or may be serving under a provisional appointment.
LOYALTY OATH: A statement required as mandated by law for each new employee concerning his/her support of the United States and California Constitutions. (Adopted 10/25/10)

MERGING: The act of combining two or more eligibility lists, which were established no more than one year apart, in rank order of the scores of the eligibles. (Adopted 10/25/10)

OFFICE or THE OFFICE: Sonoma County Office of Education.

ORAL EXAM: Part of the selection process, usually the second step in the hiring process. An interview by a panel to evaluate the candidates’ general fitness for employment and technical knowledge and skills for a specific classification. (Adopted 10/25/10)

ORGANIC DISEASE: A disease process which occurs as the result of a demonstrable anatomic or physiologic abnormality. (Adopted 7/24/06)

PERFORMANCE EVALUATION: A formal written statement of the quantity and quality of the work performed by a person employed by the County Office in the classified service.

PERMANENT POSITION: A position established for a continuing and indefinite or unlimited period of time or for a fixed period in excess of six (6) months.

PERSONAL NECESSITY LEAVE: The use of accrued sick leave for an approved leave of absence with pay for a limited duration, which may be taken for reasons of personal need which cannot be accomplished outside of the employee’s normal work hours. (Adopted 10/25/10)

PERSONNEL COMMISSION: A three-member committee appointed by the State Superintendent of Public Instruction and an Alternate Commissioner selected in accordance with these rules; and established according to the requirements of the Government and Education codes regarding “The Merit System” to administer the Merit System in accordance with the Education Code and these rules. ( Adopted 10/25/10)

PERSONNEL COMMISSION STAFF: Those persons appointed by the Personnel Commission to carry out the day-to-day operations of the Personnel Commission. (Adopted 10/25/10)

POSITION: A group of duties and responsibilities assigned by competent authority requiring the full or part-time employment of one person on a regular or limited-term basis. A position can only be established by action of the Superintendent.

POSITION CLASSIFICATION: The process of categorizing jobs by occupational group, series, class, and grade, according to similarities and differences in duties, responsibilities and qualification requirements. (Adopted 10/25/10)

PROBATIONARY PERIOD: The trial period, as established by the Personnel Commission pursuant to Education Code Section 45301, immediately following an original or promotional appointment to a permanent position from an eligibility list.

PROFESSIONAL EXPERT: A person employed by the County Office in a professional capacity for a specific project. Such persons are excluded from classified service. (Adopted 10/25/10)

PROMOTION: A change in the assignment of an employee from a position in one class to a position in another class with a higher maximum salary rate.
PROMOTIONAL LIST: An eligibility list resulting from a promotional examination limited to qualified employees of the County Office of Education entitling those appearing on such list to appointment to positions in higher classifications, according to the respective lists upon which their names appear.

PROVISIONAL APPOINTMENT: A temporary appointment of a person to a permanent or limited-term position made in the absence of an appropriate eligibility list, not to exceed 90 working days, except in specified circumstances, such as when no one else is qualified and available. (See E.C. Sections 45287, 45288, 45289; also Rule 50.400.) (Revised 10/25/10)

PROVISIONAL EMPLOYEE: A person employed under a provisional appointment.

REALLOCATION: Movement of an entire class from one salary range to a different salary range. (Adopted 10/25/10)

REAPPOINTMENT: An employee is appointed to a position held previously.

RECLASSIFICATION: A change in a position or class of positions by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level, on the basis of substantial changes over a period of time in the kind, difficulty, or responsibility of duties performed in such position. Reclassification shall not be construed as promotion or demotion. (E.C. Section 45285; also Rule 30.200.10.)

REEMPLOYMENT: Reappointment to duty of an employee who has been laid off.

REEMPLOYMENT LIST: A list of names of persons, in rank order of seniority, who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolishment or reclassification of position, or other reason specified in these rules, and who are eligible to reemployment without examination in their former class within a period of 39 months following the date of layoff or exhaustion of illness or accident leave, arranged in order of their right to reemployment. (See Rule 50.100.4.) (Revised 10/25/10)

REGULAR APPOINTMENT: An appointment made from an eligibility list to fill a regular full-time or part-time position vacancy. (Adopted 10/25/10)

REGULAR EMPLOYEE: In reference to employment status, an employee who has completed a probationary period in a class in the classified service. In reference to employment status in a specific class, an employee who has completed a probationary period for that class, or who entered the class by transfer, demotion, or reinstatement/reemployment without serving a probationary period.

REHIRE DATE: The date of most recent regular employment with the County Office. (Adopted 10/25/10)

REINSTATEMENT: A reappointment, within thirty-nine (39) months after resignation, in regular or limited-term status, without examination, to a position in the employee's former class, or in a lower related class. (Revised 10/25/10)

RESIGNATION: A voluntary statement in writing from an employee requesting to be terminated from employment. An abandonment of position may also be considered a resignation under these rules. (Adopted 10/25/10)
RESTORATION: Includes "reemployment" (see above). Also, the reassignment to duty of an employee, or former employee, to the same class and status that s/he held when s/he resigned, with all the rights, benefits, and burdens held prior to the break in service. Also, the reassignment of an employee, who had demoted to his/her former class, or to a related class, or after reduction to limited-term status to regular status. (Revised 10/25/10)

RULE OF THREE: The scope of choice available to the appointing authority or power for making its selection from an eligible list. Specifically it refers to selection from the first three (3) ranks of eligibles who are ready, willing, and able to accept appointment to a specific position. (Adopted 10/25/10)

SALARY SCHEDULE: The complete list of ranges, steps, and rates established for the classified service.

SALARY STEP: A specific location in a salary range, not the dollar amount. (Note: The salary range applicable to a class may change without affecting the step placement rights of employees.)

SALARY RANGE: A series of consecutive salary steps that comprise the rate of pay for a classification.

SALARY RATE: A specific amount of money paid for a specified period of service (i.e. dollars per hour, per day, or per month).

SENIOR MANAGEMENT: Positions designated by the Personnel Commission, which meet the requirements of Education Code Section 45108.5. (Adopted 10/25/10)

SENIORITY: The first date of paid service in a regular position (probationary or regular) within a classification or a higher classification shall determine seniority.

SEPARATION: Leaving a position and ending all status as an employee of the County Office; including resignation, dismissal, layoff, retirement, etc. (Revised 10/25/10)

SERIES: A number of classes closely related in occupational hierarchy and arranged in a list in order to indicate occupational levels in a group.

STATUS: Tenure, which is acquired in a classification by reason of examination, certification from eligibility lists, election, or appointment by the appointing power, and the successful completion of the probationary period.

STEP ADVANCEMENT: Movement to a higher step on the salary range for the class as a result of having served satisfactorily for the required number of months in the class. (Adopted 10/25/10)

SUBSTITUTE EMPLOYEE: An employee occupying a permanent position during the absence of the incumbent.

SUSPENSION: An enforced absence of an employee without pay for disciplinary purposes or pending investigation of charges made against an employee.

TEMPORARY: Employment on a basis other than regular or probationary (i.e. in limited-term or provisional status).
TOTAL COMPENSATION: The amount paid to an employee as payment for services rendered that includes an amount for hourly or monthly salary and an amount towards the cost of benefits. Under a total compensation approach the employee is responsible to pay the majority of the cost of the benefit premiums. (Adopted 1/23/06)

TRANSFER: The reassignment of an employee without examination from one position to another position in the same class or to a position in a similar or related class with the same salary range.

UNCLASSIFIED SERVICE: All positions and employees not in the classified or certificated service (i.e. those exempted by law).

WAIVER: The voluntary relinquishment by an eligible of any right to consideration for appointment from an eligibility list.

WORKDAY: That part of a twenty-four (24) hour period during which an employee is scheduled to work in accordance with his/her specific assignment. (Adopted 10/25/10)

(Definitions revised 5/16/05, 1/23/06, 2/27/06, 1/22/07, and 10/25/10)
10.200  PRELIMINARY STATEMENT

10.200.1  Statutory Authority for These Rules
The California Education Code commencing with Section 45240 provides the Personnel Commission with the right and responsibility for establishing rules and regulations as may be necessary to ensure the efficiency of the service and the selection and retention of employees based upon merit and fitness. (Adopted 10/25/10)

The rules contained herein are established pursuant to the authority of the Personnel Commission under Education Code Sections 45260, 55261, and other provisions governing the Merit System Act in the Education Code. (Note: It is recognized that certain of these rules may venture into substantive matters within the prerogative of the Governing Board. For that reason, the initially adopted set of rules and regulations were submitted to the Governing Board for its approval.) (Revised 10/25/10)

It shall be the policy of the Commission to submit all new rules or amendments or deletion of existing rules to the Governing Board when:

A. The rule obviously requires Board approval, and

B. It is difficult to define the division of Commission and Board authority regarding the rule in question.

In such cases, the rule in question shall not become effective until it has been approved by the Governing Board.

10.200.2  Interpretation and Application of Rules
The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration to their intent. These rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. In instances where two or more rules appear to be in conflict; or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Assistant Superintendent of Human Resources, subject to appeal to the Personnel Commission for a final and binding decision. The Commission is open to responsible suggestions to amend the rules with prospective application; however, no rule amendment or new rule shall have retroactive applicability. (See Rule 20.300.2 C.) (Revised 10/25/10)

10.200.3  Generic Terminology
As used in these rules, the term "his" refers to the feminine as well as the masculine. Singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular.

10.200.4  Judicial Review
If judicial review or a change in law causes any portion of these rules to become invalid or unenforceable, such finding or amendment shall not affect the validity or the enforceability of other rules or provisions. (Revised 10/25/10)
10.200.5 **Effect of Data Contained in Addendum to Rules**
The salary schedules and related data, class placement on the salary schedule, a
classification plan, job descriptions, class specifications, and similar written material, and
written material contained in any addendum to these rules are to be interpreted as having
the same force and affect as Commission rules. (Revised 10/25/10)

10.200.6 **Distribution of Rules (E.C. Section 45262)**
Copies of these rules are available to the classified employees, SCOE managers, Board
members, member of the public, and to those persons who may be concerned with the
enforcement of these statutes through posting on the SCOE website. A hard copy will be
provided upon written request to the Human Resources Department. (Revised 10/25/10)
CHAPTER 20 - THE PERSONNEL COMMISSION

20.100       ORGANIZATION OF COMMISSION (E.C. Section 45243)

20.100.1   Composition & Terms

A. In accordance with Pre-1965 Personnel Commission Procedures and Ed Code Section 45249 (c) & (d), the Personnel Commission is composed of three individuals, who are officially appointed by the State Superintendent of Schools, must be registered voters, reside in Sonoma County, and be known adherents to the principles of the Merit System. No member of the County Office governing board or the governing body of any Sonoma County school district shall be eligible for appointment, re-appointment, or continuance as a member of the Commission. During the Commissioner’s term of office, s/he shall not be an employee of the County Office. (Revised 3/18/13)

1. As used in these rules “known adherent to the principles of the Merit System”, with respect to a new appointee, shall mean a person who by the nature of his/her prior private or public service has given evidence that s/he supports the concept of employment, continuance of employment, in-service promotional opportunities, and such other related matters on the basis of merit and fitness. (Adopted 10/25/10)

2. As used in these rules “known adherent to the principles of the Merit System”, with respect to a candidate for re-appointment, shall mean a commissioner who has clearly demonstrated through meeting attendance, conduct, and actions that s/he supports the Merit System and its operations. (Adopted 10/25/10)

B. By law, the term of each Commissioner is for three (3) years and expires at noon, December 1. The term of one (1) Commissioner expires each year. On or about September 1 of each year, the Assistant Superintendent of Human Resources shall notify the Governing Board of the name of the Commissioner whose term will expire and whether or not s/he will seek re-appointment.

In accordance with Ed Code Section 45249 (c) & (d), the following steps shall be followed when the Personnel Commission announces there is a vacancy on the Commission.

1. Human Resources will set an application period and will advertise the opportunity to serve as a personnel commissioner through an announcement on the Personnel Commission’s agenda, a press release, and on the SCOE website.

2. Human Resources will notify the County Board of Education, as well as a SEIU, confidential employees and classified management of the application period and opportunity for a representative from their employee group to participate in the selection process.

3. Applications will be available in the Human Resources Department and on the SCOE web site.
4. All candidates must submit a written application and supplemental questionnaire by the deadline.

5. The Personnel Commission will request that a representative from the County Board of Education, and representatives from classified management, classified confidential, and SEIU screen the applications received by the deadline to determine if the applicants meet the following minimum requirements:
   a. Known adherent to the principle of the merit system
   b. Resident of Sonoma County
   c. Registered to vote in Sonoma County
   d. Not a member of the Sonoma County Board of Education or member of the board of education for any other local district
   e. Not an active employee of the Sonoma County Office of Education

Applicants who meet the minimum requirements and passed paper screening will be invited to participate in an interview described in 6 below.

6. Human Resources will schedule applicants, who met the minimum requirements, to participate in an interview by a panel composed of one representative from each of the following employee groups: SEIU represented employees, confidential employees, and classified management employees; and a representative of the County Board of Education. The panel will score the applicants based upon their responses to the interview questions.

7. The name of the applicant receiving the highest score will be submitted to the Personnel Commission at a regular or special Personnel Commission meeting, along with formal letters of support from SEIU Local 1021 and the Superintendent of Schools. The Personnel Commission will make a recommendation to the Business and Personnel Services Standing Committee for appointment. The Personnel Commission may direct Human Resources to complete a reference check and fingerprint clearance prior to their recommendation to the standing committee.

8. The Business and Personnel Services Standing Committee will make a recommendation on the appointment of the nominee to the County Board of Education.

9. The County Board takes action to approve the recommendation to the State Superintendent of Public Instruction, who will officially approve the appointment.

Prior to September 1 if an incumbent expresses, in writing, their interest to be re-appointed to the Commission when their current term expires, the classified bargaining unit, the Superintendent of Schools, and the Governing Board may choose to support the re-appointment, if the member is in good standing, without undergoing the open recruitment process as outlined above. The Personnel Commission shall present the incumbent’s interest in re-appointment to the Business and Personnel Services Standing Committee. The members of the Business and Personnel Services Standing Committee may make a recommendation to the Governing Board to re-appoint the incumbent without undergoing the open recruitment process. ( Adopted 3/18/13)
C. As provided by Education Code Section 1317(b) the Commission may appoint one or more alternative commission members. Such alternate(s) shall have a term of two years from the date of appointment. Such alternate(s) shall have regular attendance at all meetings of the Commission and shall have all rights, responsibilities and protections of a regular member. However, such alternate(s) shall only participate in closed sessions of the Commission or act as a full voting member when a regular member of the Commission is not in attendance.

1. The appointment of any alternate member, by a majority vote of the commission, shall be with the input of all affected employee groups and concurrence of employee organizations. Such input and concurrence shall be confirmed in writing prior to appointment. (Revised 5/16/05)

2. Regulations related to appointment of alternative commission member(s) were adopted after a public hearing on February 23, 2000 and consultation with all affected employee organizations.

3. In the event that an alternate member does not attend 3 consecutive meetings of the Commission he/she may be deemed to have resigned their appointment. In such event the Assistant Superintendent of Human Resources of Human Resources for classified personnel shall issue a confirmation of the resignation in writing. (Revised 5/16/05)

D. Emergency Appointment of Commissioner
If there are two vacancies on the Personnel Commission, the alternate Commissioner will serve as a regular Commissioner until such time as the vacancies are filled. (Adopted 10/25/10)

E. Events Causing Vacancy Before Expiration of Term
Personnel Commissioners are expected to attend regular and special meetings of the Personnel Commission. If a member is unable to attend a scheduled meeting, the member shall contact the Assistant Superintendent of Human Resources, or his/her designee, to inform the Commission of the expected absence. A member of the Commission shall be deemed to have vacated the seat on the Commission if any of the following circumstances occur:

1. The death of the Commissioner
2. An adjudication declaring that the Commissioner is physically or mentally incapacitated due to disease, illness, or accident AND that there is reasonable cause to believe that the Commissioner will not be able to perform to duties of the office for the remainder of his/her term.
3. The Commissioner’s resignation.
4. The Commissioner’s removal from office by a court of competent jurisdiction.
5. The Commissioner’s absences exceed five (5) total regular meetings in a fiscal year, except when prevented by illness or other excused absence.
6. Commissioner’s conviction of an offense involving a violation of the official duties of a commissioner as required by these rules and law or a conviction of an offense that would preclude employment in a public school.

7. The Commissioner becomes an employee of the County Office.

8. The Commissioner is elected or appointed to the County Board of Education or the Board of a Sonoma County school district. (Adopted 10/25/10)

In addition, if a Commissioner violates the confidentiality of a closed session, the remaining Commissioners may consider removing said Commissioner from the Commission. (Adopted 10/25/10)

20.100.2 Officers
At its first meeting following January 1 of each year, the Commission shall elect one (1) of its members as Chairperson and another member as Vice Chairperson, to serve a term of one (1) year or until their successors are duly elected. (Revised 5/16/05)

20.100.3 Quorum and Majority
Two (2) members shall constitute a quorum for any regular or special meeting of the Commission. The affirmative vote of two (2) members shall be necessary to any action. An alternate member shall be considered a member for purposes of establishing a quorum and an affirmative vote when a regular member is absent.

20.200 MEETINGS

20.200.1 Regular Meetings
Subject to cancellation or proper change, the Commission shall meet on the fourth Monday of each month in the Personnel Conference Room. When the regular meeting date falls on a holiday, the Commission shall meet on the next succeeding business day, unless at a prior regular meeting it designates some other day for its meeting. In cases of emergency, the Commission may meet at some other time and/or place, provided that at least 24 hours notice is given to all Commissioners and to employee and administration representatives and posted on the Commission's official bulletin board. (Revised 5/16/05)

20.200.2 Adjourned Regular Meetings
The Commission may adjourn any regular or previously adjourned meeting to a specific date, time, and place in the order of adjournment. When so adjourned, the reconvened meeting is a regular meeting for all purposes. (Revised 5/16/05 and 10/25/10)

20.200.3 Special Meetings
Special meetings may be called at any time by the Chairperson, and shall be called upon the request of any two (2) members. Written notice shall be delivered personally or by email to each member of the Commission and also be given to recognized employee organizations at least 24 hours before the time of such meeting as specified in the notice. A copy of the notice shall be posted as required by law. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Commission. (Revised 5/16/05)
20.200.4 Public Meetings

A. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission, except as provided in Rule 20.200.5.

B. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission. Members of the public who wish to address the Commission on agenda or non-agenda items will be heard once for up to three (3) minutes. The presiding chair of the Commission shall determine, based on time constraints of the Commission, whether some time less than three (3) minutes shall be allocated to individual speakers. (Revised 3/27/06)

C. The total number of speakers who will be provided an opportunity to address the Commission regarding an item not on the agenda, shall be limited to three (3) speakers, and the total amount of time allocated to an item not on the agenda shall be ten (10) minutes regardless of the number of speakers, unless either, or both, of the above limits are extended by the majority of the Commissioners present at the meeting. (Revised 3/27/06)

D. With consensus of the other Commissioners present, the presiding chair may extend the time allotted to an individual speaker whose remarks are on a specific agenda item being considered by the Commission, if, in the judgment of the Commissioners present, the information being presented will assist the Commissioners in making a decision. The Commission will consider public comments and recommendations prior to arriving at a course of action. (Revised 3/27/06)

20.200.5 Closed Sessions

A. The Commission may hold closed sessions to consider the employment or dismissal of any employee or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The Commission shall not, where practicable, consider any matter in closed session relating to an employee, unless the employee has been notified of his/her right to a public hearing and has declined the public hearing or properly failed to request same. (Revised 10/25/10)

B. The Commission may hold closed sessions with its designated representatives prior to and during consultations and discussions with representatives of employee organizations regarding salaries, salary schedules, or compensation paid in the form of fringe benefits in order to review its position and instruct its designated representatives. (Revised 10/25/10)

C. The Commission may hold a closed session on any other matter, which is authorized by law to be considered in closed session. Prior to holding such a closed session, the Commission shall state the general reason(s) for the closed session and may cite the statutory or other legal authority under which the session is being held. The Commission is not authorized or required to give names or other information, which might constitute an invasion of privacy or otherwise unnecessarily divulge facts and information for which the closed session is being held. (Adopted 10/25/10)
D. The Commission shall publically report, in the public portion of the meeting in which the closed session is held, or at its next public meeting, any action taken by the Commission in the closed session. (Adopted 10/25/10)

E. A violation of the confidentiality of a closed session by a member of the Personnel Commission constitutes a misdemeanor, and may be grounds for removal of the Commissioner from office. (Adopted 10/25/10)

20.200.6 Agenda and Supporting Data
A. Agenda
The regular monthly commission meeting agenda will be composed by the Assistant Superintendent of Human Resources with input from the Commissioners. (Adopted 10/25/10)

B. Requests for Agenda Items
If an employee or a member of the public wishes to place an item on the Commission’s agenda the request shall be submitted in writing to the Assistant Superintendent of Human Resources at least one week before the date of the Commission Meeting. The request will include the name, address and phone number of the person making the request and any supporting documents. The Assistant Superintendent of Human Resources will determine if the item is appropriate for discussion, information or action by the Commission.

If the requested agenda item subject matter is negotiable or not within the Personnel Commission's ability to render a decision or to discuss publicly, the request will be denied.

If an agenda item is denied, the person making the request may address the Commission under public comments. However, the Commission will not respond unless the item is agendized on a future meeting agenda. If the Commission decides to agendize the item for a future meeting, they will use any contact information provided to inform the person making the request as to the meeting date when the item will be considered. (Adopted 10/25/10)

C. Posting and Distribution
Insofar as possible, at least seventy-two (72) hours prior to every special Commission meeting, the agenda shall be provided the designated representatives of employee organizations representing classified employees, and will also be posted as required by law. (Revised 5/16/05)

20.200.7 Amendment, Deletion, or Addition to Rules (E.C. Sections 45260 & 45261)
A. All proposals, from any source, to amend, delete, or add to these rules will be considered a "first reading" at the meeting in which they are first presented to the Commission. They will not, unless a critical emergency exists, be finally acted upon at that meeting.

B. At the "first reading" the Commission may tentatively adopt the proposal, after which it shall be publically posted for not less than ten (10) days. It shall instruct the Assistant Superintendent of Human Resources to refer the proposal to interested persons or organizations for comment and recommendation.
C. Insofar as possible, interested parties shall submit their reactions to proposals, in writing, on or before the next Commission meeting, and shall have the right to present their reactions orally at the next Commission meeting prior to final action being taken on the proposal.

20.200.8   Minutes
The Assistant Superintendent of Human Resources shall record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners. When requested by him/her, a Commissioner's dissent or approval and his/her reasons shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes or a true copy thereof shall be open to public inspection. Copies of the official minutes shall be distributed to various departments in the County Office of Education and recognized employee organization representatives who have requested them. (Revised 5/16/05)

20.200.9   Compensation of Commissioners (E.C. Section 45250)
Each Commissioner, including alternates, shall receive the sum of fifty dollars ($50.00) for each meeting attended in any one (1) month, including regular, adjourned, or special meetings, but not to exceed a total of one hundred dollars ($100.00) per month; plus necessary travel expenses. (Revised Jan 2007)

20.300  COMMISSION EMPLOYEES

20.300.1  Status of Commission Employees
The Assistant Superintendent of Human Resources and other persons required to carry out the responsibilities of the Commission shall be appointed by and be responsible to the Personnel Commission. However, they shall be considered part of the classified service, and the rules, procedures, benefits, and burdens pertinent to the classified service shall apply to Commission employees, except as the Commission may specifically direct.

20.300.2  General Duties of the Assistant Superintendent of Human Resources
(E.C. Section 45266)
A. The Assistant Superintendent of Human Resources shall perform all of the duties and carry out all of the functions imposed upon him by law and these Rules. S/he shall act as Secretary to the Commission, and shall issue and receive all notifications on its behalf.

S/he shall direct and supervise the employees of the Commission and conduct administrative transactions and perform such other duties as authorized by the Commission consistent with the law and Rules and necessary to the proper functioning of the office and staff of the Commission.

B. The Assistant Superintendent of Human Resources shall conduct classification, salary, and rule studies and shall make such other investigations as directed by the Commission or as s/he deems necessary to his/her responsibilities.
C. In cases where two or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Assistant Superintendent of Human Resources, with advice of the Legal Advisor as needed and subject to appeal to the Commission. (Rule 10.200.2)

20.400 MISCELLANEOUS PROVISIONS

20.400.1 Communications
A. Communications and requests to the Commission shall, insofar as practicable, be in writing. Communications and requests shall be acknowledged and replied to, noting official Commission action when appropriate.

B. Individuals or groups who wish to present proposals for action by the Commission shall be encouraged to present them to the Assistant Superintendent of Human Resources for placement on the Commission agenda. It will be against the policy of the Commission to discuss such proposals, except at open meetings, although the Commission may designate one of its members to investigate a specific subject.

20.400.2 Budget (E.C. Section 45253)
A. The Assistant Superintendent of Human Resources shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year. The budget shall be submitted not later than the first Commission meeting in April.

B. The Commission shall hold a public hearing on its proposed budget not later than May 30 of each year. At the time the Commission schedules the public hearing, it shall direct the Assistant Superintendent of Human Resources to forward a copy of the proposed budget to the Board of Education and notify the Board of the time, date, and place of the public hearing. Board and administration representatives shall be invited to attend the public hearing and present their views on the proposed budget.

C. Prior to adoption of its budget, the Commission will hear and fully consider all comments and suggestions that may be offered by the administration representatives, the Board, or other concerned persons or organizations. Efforts shall be made to resolve any differences that may exist between the Commission and Board.

D. When approved by the Commission, the budget shall then be submitted to the County Superintendent of Schools, who shall take action in accordance with Education Code Section 45253.

20.400.3 Annual Report (E.C. Section 45266)
A. The Assistant Superintendent of Human Resources shall prepare an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Education.
B. The report shall be prepared for Commission approval as soon after each fiscal year as possible, and no later than a meeting in November. The report shall cover Commission activities for the preceding fiscal year.

20.400.4 Legal Counsel
In matters other than appeal, hearings and discipline, the legal counsel retained by the County Office shall also aide and represent the Personnel Commission, unless the Commission or legal counsel determines there to be a conflict of interest.

For a hearing on an appeal, hearing on disciplinary action or if the Commission or legal counsel determines that a conflict of interest exists on another matter, the Commission will retain legal counsel of their choosing, and the cost of such counsel will be paid by the County Office.

Except as provided above, the Commission may employ by contract or as a professional expert or otherwise any hearing officer or attorney to advise the Commission on matters subject to these rules. (Adopted 10/25/10)
CHAPTER 30 - POSITION CLASSIFICATION PLAN

30.100  THE CLASSIFIED SERVICE

30.100.1  Positions Included (E.C. Section 45100, et seq.)
(Revised 7/28/08)
A. All positions established by the Superintendent, which are not exempt from the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the classified service.

B. No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established in the law or by these rules shall be employed outside the classified service.

30.100.2  Exemption from the Classified Service
A. Generally (E.C. Section 45256)
Positions required by law to have certification qualifications, part-time playground positions, full-time day students employed part-time, apprentices, and professional experts employed on a temporary basis for a specific project by the Superintendent or by the Commission when so designated by the Commission, shall be exempt from the classified service. (Revised 5/22/06)

B. Special Categories (E.C. Section 45112)
1. Board Assistants: The Governing Board may create positions of staff assistants or field representatives to directly assist the Board or individual Board members. Such positions, if created, are exempted from the provisions of these Rules, insofar as they relate to position classification, recruitment, employment, and salary setting.

2. Professional staff of School and College Legal Services of California (SCLSC: SCLSC Professional staff, including, but not limited to the General Counsel, attorney classifications and the Coordinator of Employer/Employee Relations are exempt from the Merit Rules under the provisions of the Joint Powers Agreement for School and College Legal Services of California (SCLSC). SCLSC support staff are not exempt and are covered by these rules.

3. Senior Management: (E. C. 45108.5) (Revised 2/25/08)
Senior management employee is defined as either of the following:

   a. An employee in the highest position in a principal program area, as determined by the Superintendent, which does not require certification qualifications, and which has agency wide responsibility for formulating policies or administering the program area.

   b. An employee who acts as the fiscal advisor to the Superintendent.
Persons employed in such positions shall be members of the classified service for all purposes, except that they may not achieve permanency in the classified service as a result of this service. Staff assistants shall serve at the pleasure of the Board. Senior Management positions serve at the pleasure of the Superintendent, and in the case of the Assistant Superintendent of Human Resources at the pleasure of the Superintendent and the Personnel Commission. (Revised 2/25/08)

Notice of reassignment or dismissal from a senior management position in the classified service shall be provided in accordance with the provisions of Education Code Section 35031. (Revised 2/25/08)

4. Employment of Attorneys Who Have Retired From PERS (Ed. Code 45256)
The County Superintendent may create a professional expert classification for employing attorneys who have retired from Public Employees Retirement System. Incumbents of the classification shall be paid at an hourly rate as established by the County Superintendent and shall be exempt from all provisions of the Merit System Rules.

The professional experts shall be employed on a temporary basis for specific projects, as determined by the County Superintendent. The classification shall be limited to 960 hours per year or less.

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

30.100.3 "Part-Time" Defined (E.C. Section 45256)
A part-time position is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than eighty-seven and one-half percent (87.5%) of the normally assigned time of the majority of employees in the classified service. The Personnel Commission has selected eight (8) hours per day as the unit of time upon which a determination is made.

30.100.4 Effect of Exemption
Any position or employee lawfully exempted from the classified service shall be excluded from the benefits and burdens imposed by these Rules, except as provided by law, Superintendent, or the Board of Education. (Revised 5/22/06)

30.200 GENERAL CLASSIFICATION RULES

30.200.1 Assignment of Duties (E.C. Section 45109)
(Revised 5/22/06)
The Superintendent shall prescribe the duties and responsibilities of all positions in the classified service, except those on the Personnel Commission staff. When the duties being performed by an employee are found to be inconsistent with the duties officially assigned to his/her position, the Assistant Superintendent of Human Resources shall report the facts to the responsible administrator in order that appropriate action is taken. (See Rule 30.200.10)
30.200.2 General Nature of the Classification Plan
The Personnel Commission shall establish and maintain a classification plan, which shall include classifications adopted by the Commission for all positions in the classified service. The list of classes shall contain the designation of the salary range applicable to each class.

30.200.3 Class Specifications
For each class of positions, as initially established or subsequently approved by the Commission, there shall be established and maintained a class specification, which shall include:

A. The official class title;

B. A definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme;

C. A statement of typical tasks to be performed by persons holding positions allocated to the class;

D. A statement of the minimum qualifications for service in the class. The minimum qualifications may include education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics. (Revised 5/22/06)

E. A statement of distinguishing characteristics, where applicable, which differentiates the class from other related or similar classes;

F. License or other special requirements for employment or service in the class; and

G. Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of his/her qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.

30.200.4 Interpretation of Class Specifications
The class specifications and their various parts are declared to have the following force and effect:

A. The definition and typical tasks are descriptive and explanatory only and not restrictive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position.

The use of a particular expression or illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned, but of similar kind and/or quality, as determined by the Personnel Commission.
B. In determining the class to which any position shall be allocated, the specification for each class is considered as a whole. Consideration is given, not to isolated clauses, phrases, or words, apart from their context and from illustrative information in other parts of the specifications, but the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.

C. Each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper gradation in the series in which the class is located and proper differentiation within the group of classes.

D. Qualifications commonly required of the incumbents of all or many offices or positions, such as the ability to perform essential job functions, honesty, sobriety and industry, even though not specifically mentioned in the specifications, are implied in the qualifying requirements.

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

F. The class title shall always be used with the meaning set forth in the remainder of the specification.

30.200.5 Allocation of Positions to Classes
All positions substantially similar as to the duties performed and the responsibilities exercised by the incumbents of such positions and as to their qualification requirements shall be allocated to the same class.

30.200.6 Changes in Duties of Positions
Any substantial changes in the duties of existing positions shall be promptly reported, in writing, by the Department Head through the Assistant Superintendent to the Assistant Superintendent of Human Resources, who shall cause the position to be reviewed toward determining whether they should be allocated to different classes or be reclassified. (Revised 5/22/06)

30.200.7 Working Out of Classification (E.C. Section 45110)
Classified employees shall not be required to perform duties which are not fixed and prescribed by the Superintendent, unless the duties reasonably relate to those fixed for the position by the Superintendent for any period of time which exceeds five (5) working days within a fifteen (15) calendar-day period without a reasonable upward adjustment in salary for the entire period s/he is required to work out of his/her classification. When it is necessary to work an employee out of his/her classification, the Assistant Superintendent of Human Resources shall report the fact with his/her recommendation to the Personnel Commission, which shall make final determination of the reasonable salary adjustment for the duration of the temporary assignment. (Revised 5/22/06)
30.200.8 **Review of Positions**

The Assistant Superintendent of Human Resources shall review the duties and responsibilities of positions as necessary to determine their proper classification. If the Director finds that a position or positions should be reclassified, s/he shall advise the administration of his/her findings. If the administration verifies the duties of the position, or if the duties are not revised to fit within the current classification, the Director shall report his/her findings and recommendations to the Commission. S/he shall also report his/her findings in cases where his/her review indicates that no change in classification is necessary. (See 30.200.10.) (Revised 5/22/06)

30.200.9 **Creation of New Positions**

A. Whenever it is proposed that a new classified position be established, the following procedures will be followed:

1. The Departmental Director, with the approval of the Division Assistant Superintendent, initiates a request for the establishment of a new classified position.

2. The Departmental Director prepares a job description and an organizational chart showing the relationship of the proposed new position to existing positions in the department and the office.

   S/he also prepares justification for the position, including space requirements, equipment, materials, and supplies. S/he provides information regarding availability of funds for salary, fringe benefits, and necessary equipment, materials, and supplies.

3. The Superintendent reviews the request and supporting materials specified in paragraph 2 above, and may elicit further supporting evidence from the Departmental Director.

4. Upon approval by the Superintendent, the Assistant Superintendent of Human Resources shall review the request and supporting materials and determine a recommended classification for the position. (Revised 5/22/06)

5. Upon recommendation of the Assistant Superintendent of Human Resources, the Personnel Commission considers the proposal, and by appropriate action classifies the position and assigns the position to the proper salary range. For positions represented by a union, thereafter, the salary is subject to negotiations. (See employee contract for additional procedures.) (Revised 5/22/06)

6. The recommendations of the Personnel Commission are presented to the Superintendent.
   a. The Superintendent may approve or disapprove the request to establish the position, but may not alter the classification as determined by the Personnel Commission.

   b. If the new position is approved, the Superintendent shall amend the allocation list of positions by establishing a new position as classified by the Commission.
c. If the position is approved, the Superintendent may determine the effective date of the new position.

d. When a change in funding is necessary to support a new position, the Board shall consider a budgetary revision.

30.200.10 Changes in Classification of Existing Position
(Revised 5/22/06)

A. Whenever it is determined that a significant change has occurred in the duties and responsibilities of an existing position, the following procedures will be followed:

1. The Departmental Director, with the approval of the Division Assistant Superintendent, may request a change in an existing classified position.

2. The Departmental Director shall prepare a new job description and accompanying organizational charts describing relationship within the department; and shall provide financial data and/or other information in justification for the proposed change.

3. The Departmental Director and Assistant Superintendent shall submit the above request to the Superintendent for consideration. The Superintendent shall consider the effect of the proposal on the organizational structure of the office, and the availability of funds.

4. Upon approval, the Assistant Superintendent of Human Resources reviews the request and supporting materials, analyzes the position, and makes recommendations to the Personnel Commission, either in support of or against the proposal. His/her recommendation may be for:

   a. Reclassification of the position;
   
   b. Abolishment and establishment of new positions; or
   
   c. No change in existing classification.

5. The Personnel Commission shall consider the recommendations of the Assistant Superintendent of Human Resources, and may hear comments and recommendations of the Superintendent and/or staff, and may interview the incumbent of the position being considered.

If, after careful consideration of the facts, the Personnel Commission by appropriate action makes a determination that the position classification shall be changed, it shall transmit its findings with recommendations for implementation.

6. The Superintendent considers the action and recommendations of the Personnel Commission. The Superintendent amends the allocation lists as may be required, determines the effective date of the recommended change, and approves funding when necessary.
B. The Personnel Commission, in making its determination as required in Section A. 5 above, shall be governed by the provisions of E.C. Section 45285. Only those employees who meet the specified years in service requirements will be considered for reclassification action without examination.

C. When the Personnel Commission finds that there are significant factors which have existed over a reasonable period of time which justify a change in the classification of a position, but which do not warrant reclassification of that position, the determination may be made to abolish the original position and establish a new position in a more appropriate class.

D. When the Personnel Commission determines that a change in the classification of a position is not justified, it shall direct that the original classification remain unchanged.

E. Notwithstanding the procedures to be followed as established in Section A. above, the Personnel Commission, upon written request of the Superintendent, the Assistant Superintendent of Human Resources, the union as specified in the contract, or any classified employee of the Superintendent's staff, will review the classification of an existing position when, in the opinion of the Commission, significant changes in the duties and responsibilities of the position so warrant. (Revised 5/22/06)

F. The Personnel Commission, in making its determination to change the classification of an existing position, either by reclassification action or by the establishment of a new position in a different class, shall consider the existing relationship of all classes within the Superintendent's office.

30.200.11 Status of Incumbent of Position After Change in Classification

A. When a position is reclassified from one class to another class, any incumbent who meets the required years in service, as specified in the Education Code, in such a class shall continue without examination in the position in the new class with the same status, which s/he held in the former class. An employee who has been reclassified with his/ her position shall not be eligible for subsequent reclassification with his/her position for the period of time as specified in the Education Code (E.C. Section 45285). (See 70.200.8.)

B. When a position is reclassified from one class to more than one class as an alternate position, any incumbent in such position shall continue without examination in the position, in the same class if the position is so classified, or in the lowest class to which the position is classified if the former class is inapplicable, with the same status which s/he enjoyed in the former class.

C. When a position is abolished and replaced with a new position in a different class, a promotional examination or an open examination, or both, will be conducted in accordance with these Rules.

1. In the event the incumbent is promoted, s/he shall assume the status, which s/he would assume upon promotion as otherwise provided by these Rules. (See Rule 60.300.4.)
2. In the event of demotion, or in the event the incumbent does not qualify for reassignment, the junior employee in the former class shall be demoted, or treated in the manner provided by these Rules for separation through layoff, whichever is applicable.

30.200.12 Mandatory Titles
(Revised 5/22/06)
As required by Education Code Sections 45340-45349, and determined by the Commission teacher aide classes of positions shall be assigned a basic title of "Instructional Aide" or "Teaching Assistant", with sub assignment designation such as "Teaching Assistant, Special Education". The Commission, in classifying all such positions, shall determine subclasses thereof, if any, and additions to the basic title, as well as completing other classification requirements.
CHAPTER 40 - APPLICATION AND EXAMINATION

The Personnel Commission directs that employment decisions be made in such a manner as to ensure equal employment opportunity for all. No applicant or candidate certified for appointment shall be discriminated against because of his/her political or religious beliefs or affiliations, race, color, national origin or ancestry, sex, age, marital status, employee organization membership or non-membership and legal activities related thereto, physical or mental disability, medical condition, sexual orientation or gender expression, or any other form of illegal discrimination. No questions shall be asked relating to these matters during the selection and interview stages of employment. (Adopted 1/24/11, Revised 4/23/12)

40.100 APPLICATION FOR EMPLOYMENT

40.100.1 Filing of Application
A. All applications for employment shall be made upon official forms furnished by the Human Resources Department, filled out as therein directed, and filed on or before the date specified with the Human Resources Department. (Revised 6/26/06)

Applicants filing for more than one examination must file a separate and complete application for each such examination, except as follows for Teaching Assistants. If a candidate is applying for more than one position in the Teaching Assistant career ladder, the candidate may submit a duplicate of his/her application for each position, or may indicate on the one application the Teaching Assistant classifications for which he/she is applying. (Revised 6/26/06 & 1/24/11)

B. Federal and State Required Data
Information required for federal and state reporting purposes, including questions regarding ethnicity, sex, age, and/or disability shall be answered on a separate form. Such information shall not be required until after an employment offer has been accepted. However, questions regarding an applicant’s ability to perform the essential job duties, with or without accommodation, may be asked as a part of the hiring process. (Adopted 1/24/11)

C. Conviction Reporting
The application form shall require that each applicant indicate whether or not s/he has been convicted of a crime. If an applicant states that s/he has been convicted of a crime, then such applicant shall be required to provide detailed information pertaining to all convictions. An applicant may be disqualified for a conviction which would render him/her unsuitable for the position as described elsewhere in these rules and/or as determined by the state department of justice. If it is determined that a candidate has failed to disclose a conviction, s/he will be disqualified. (Adopted 1/24/11)

40.100.2 General Qualifications of Applicants
Applicants must comply with citizenship and residence qualifications as specified by law, and possess all other requirements that may be specified in the minimum and/or desirable qualifications established for the class. Every applicant must be in all respects mentally and physically competent to perform all the essential duties of the position for which he/she applies, with reasonable accommodation for disabilities covered under the Americans with Disabilities Act.
40.100.3 **Elimination of Unfit Applicants, Candidates, and Eligibles**

An applicant or candidate may be refused examination, and an eligible may be refused certification or appointment, for any of the following reasons:

A. Failure to meet the general qualifications of Rule 40.100.2 and 30.200.4 D. (Revised 1/24/11)

B. Failure to execute the oath of allegiance required by the State of California.

C. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.

D. Conviction of or pleading guilty in court to a controlled substance offense, or a charge or moral turpitude, or any sex offense, or mistreatment of children, or any other offense that would preclude employment in a public school as defined in Education Codes sections 45122.1 through 45124 and 45125.5 and 45126 and as determined by the Department of Justice and FBI. (Revised 2/27/06)

E. Criminal, infamous, dishonest, immoral, or disgraceful conduct as interpreted by the Personnel Commission, on a case-by-case basis.

F. Making a false statement or omitting a statement as to any material fact on the application form, including failure to disclose a criminal conviction. (Revised 1/24/11)

G. Practicing any deception or fraud in connection with an examination or to secure employment.

H. Controlled substance offense, drug addiction and/or use of intoxicating beverages to excess. (Revised 2/27/06)

I. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal from the Sonoma County Office of Education.

J. Previous dismissal from this office, unless the Commission waives this subsection.

K. A record of unsatisfactory service with this office, even though separation has not occurred.

L. Health conditions which would prevent the applicant, candidate, or eligible from successfully performing the duties of the position, with or without reasonable accommodations, for which s/he/she is applying, or health conditions which would clearly endanger his/her health and safety or the safety of others. (Revised 1/24/11)

M. Discharge other than honorable from the Armed Forces of the United States.

N. Failure to report for duty after an assignment has been offered and accepted.
O. Failure, after due notice, to report promptly for review of any of the above bases for rejection.

P. Refusal to furnish testimony, other than self-incrimination, at a hearing or investigation before the Personnel Commission or Board of Education. (Revised 1/24/11)

Q. Attempting to or making contact with any member of the Personnel Commission with the intent of influencing the recruitment, examination and/or selection process in any way. A formal written appeal to the commission following these rules is exempt from this disqualification. (Adopted 1/24/11)

40.100.4 Rejection and Appeal from Rejection
(Revised 6/26/06)
A. Applicants, candidates, and eligibles who are rejected for any of the reasons enumerated in Rule 40.100.3 shall be notified, in writing, by the Assistant Superintendent of Human Resources. The notification shall state:

1. The reason(s) for rejection.

2. The length of time the individual shall be ineligible to be considered for examination or appointment to a position in the Sonoma County Office of Education.

3. That, within seven (7) calendar days, the individual may appeal to the Assistant Superintendent of Human Resources for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.

B. If there has been an administrative review, as provided above, and the rejection is sustained, the individual shall be:

1. Given a written notice outlining the reason(s) for sustaining the rejection, and

2. Informed of his/her right to make a written appeal of the rejection and/or the period of disqualification, within seven (7) calendar days, to the Personnel Commission. The appeal may be based on any of the following reasons:

   a. Discrimination because of political or religious acts or affiliations or opinions, race, color, sex, sexual orientation or gender expression, marital status, national origin, or ancestry. (Revised 4/23/12)

   b. Abuse of discretion.

   c. Inconsistency of the reasons given for the rejection with the facts.

C. An appeal shall state, in writing, the specific nature of the protest, the item or incident to which it refers, and the reasons why the applicant filing the appeal believes his/her rejection should be reversed. Appeals on this basis will be accepted only if delivered to the Human Resources Department or postmarked during the first seven (7) calendar-day period following the date of the mailing to the applicant. (Adopted 1/24/11)
D. Upon receipt of an appeal the Commission shall set a date for hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted, in writing, to all concerned and shall be final.

40.100.5 Action When Rejection Is Not Sustained
If a rejection is not sustained by the Assistant Superintendent of Human Resources or the Personnel Commission, the Assistant Superintendent of Human Resources shall institute immediate action to insure the rights of the applicant, candidate, or eligible as if the rejection had not been made. However, appointments made in the interim shall not be disturbed, unless they were fraudulently made. (Revised 2/27/06)

40.100.6 Applications Not To Be Returned
All applications and examination papers are confidential records of the Office of Education, and shall not be returned to the applicants.

40.100.7 Applicants' Names Not Made Public
The names of the applicants or unsuccessful candidates in any examination shall not be made public.

40.100.8 Veterans' Preference (E.C. Section 45294, 45295, 45296)
(Revised 6/26/06)
A. A "veteran", as defined in this Rule, shall mean an individual who has served at least thirty (30) days of active duty in the United States armed forces in time of war, or national emergency declared by the President of the United States, and who has been discharged or released under conditions other than dishonorable. "Armed forces" is defined as the United States Air Force, Army, Navy, Marine Corps, National Guard, or Coast Guard. Credit will be given for service that occurred between the dates listed below:

- World War I April 6, 1917 to November 11, 1918
- World War II December 7, 1941 to December 31, 1946
- Korea June 27, 1950 to January 31, 1955
- Vietnam August 4, 1964 to May 7, 1975
- Gulf War August 2, 1990 to Jan 2, 1992
- More than 180 consecutive days, other than for training, any part of which occurred during the period beginning September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last day of Operation Iraqi Freedom.
- Any service for which an Armed Forces Expeditionary medal or campaign badge, including Afghanistan, Bosnia, El Salvador, Lebanon, Grenada, Panama, Southwest Asia, Somalia, and Haiti was awarded. (Revised 1/24/11)
In order to obtain credit, the applicant shall furnish the Assistant Superintendent of Human Resources with the original, certified, or photographic copy of their honorable discharge or certificate of honorable active military service (DD Form 214) or other acceptable evidence of required military service prior to establishment of the eligibility list. No adjustment of rank on the list shall be made when such proof is presented after an eligibility list has been established. (See Rule 50.200.2)

B. A veteran, except disabled veteran, shall have an additional five (5) points added to his/her final passing score in any examination.

C. A disabled veteran shall have a total of ten (10) additional points added to his/her final passing score in any examination. A disabled veteran is an individual classified by the U.S. Veterans Administration to be ten percent (10%) or more disabled as a result of service in the Armed Forces of the United States.

**40.200 EXAMINATIONS (E.C. Section 45261)**

**40.200.1 Examinations Barred**

No examination announcement may be made and no part of any examination may be held until the Superintendent has properly approved the position on the allocation list, and the Commission has completed the position classification, including the establishment of minimum and/or desirable education and work experience requirements.

**40.200.2 Promotional Examinations (E.C. Section 45272)**

Examinations shall, where practicable, as determined by the Assistant Superintendent of Human Resources, be limited to promotional applicants. When no promotional field of competition exists or when there is doubt of its adequacy, the Assistant Superintendent of Human Resources may authorize an open examination or simultaneous open and promotional examinations. Promotional examinations shall be restricted to regular employees of the Office of Education who meet the prescribed qualifications of the class. (Revised 6/26/06)

Performance evaluations prepared by the immediate supervisor and reviewed by the employee, may be considered in evaluating an employee’s fitness for promotion. (Adopted 1/24/11)

**40.200.3 Notice of Examination**

A. Whenever it is necessary to fill existing or anticipated vacancies in the classified service and an appropriate employment list does not exist, as determined by the Assistant Superintendent of Human Resources, s/he shall direct the holding of an examination to provide eligibles. Except in unusual circumstances, at least ten (10) working days' advance public notice of such examinations shall be given. The notice shall contain the following facts:

1. Information concerning the location of employment and other conditions of employment; (Revised 6/26/06 & 1/24/11)

2. Description of the scope of duties and responsibilities of the position and the class;
3. Minimum and/or desirable qualifications required;

4. The salary and other forms of compensation;

5. The last date for filing an application; (Revised 1/24/11)

6. The subjects about which competitors may be examined and the weights given to the various types of the examination; and

7. Such other information as will assist the employees and the public in fully understanding the nature of the employment and procedures necessary to participate in the examination.

40.200.4 Who May Compete
(Revised 6/26/06)
A. Competitive examinations for positions in the classified service shall be open to those applicants who meet the minimum qualifications and who are not rejected, as provided in Rule 40.100.3, except that examinations may be restricted to promotional candidates, at the discretion of the Assistant Superintendent of Human Resources.

B. Age shall not be a factor in admitting applicants to examinations, unless there is a minimum age required by law.

40.200.5 Character of Examination
A. Examinations may be written, oral, and performance of demonstration of skill and ability, or any combination thereof.

B. Unassembled examinations (application appraisals) may be used to evaluate and measure the extent, relevance, level, progression, and quality and quantity of experience and education of the candidates by reference to the applications for employment, or other evidence of professional standing, as submitted by the candidate.

C. Background investigation of education, experience, character, loyalty, or identity to include records of arrests and tests of technical knowledge, manual skill, and mental fitness, which, in the judgment of the Assistant Superintendent of Human Resources, serves this end, may be employed. (Revised 6/26/06)

D. A physical and medical examination to determine freedom from organic disease or physical incapacity to perform the duties of the position may be required. Such examinations shall be performed under the direction of a licensed physician or Nurse Practitioner selected by the County Office. Failure to pass such an examination shall be disqualifying. All records of such examinations shall be considered confidential. (See 80.400.1.) (Revised 6/26/06)

40.200.6 Examination Procedures
A. Examinations shall be administered objectively, and shall consist of at least two (2) independent parts. (E.C. Section 45273.)
B. All qualified applicants who have applications on file at the time of examinations shall be notified and must take the test on the prescribed date, unless other arrangements are approved by the Assistant Superintendent of Human Resources. Failure to report for the announced examination will result in the application being withdrawn from consideration, unless excused, in writing, by the Assistant Superintendent of Human Resources. (Revised 6/26/06)

C. The Assistant Superintendent of Human Resources shall establish for each written, oral, unassembled, and performance examination a minimum passing grade, which shall be set forth in the examination bulletin. Failure by any candidate to attain the minimum passing grade in any portion of an examination shall eliminate the candidate from competition in any further portion of the examination. Any candidate so eliminated shall be notified promptly in writing. (Revised 6/26/06)

D. When written examinations are required, they shall be so managed that none of the test papers will disclose the name of competitors until all papers in a given examination shall have been marked and graded. Copies of the questions in a test shall not be made by competitors or other unauthorized persons.

E. For classes requiring oral examinations, the oral interview committee will consist of at least two (2) members. The oral examination shall confine itself to evaluating general fitness for employment in the specific classification, unless a requirement exists to evaluate the candidates' technical knowledge and skills, and this is so indicated on the Position Opening Announcement.

When the oral examination evaluates the technical knowledge and skills, at least two (2) members of the committee shall be technically qualified in the specific occupational area.

The proceedings of all oral examinations will be electronically recorded. Scores achieved by the candidates on other parts of the examination shall not be made available to the oral examination committee. (E.C. Section 45273.)

F. For each unassembled examination, which consists of an application appraisal as part of the selection process, the Assistant Superintendent of Human Resources shall appoint a review panel as required. At least two (2) members of the panel shall be technically familiar with the positions to be filled. An unassembled examination will be scored, so that a determination can be made of the rankings of the candidates who are successful and who may compete in further examinations. Unsuccessful candidates, if any, shall be eliminated from further competition, and so notified promptly in writing. (Revised 6/26/06)

G. The Assistant Superintendent of Human Resources may designate examinations for certain specified classes as continuous examinations. When so designated, these examinations shall be promulgated under similar conditions and techniques as previous examinations for the same class, and the resulting eligibility list may be merged with previous lists for the class in the relative order of merit of the eligibles. (Revised 6/26/06)
H. The Assistant Superintendent of Human Resources may accept the records of typing and/or keyboarding performance tests given by County, State, or other qualified agencies, which test administration standards, are deemed appropriate. (Revised 6/26/06)

I. Examinations may be scheduled and conducted as a promotional examination only, as an open examination only, or as a promotional and open examination. Any regular employee, who meets the announced qualifications as presented on the position announcement bulletin, shall be authorized to compete in an examination.

J. Ratings of candidates competing in an exam shall be made on forms prescribed by the Assistant Superintendent of Human Resources, and shall be signed by the rater. All final marking shall be in pen and shall be delivered to the Assistant Superintendent of Human Resources, or his/her designee. Reason(s) for disqualification shall be noted on the rating form by the rater. (Adopted 1/24/11)

K. Each candidate may be required to provide proof of identification in order to participate in a written exam. (Adopted 1/24/11)

L. A competitor on any examination who places an identifying mark or marks upon test papers, other than the identifying mark prescribed at the time of the exam, or makes an attempt to disclose to others the identity of the competitor’s papers prior to completion of the exam may be disqualified. (Adopted 1/24/11)

M. A competitor in an exam who attempts to bring answers into an exam or to share answers with another competitor may be disqualified. (Adopted 1/24/11)

40.200.7 Examination Weighing
The relative weights of the different types of examinations and the required minimum passing grades shall be determined by the Assistant Superintendent of Human Resources and set forth in the Position Opening Announcements of the examination. Failure by a candidate to obtain the minimum passing grade in any portion of an examination shall eliminate the candidate from competition in any further portion of the examination. Any candidate so eliminated shall be notified promptly in writing. All examination papers shall be prepared or approved by and rated under the direction of the Assistant Superintendent of Human Resources. (Revised 6/26/06)

40.200.8 Rating Required
Competitors may be required to attain a designated minimum rating in each part or in combined parts of the examination to qualify for participation in the next succeeding part.

40.200.9 Review and Protest of Examination (E.C. Section 45274)
(Revised 6/26/06)
A. When the written test papers of all competitors have been rated, each candidate will be notified of his/her grade on the written test, the results of any other tests taken by the candidate, and the final score indicating his/her rating on the employment list.
B. During the first five (5) working days immediately following the mailing to the candidates of the notice of the examination results, any candidate may make an appeal, in writing, protesting the results of the examination to the Assistant Superintendent of Human Resources on the basis of any one or more of the following:
   1. Erroneous scoring of examinations.
   2. Unfair or improper conduct of an examination.
   3. Fraud, bias, or error in a rating resulting from an oral, unassembled, performance, or medical examination.

C. Notwithstanding the provisions of paragraph B above, copies of test keys for form tests or repetitive tests shall not be made available for review by any candidate, nor will the individual ratings given candidates by members of a Qualifications Committee be made available to the candidate.

D. An appeal shall state, in writing, the specific nature of the protest, the item or incident to which it refers, and the reasons why the applicant filing the appeal believes his/her ratings should be adjusted. Appeals on this basis will be accepted only if delivered to the Human Resources Department or postmarked during the first five (5)-working day period following the date of mailing to the candidates the final results.

E. The Assistant Superintendent of Human Resources shall immediately investigate any appeal received during the appeal period and may adjust the final ratings of the affected candidates accordingly. If s/he does not uphold the appeal, s/he shall, at the request of the candidate, refer it to the Personnel Commission with his/her recommendations. The Personnel Commission shall act on all appeals within ten (10) working days after receipt of the information from the Assistant Superintendent of Human Resources.

F. No appointments from an established employment list shall be made during the protest period, or in the event of an appeal during the time an appeal is under consideration by the Assistant Superintendent of Human Resources or the Personnel Commission.

40.200.10 Seniority Credit
In promotional examinations, seniority credit shall be added to the final passing scores of candidates, who have permanency with the County Office or who are on a valid re-employment list, in the amount of five one-hundredths (.05) of one (1) point for each month of service, not to exceed a total of five (5) points (100 months). Credit shall be granted for time spent in regular status (see definition) in the classified service, including authorized leave with pay. (See Rule 50.200.2.) (Revised 1/24/11)

40.200.11 Ties in Examination Scores
When two (2) or more competitors in an examination have the same final examination score, the candidates shall be certified as having the same ranking on the Employment List.
40.200.12 Notice of Final Score
Each competitor shall be notified of the results of the examination and his/her standing on the employment list, if qualified. In addition, candidates shall be notified of their disqualification and the reasons therefore.

40.200.13 Examination Records
Exam test scores are confidential information and release for such information will only be made to those Human Resource employees with a business need to know such information. Only information pertaining to a candidate’s own score and ranking on an employment list shall be released to the candidate. Release of the scores or ranking of other candidates is strictly forbidden. (Adopted 1/24/11)

No candidate may copy any portion of any examination records or materials made available for his/her review, without authorization from the Assistant Superintendent of Human Resources. Unauthorized copying may result in removal from employment lists, dismissal from employment with the Sonoma County Office of Education, and/or exclusion from future employment. (Revised 6/26/06)

40.200.14 Retention of Examination Records and Applications (E.C. Section 45300)
A. Applications of candidates shall be retained for the duration of the employment list (one year) and shall be made available for inspection by the Superintendent or his/her delegated representatives to whom the candidates are certified. Applications of those candidates appointed shall be filed with the reports of their appointment. Applications for those candidates not appointed may be destroyed after expiration of the employment list.

B. Answer sheets, test keys, and other examination records shall be retained for the duration of the employment list, and thereafter for a period of time to be determined by the Assistant Superintendent of Human Resources.

C. All examination records and related papers are the property of the Personnel Commission. They shall be confidential records, which may be inspected or copied only under such conditions as may be specified by the Personnel Commission, the Assistant Superintendent of Human Resources, or competent judicial authority. (Revised 6/26/06)

40.200.15 Appeal Hearing Procedure
(Adopted 1/05)
A. An appeal shall state in writing the specific nature of the protest; the item or incident to which it refers; the reasons, as provided in the Merit Rules, why the protestant believes the decision of the Superintendent, or designee, is biased, erroneous, abuse of discretion, or based on illegal discrimination; what should be adjusted; and a brief statement of the evidence the appellant will offer as proof. (Revised 1/24/11)

B. Hearings shall be conducted in the manner most conducive to determination of the truth, and the Commission shall not be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.
C. The Personnel Commission shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.

D. Each side will be permitted an opening statement (appellant first) and closing arguments (Superintendent first). The appellant shall first present his/her witnesses and evidence to sustain the appeal, and the Superintendent will then present his/her witnesses and evidence in support of the Superintendent’s determination or action.

E. Each side will be allowed to examine and cross-examine witnesses.

F. Both the Superintendent and the appellant will be allowed to be represented by legal counsel or other designated representative.

G. Whether the hearing is held in a public or closed session, the Commission, after it concludes the hearing, may deliberate its decision in closed session. No persons other than members of the Commission, its counsel, and its staff shall be permitted to participate in the deliberations. If the Assistant Superintendent of Human Resources or any staff is not serving full time for the Commission and/or was a witness in the proceedings, s/he shall also be barred from the Commission's final deliberations. The same person shall not represent the Superintendent and act as counsel to the Personnel Commission. (Revised 6/26/06 & 1/24/11)

H. The Commission shall render its judgment as soon after the conclusion of the hearing as possible, and in no event later than ten (10) days. The Commission’s order of judgment will be reviewed and signed by the Chair of the Commission and then distributed to the appellant and the Superintendent, and will set forth the Commission’s findings and decision. If the Superintendent’s action is not sustained, the Commission’s decision shall set forth the effective date of the action ordered by the Commission.

If a court reporter is present during the hearing, the appellant or his/her representative may obtain a copy of the transcript of the hearing, upon written request and agreement to pay for necessary costs.
CHAPTER 50 - EMPLOYMENT LISTS and APPOINTMENT

50.100 EMPLOYMENT LISTS
(E.C. Sections 45272, 45286, 45291, 45292, 45298, 45300)

50.100.1 Types of Lists Defined
(Adopted 3/28/11)

Continuous Recruitment: An ongoing recruitment for a classification where a list is created periodically to fill vacancies. Old lists, which have not expired, are combined with new lists, with candidates ranked by their overall scores.

Merged Promotional/Open: One list of all eligibles resulting from a single examination, including seniority points and/or veteran points, as applicable.

Open: A list of eligibles resulting from an examination open to all qualified applicants.

Promotional: A list of eligibles resulting from an examination which is limited to only qualified, permanent employees.

Re-employment: A list of employees who have been laid off from permanent positions, voluntarily demoted in lieu of layoff, lost their position due to exhaustion of leave for medical reasons, or return from military duty under the conditions set forth in these rules and the Superintendent policies. Eligibles on the re-employment list take precedence over other eligibles, such as eligibles from an open recruitment.

Other Re-employment: A separate re-employment list for employment in the Extended School Year (ESY) will be maintained as needed to fill ESY positions.

A separate re-employment list for Limited-Term Intermittent Assignments in the SHAPE program will be maintained as needed and used as provided by these rules.

A separate re-employment list for Limited-Term Temporary Support Assistant will be maintained as needed and used as provided by these rules.

50.100.2 Establishment of Employment List
After an examination, the Assistant Superintendent of Human Resources shall arrange the names of successful competitors on a list in the order of examination score, plus additional points where applicable.

A. An eligibility list shall contain the following information:
   1. The type of List: open, promotional, or merged open and promotional, re-employment;
   2. The names of all eligibles in final rank order of total examination scores, including any additional points such as promotional or veterans, if applicable;
   3. The expiration date of the list and of each candidate on the list;
4. The signature of the Assistant Superintendent of Human Resources, or designee, attesting to the accuracy of the list. (Adopted 3/28/11)

B. Unless specifically authorized in these rules, all appointments to positions in the Classified Service shall be made from eligibles whose names appear on eligibility lists. (Adopted 3/28/11)

50.100.3 Duration of Employment Lists
A. The Employment List for each classification shall be in effect for one (1) year or six (6) months, unless exhausted, and may be extended not to exceed one (1) additional year, at the discretion of the Assistant Superintendent of Human Resources. Names of subsequent successful competitors may be added to Employment Lists resulting from continuous examinations or merged lists. (See 40.200.6 G.) (Revised 3/28/11)

B. Eligibility list may be established for a period of six (6) months upon the approval of the Assistant Superintendent of Human Resources so long as the six (6) months duration of such a list is noted in the recruitment bulletin announcing the examination.

50.100.4 Re-employment Lists (E.C. Section 45308)
A. There shall be established for each class, as necessary, a re-employment list, which shall take precedence over all other Employment Lists in appointment. This list shall contain the names of all regular probationary and regular classified employees who have been laid off or demoted from any position because of lack of work or lack of funds. Employees who acquire leaves of absence for military reasons and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry shall take precedence by having their names placed over other names on the reemployment list in any given class. (See 60.200.3)

An employee who takes a long term limited-term assignment, voluntary demotion, or voluntary reduction in assigned time in lieu of layoff, shall retain eligibility for re-employment for an additional twenty-four (24) months, provided the same examinations for selection under which they qualified for appointment still apply, as determined by the Personnel Commission. (Revised 3/28/11)

B. Other Re-Appointment List for Extended School Year Employees
A separate Other Re-appointment List for Extended School Year employees will be maintained on an ongoing basis for each classification, which has been used for an Extended School Year position. Each Extended School Year employee who has performed satisfactorily for 20 work days or more within the Extended School Year session, will have his/her name placed on the Re-appointment List for consideration of reappointment as an Extended School Year employee. (Revised 3/28/11)

The name of the Extended School Year employee will remain on the Re-appointment List until the Extended School Year employee refuses three offers of employment, notifies the County Office that they wish their name removed from the list, or is hired into a regular position. Reappointment is not guaranteed. Reappointments will be done on a case-by-case basis, taking into account the program needs and skills of each Extended School Year employee.
Each Extended School Year employee, whose name appears on the Re-appointment List, will be required to complete a new application for subsequent appointment to an Extended School Year position.

Each Extended School Year employee, whose name appears on the Re-appointment List, will be required to complete an oral examination for subsequent appointment into an Extended School Year position in the same classification. An oral examination is also required for appointment to a classification the employee has not previously held. (Revised 3/28/11)

C. Other Re-Appointment List for Intermittent Assignments
   A separate Other Re-Appointment List for Limited-Term Intermittent Assignments will be maintained on an ongoing basis for School and Home Autism Program through Education, (SHAPE) Assignments with a duration of less than 1040 hours. (Revised 3/28/11)

Each regular Special Education Teaching Assistant who is assigned to work six hours per day or more, and who has performed satisfactorily in the SHAPE program for 20 work days for more, will have his/her name placed on the re-appointment list for consideration of reappointment to a Limited-Term Intermittent Assignment.

The name of such Teaching Assistant will remain on the re-appointment list until the employee refuses three offers of Intermittent Assignment or the employee notifies the County Office that he/she wishes his/her name removed from the Limited-Term Intermittent Assignment list. Reappointment is not guaranteed. Reappointments will be done on a case-by-case basis, taking into account the program needs and the skills of each employee.

D. Other Re-Appointment List for Temporary Support Assistant
   A separate Other Re-appointment list for Temporary Support Assistants will be maintained on an ongoing basis for assignment to positions within the Special Education Program. Reappointments will be done on a case-by-case basis, taking into account the program needs and the skills of each employee. (Adopted 3/28/11)

50.100.5 Termination of Employment Lists
(Revised 3/28/11)

Notification is not required when an eligibility list expires.

A. An Employment List is automatically terminated one (1) year, or six (6) months, from the date of its approval, unless previously extended by the Assistant Superintendent of Human Resources.

B. An Employment List is automatically terminated when no eligibles remain on the list.

C. An Employment List is automatically terminated when a new list for the class is established.
**50.100.6 Consolidation of Employment Lists (E.C. Section 45291)**
A. If a new examination for a class is given during the life of an existing list, the examination shall be sufficiently similar to the previous examination to ensure the comparability of the scores of eligibles. The new list shall then be merged with the existing list, with eligibles ranked in the order of examination score, plus additional points where applicable. (See 40.200.6.)

**50.100.7 Employment after Appointment**
A. An Employment List shall be used for regular full-time, regular part-time, and limited-term assignments in the class. An eligible who accepts part-time employment shall continue to be eligible for full-time employment, and an eligible who accepts limited-term employment shall continue to be eligible for regular employment.

B. A Re-appointment List for Extended School Year employees shall be used for appointment to an Extended School Year position, unless no Re-appointment List for the classification exists, in which case a regular employment list shall be used.

**50.100.8 Removal of Names from Employment Lists**
(Revised 3/28/11)
A. The name of an eligible may be removed from an Employment List for any of the following reasons:
1. A written request by the eligible for removal.
2. Failure to respond within three (3) days to an inquiry regarding availability for employment.
3. Any of the causes listed in Rule 40.100.3 above.
4. (Promotional Employment List) - Termination of employment.
5. Failure to respond for an interview after certification.
6. Misrepresentations or willful omissions of fact related the applicant’s suitability for employment. (Added 11/17/08)
7. Failure by the applicant to keep his/her mailing and/or email address and/or telephone number information current with the Human Resources department.
8. A substantiated record of unsatisfactory service with the County Office or other employer(s), unsatisfactory service discovered through reference checks, or because of resignation in lieu of dismissal from the County Office or another employer. By applying for employment with the County Office the applicant agrees to release from all liability persons and organizations reporting information required in order to determine acceptability for employment, and waives any agreement to keep such job performance issues confidential.
B. The name of an eligible may be removed from an Employment List by the Assistant Superintendent of Human Resources, subject to ratification of and appeal to the Commission for restoration under Rule 40.100.4, for any of the following reasons:

1. Two (2) waivers of certification during the life of the Employment List, except that waivers relating to part-time or limited-term appointments shall not be counted for the purpose of this sub rule.

C. Notification of Removal from Employment List: The Commission will notify the eligible of the action and the reasons therefore and will provide the person an opportunity to appeal the decision to the Commission within five (5) days of the date of the notice. The notice will be sent to the last known address of the person. The decision of the Commission shall be final and binding on all parties.

50.200 CERTIFICATION FROM EMPLOYMENT LISTS

50.200.1 Order of Precedence of Names
Names shall be certified for appointment from Employment Lists in the following sequence:
A. Reemployment List (one (1) name). (E.C. Sections 45308 and 45309).

B. Promotional Employment List (first three (3) names or first three (3) ranks). (E.C. Section 45272 and Rule 50.200.6 C.)

C. Open employment (first three (3) names or first three (3) ranks). (E.C. Section 45272 and Rule 50.200.6 C.)

50.200.2 Employment Lists
(Adopted 3/28/11)
A. Rule of Three Ranks:
Eligibles shall be placed on the eligibility list in rank order according to their final score. The final score of candidates will include seniority and/or veteran’s points if applicable, and shall be rounded to the nearest whole percent. All eligibles with the same score will be placed in the same rank. Certification from the list shall be the first three (3) ranks of eligibles. In the event that there is more than one authorized position in the class to be filled. The Assistant Superintendent of Human Resources. Human Resources, will certify additional ranks of eligibles to allow two more ranks than the number required to fill the number of vacancies.

For classes approved for continuous recruitment, certification shall be made at the time the Assistant Superintendent of Human Resources can first reasonably certify the number of ranks necessary to fill the vacancy or vacancies.

B. Promotional Employment Lists
1. The names of competitors successful in promotional examinations shall be placed on Promotional Employment Lists in the order of their final examination scores, as determined in the manner provided herein for Open Employment Lists.
2. Upon request of the Superintendent and approval by the Assistant Superintendent of Human Resources, the Promotional Employment List may also include the names of County Office employees whose names appear on the open Employment List for the same class.

C. Open Employment Lists

1. The names of competitors successful in open examinations shall be placed on Open Employment Lists in the order of their final examination scores, beginning with the highest score, as determined in the following manner:
   a. For each candidate who attains the announced minimum passing grade on each portion of the examination, the grades on all portions shall be combined in accordance with the announced weights.
   b. For each candidate who qualifies for veteran's preference, five (5) points shall be added to his/her combined grade. For each such candidate who provides evidence that proof of his/her disability as a result of the military service, which qualified him for veterans’ preference, is on record in the United States Veterans Administration, an additional five (5) points shall be added to his/her combined grade. (See 40.100.8.)
   c. For each candidate who has regular status in the classified service, five one-hundredths (.05) of one (1) point shall be added to his/her combined grade for each month of continuous service, with regular status, as computed to the date the Employment List is approved, to a maximum of five (5) points.
   d. The final examination score for each candidate shall be a whole number of points, not to exceed one hundred (100) points. For this purpose, each score which is greater than a whole number by four hundred forty-five one-thousandths (.445) shall be counted as the next greater whole number. Each score which is greater than a whole number, but less than four hundred forty-five one-thousandths (.445) shall be counted as the nearest whole number.

2. Under the conditions listed in a. through e. below, the name of an individual who has held regular status in the classified comparable class in the Sonoma County Office of Education Merit System: a public agency operating a Civil Service or Merit system recognized by the California County Merit System, or in the case of a program transfer to the County Office, a local school district:
   a. The class for which the list is approved possesses the same or lesser minimum qualifications as the class in which the individual has held regular status.
   b. The individual has been employed by the other agency within one (1) year prior to the date the list is approved.
   c. The individual achieved his/her regular status as the result of a qualifying or competitive examination.
d. The individual record of the individual has been entirely satisfactory, and s/he has not been separated, nor is s/he being considered for separation, due to fault or delinquency on his/her part.

e. There is written information submitted by the other public agency and on file in the Human Resources Department confirming that the required conditions have been met and stating that the individual is eligible for reemployment or continued employment in the class in which s/he holds regular status.

3. When the name of a qualified candidate has been removed from the Employment List in accordance with Section 50.200.9 A. of these Rules, and the candidate informs the Assistant Superintendent of Human Resources in writing that s/he is available and willing to accept employment, his/her name may be placed on the Employment List in the same standing in which it appeared at the time of its removal.

4. When appointed to a position with the County Office, with approval of the Superintendent, an employee whose name appeared on the employment list due to a program transfer, will be allowed to have his/her service with the transferring district counted in determining step placement on the salary range for the SCOE classification.

D. The names of Extended School Year employees, with 20 work days or more of satisfactory performance within the Extended School Year Session, shall be placed on the Re-appointment List in alphabetical order, with all names having the same standing. The entire list will be provided to each administrator making an appointment to an Extended School Year position.

E. Re-Appointment List for Limited-Term Assignment
The names of Special Education Teaching Assistants whose regular assignment is six hours per day, with 20 work days or more of satisfactory performance within the SHAPE program, shall be placed on the re-appointment list in alphabetical order, with all names having the same standing. The entire list will be provided to each administrator making an appointment to a Limited-Term Intermittent Assignment.

50.200.3 Procedure When Fewer Than Three (3) Names Remain
A. When fewer than three (3) eligibles are available on the promotional list, sufficient names may be certified from the open list to allow a choice among three (3) eligibles.

B. When fewer than three (3) eligibles are available for certification, the available eligibles shall be certified; however, prior to conducting a final hiring interview, the appointing authority may choose not to appoint any of them and may request a new examination to produce a new consolidated Employment List. (See 50.100.4)

If a new examination is conducted, the hiring interview shall be conducted using the consolidated list. (See 50.100.4.) (Revised 10/29/07)
50.200.4 **Other Sources of Eligibility**  
In the absence of a reemployment list for a class, a vacancy may be filled by transfer, demotion, reinstatement, or reemployment within thirty-nine (39) months (after resignation), restoration to former class after voluntary demotion, or other means provided in the Rules, without regard for existence of eligibility lists. (See 50.100.2.)

50.200.5 **Waivers of Certification**  
A. An eligible may, without penalty, make himself/herself unavailable for certification to specific locations or shifts and part-time positions and to limited-term or permanent positions by notifying the Human Resources Office, in writing.

B. Certification of eligibles who have made themselves unavailable shall not be made, provided that eligibles may revise or withdraw their unavailability, in writing, during the lifetime of the Employment List.

C. An available eligible may waive certification once without penalty. At the time a second waiver is to be signed by an eligible, s/he will be informed that, upon signing the second waiver, his/her name will be removed from the eligibility list per Rule 50.100.8.

50.200.6 **Procedure of Certification and Appointment From Employment Lists**  
(E.C. Section 45272)  
A. When a position is to be filled, the Department Head shall notify the Assistant Superintendent of Human Resources of that fact and of the date of the anticipated need. The request for certification shall state the class title, hours and location of employment, and other pertinent information as required by the Director.

B. The Assistant Superintendent of Human Resources shall ascertain the availability of eligibles and shall certify the top three (3) names/ranks to the Department Head, in accordance with these Rules.

C. In examinations final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three (3) ranks on the list who are ready and willing to accept the position. (Revised 3/28/11)

D. Within five (5) working days of the hiring interview, the Department Head shall make his/her selection from the persons certified and shall notify the Director, who shall see that the necessary employment procedures are carried out and candidates are notified of results.

E. If a candidate who has been certified as eligible for appointment to a position fails to keep his interview appointment, or at the time of interview declines the position, the Department Head may make selection from the remaining certified eligibles or may request additional certification in accordance with Rule 50.200.7.
50.200.7 Certification of Additional Eligibles
A. If, after certification of eligibles, the Department Head desires certification of the additional eligibles, pursuant to Rule 50.200.6 E., the Assistant Superintendent of Human Resources shall be notified and advised of reasons therefor.

B. The Assistant Superintendent of Human Resources, when the request is received, shall immediately investigate the matter to determine if the request is validly made and, specifically, to determine that an appointment refusal was voluntary on the part of the concerned eligible, s/he shall:
1. If s/he finds the request to be valid:
   a. Certify additional eligibles as may be required;
   b. Remove from the eligibility list, at his discretion, the names of eligibles who failed to report for interview or who refused appointment, and notify the eligibles of his/her action and their right of appeal to the Commission.
2. If s/he finds that a refusal of appointment was not voluntary and free of any type of duress, he shall:
   a. Notify the Department Head of his/her findings and refuse to certify additional eligibles, citing the provisions of this Rule.
   b. Refer the matter to the Personnel Commission, together with his/her findings and recommendations, which may include suggested action under Education Code Section 45317.
   c. Advise the Department Head of the date of his report to the Commission in order to enable appropriate representation.

50.200.8 Certification from List for another Class
If there is no eligibility list for the class in which the vacancy occurs, certification may be made from a list for another class at the same or a higher salary level if the duties and qualifications of the class for which the examination was given include substantially all of the duties of the position to be filled; provided that the Assistant Superintendent of Human Resources finds that the use of the list is in the best interest of the Office of Education, and that the necessary skills and knowledge were adequately tested in the examination.

50.200.9 Withholding Names from Certification
The name of an eligible may be withheld from certification when:
A. S/he expresses unwillingness or inability to accept appointment. (See 50.200.5)
B. S/he fails to respond within three (3) business days next following the mailing of written inquiry regarding availability for regular employment or request to appear for interview regarding such employment.
C. S/he fails to present himself/herself for duty at the time agreed upon after having accepted an appointment.

D. S/he cannot be reached in time for appointment when immediate temporary employment is required. (This provision shall apply only to such immediate temporary employment.)

E. S/he fails to present the license, registration, certificate, or any other credential required. (The name of any such eligible shall be restored by the Assistant Superintendent of Human Resources for certification when the particular requirement has been met.)

F. For any reason listed in Rule 40.100.3.

50.200.10 Restoration to Certification
A. When the name of a person has been withheld from an Employment List or from certification, or has been removed from the list, it may be placed on such list or restored thereto by the Assistant Superintendent of Human Resources under the following circumstances:
   1. When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to his/her availability to appear for interview, or to present himself for duty, and the applicant presents a good and valid reason, and certifies to the Assistant Superintendent of Human Resources that s/he is now willing and able to accept appointment.

   2. When the withholding or removal was for a reason stated in Rule 40.100.3, and such action was improper or the defect has since been corrected.

B. As provided in Rule 50.200.9 E.

50.200.11 Promotional Certifications
A. When the incumbent of an alternate position qualifies for promotion to a different alternate class to which his/her position is classified, s/he may be certified for promotion, at the request of the Superintendent, without regard to his/her standing on the Employment List.

B. When one or more employees qualify for promotion within the same department in which they are employed, a certification, which includes their names, may be limited to such employees, at the request of the Superintendent.

50.200.12 Selective Certification
If a position within a classification requires a special skill, license, or language requirement, the Assistant Superintendent of Human Resources shall determine which eligibles possess the required skills, license, language, and shall certify the first three (3) ranks of eligibles who meet the special requirement. If there are insufficient eligibles who meet the special requirements and who are ready and willing to accept the position, a provisional appointment may be made, pending completion of a recruitment and examination process to fill the specialized assignment. (Adopted 3/28/11)
50.200.13 Subjects Regarding Which No Questions Shall Be Asked
No questions relating to political or religious opinion or affiliations, race, creed, color, national origin, or ancestry, sexual orientation or gender expression, or marital status shall be asked of any applicant or any eligible whose name has been certified for appointment, nor shall any illegal discrimination be exercised therefor. There shall be no questions regarding an applicant’s disability. If an applicant requests accommodation for a disability, such accommodation request will be referred to the Assistant Superintendent of Human Resources. (Revised 9/25/06, 11/2/06, 3/28/11, & 4/23/12)

50.200.14 Duties of Eligibles
(Adopted 3/28/11)
It shall be the duty of every eligible to respond promptly to notice of oral exam, hiring interview or offer of employment. Eligibles will be expected to respond within three (3) working days. Failure to respond within the above timeframe may result in the eligible being removed from the employment list.

Each eligible is required to keep the Human Resources office informed as to his/her current home address, email, and phone number where s/he may be reached to schedule employment interviews. Failure to keep such information current may result in the eligible being removed from the employment list. In such case a letter will be sent to the last known address of the eligible, informing him/her of the removal from the list and his/her right to be reinstated should current information be provided within five (5) days of the date of the letter.

50.200.15 Reporting for Duty
(Adopted 3/28/11)
Normally an eligible for a permanent assignment is expected to report for duty at the end of two weeks from the date of the offer. The appointing authority may allow a period longer than two (2) weeks at its discretion. An eligible who has been selected for a permanent position and who is unable or unwilling to report for duty at the end of a two (2) week period (one full month in the case of a management class) may be considered to have refused employment, unless there is a mutual agreement for a longer transition period. If an eligible has refused employment through failure to report for duty, the appointing authority may request certification of additional eligibles.

When the offer is to limited-term or a substitute position, the eligible must be available on the date specified by the appointing authority.

The date of the offer of employment shall be the date on which the Human Resources department contacted the eligible regarding the appointment. Such contact may be by telephone, email, telegraph or registered or certified mail.
50.300 PROCEDURES FOR SELECTION (Ed. Code Sections 45160, 45161 and 45272)

50.300.1 Regular Appointment
(Revised 4/25/11)

The appointing authority shall interview the top three ranks certified from an appropriate employment or eligibility list. Appointments shall be made from eligibles having the first three (3) ranks on the list who are ready and willing to accept the position(s).

Upon selection, each prospective employee shall receive the official offer of employment by Human Resources, conditional upon meeting pre-employment conditions, including fingerprint clearance, TB clearance and physical exam, if required.

The conditional employment offer will include the time and date to report for duty and the salary at time of hire. Appointment to the position shall be subject to review by the Personnel Commission, if needed, to determine that the employee was hired pursuant to these Rules and the Education Code.

50.300.2 Nepotism: Gov. Code Section 12940
(Revised 4/25/11)

The Commission’s rule governing the employment of immediate family in classified positions is intended to establish a minimum exclusion regarding supervisor/subordinate relationships. No person shall be appointed or assigned to a position in any department in which such persons immediate relative holds a position, when such employment would result in any of the following:

A. A supervisor-subordinate relationship;

B. The employees have job duties, which require performance of shared duties on the same or related work assignment;

C. Both employees have the same immediate supervisor.

For purpose of this Rule, immediate family or relative shall include the father, mother, grandparents, or grandchild of the supervisor/administrator or his/her domestic partner or spouse, as well as the spouse’s son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, or any person residing in the immediate household of the supervisor or administrator.

50.400 PROVISIONAL APPOINTMENTS

50.400.1 Restrictions
A. The appointing authority may make a provisional appointment when the Assistant Superintendent of Human Resources certifies that:
   1. No eligibility list exists for the class; or
   2. An eligibility list exists, but there is an insufficient number of available eligibles (i.e. less than three (3)) and the appointing authority refuses to appoint an available eligible.
B. An employee may receive a provisional appointment or appointments, which may accumulate to a total of ninety (90) working days, after which a ninety (90) calendar day interval shall elapse, during which s/he shall be ineligible to serve in any full-time provisional capacity.

C. No person shall be employed in provisional capacities under a given governing Board for a total of more than one hundred twenty-six (126) working days in any one (1) fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position, as defined in E.C. Section 45256, successive ninety (90) working day provisional appointments may be made to the part-time position for a total of more than one hundred twenty-six (126) working days in a fiscal year.

D. Insofar as possible, provisional appointees shall be required to meet the minimum qualifications for the class of the appointment, as stated in the class specifications.

E. Notwithstanding rules A. and B., above, the Commission may extend the ninety (90) working day provisional appointment for a period not to exceed thirty-six (36) additional working days, provided:
   1. An examination for the class was completed during the initial ninety (90) workdays of the employee's provisional assignment.
   2. Satisfactory evidence is presented indicating:
      a. Adequate recruitment effort has been and is being made.
      b. Extensions of this provisional assignment are necessary to carry on vital functions of the district.
      c. The position cannot be satisfactorily filled by use of the eligibility list or other Employment Lists or procedures, such as reinstatement, transfer, or other appropriate eligibility lists.

50.400.2 Emergency Appointments
A. If it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Superintendent may make emergency appointments, without reference to eligibility lists, for a period not to exceed fifteen (15) working days.

B. When such emergency appointments are made, the Assistant Superintendent of Human Resources shall be notified in writing, naming the appointee or appointees, date of appointment, and nature of duties performed, and giving a statement justifying the emergency nature of such appointments. Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code for provisional appointments.

50.400.3 Limited-Term Appointments
(See Rule 60.400)
A. Whenever the Superintendent shall require the appointment of a person to fill a position, the duration of which is not to exceed six (6) months, or to complete a special project, or to fill a position in lieu of an absent employee for a period not to
exceed the authorized absence of said employee, s/he shall request a certification and include in such request a statement probable duration of the appointment, and if applicable a description of the special project service. Eligible candidates shall be certified in accordance with their position on the appropriate Employment Lists and their willingness to accept appointment for the probable duration stated.

For purposes of these rules, a special project or service is defined as a project or serviced performed for the County Office, upon completion of which, the service required or similar service will not be extended or needed on a continuing basis, (EC 45103). A special project or service will not exceed 700 cumulative hours in a fiscal year.

B. No credit towards acquiring regular status with the County Office or in any classification shall accrue from service in a limited-term assignment or substitute assignment except as provided in C. below.

C. Whenever a person employed under a limited-term appointment is subsequently certified and appointed to fill a permanent position without a break in service, his/her regular employment shall be considered for all purposes, other than completion of probationary period, as beginning with the effective date of the limited-term appointment.

D. Intermittent Assignment: A limited-term position, which is used to cover assignments with hours that vary during the school year. Such assignments may start and or stop during the school year. Hours and assignments may vary during the school year, but the hours worked by any intermittent employee will not exceed a total of 1040 hours in any year. Intermittent Assignment is only available to employees working six hours or more per day.

50.400.4 Transitional Employment (Special Funded) (E.C. Section 45105)
A. Any federal, state, or special funded positions that are not part of the regular school program shall, nevertheless, be a part of the classified service, as established by Section 45103 or Section 45256 of the Education Code. Persons employed in such positions shall enjoy all of the rights, burdens, and benefits afforded other classified employees; provided, however, that:
   1. Such positions shall be training positions to be continued for no longer than twenty-four (24) months from the establishment of such position;

   2. Persons in such position shall be carried on a seniority list by class separate from the regular classified seniority list; and

   3. Persons in such positions shall be subject to the provisions of paragraphs B and C of this section.

B. If specially funded positions are restricted to employment of persons in low-income groups from designated impoverished areas and other criteria, which restricts the privilege of all citizens to compete for employment in such positions, all such positions shall, in addition to the regular class title, be classified as "restricted". All "restricted" positions, except those listed below, shall be subject to E.C. Sections 45272 and 45273.
   1. Instructional Aide;
2. Any position involving personal contacts with pupils or parents that is established to assist school staff personnel responsible for school community relations; educational support services for such areas as counseling, library, or health; or the correction or prevention of behavioral problems.

C. The Superintendent of Schools and Board may establish a "restricted", special funded position at any time in a specific department.

On the first regular examination date after completion of six (6) months of satisfactory service, a person serving in a "restricted" position shall be given the opportunity to take a qualifying examination in the class in which the "restricted" position was established. If the "restricted" candidate satisfactorily passes the qualifying examination, his/her name goes on the eligibility list.

Once a regular classified position becomes vacant in the class corresponding to the "restricted" position, the names of all "restricted" employees on the eligibility list shall be certified to the Department Director as free names, along with the top three (3) names/ranks on the eligibility list. If the "restricted" employee is transitioned into the regular classified service, the seniority date of the employee shall be counted from the original date of employment in the "restricted" position. No further six (6)-months probationary period shall be required of the employee if s/he is hired in the same class in which they had been on special funded training.

A "restricted" employee may, however, compete for any other open position in this office at any time, along with other candidates. Rule C then would not apply.
CHAPTER 60 - EMPLOYMENT REQUIREMENTS

60.100 HEALTH EXAMINATIONS and EMPLOYMENT REQUIREMENTS
(Ed. Code Sections 45122, 45260, 45261, and 49406 Health & Safety Code Sections 3450 and 3451 and Admin. Code, Title 5, Section 5505

60.100.1 Health Examinations
A. TB Examinations:
   1. Initial Employment:
      Every person being initially employed by the Sonoma County Office of Education in a permanent position shall be required to comply with the provisions of Education Code Section 49406, which requires an examination to determine that s/he is free from active tuberculosis within sixty (60) days of employment.

      Pre-employment tuberculin test costs are paid for by the County Office as long as the candidate or employee completes the test results reading. The County Office reserves the right to designate a particular clinic or hospital where the test will be administered and to charge a candidate or employee for the cost of a test if the candidate or employee fails to complete the entire testing process. (Revised 6/20/11)

      a. A new employee shall present evidence that he/she has submitted to an examination within the past sixty (60) days to determine that he/she is free of active tuberculosis. This examination shall consist of an approved intradermal tuberculin test, or if the skin test is positive, the employee shall submit to an x-ray of the lungs; or if the employee has previously tested positive, the employee shall submit to an x-ray of the lungs. The County Office may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intradermal tuberculin test be followed by an x-ray of the lungs. (Revised 6/20/11)

      b. If a new employee is transferring employment from one school or school district, including private and parochial schools, to the County Office, the sixty (60) days requirement above will be waived if the new employee can produce a certificate as provided for in Section 3450 of the California Health and Safety Code which shows that the employee was examined within the past four years and was found to be free of communicable tuberculosis. This requirement can also be met if it is verified by the school previously employing the new employee that it has such a certificate on file and a copy of such certificate is forwarded to the County Office. (Revised 6/20/11)

      c. For new employees, evidence of compliance with the requirements of this section must be on file prior to the first day in paid status. (Revised 6/20/11)
2. After Employment
   a. Every permanent employee is required to undergo an examination to
determine that s/he is free from active tuberculosis at least once every four
(4) years after employment.

   b. The Human Resources Department shall maintain adequate records on each
employee, which indicate compliance with these Rules and the law.

B. Medical Examinations (Revised 6/20/11)
   1. Every individual appointed to a position in the Classified Service, or exempt
from the classified service, shall pass a job-related physical examination prior to
initial appointment. Promotional eligibles who have been offered employment
in a classification possessing different physical requirements may also be
required to undergo a job-related medical examination as determined by the
County Office. The examination will be administered after the initial
conditional offer of employment prior to finalization of the appointment. The
examination shall be administered by a physician chosen by the County Office.
The determination of the kind and extent of the examination shall be determined
by the County Office and may include a psychological examination. Exam costs
shall be borne by the County Office. However, the candidate or employee shall
be responsible for any missed appointment fee or rescheduling fee. The medical
examination shall be related to the duties as approved in the class specifications.

2. The County Office’s physician shall determine the ability of the applicant,
candidate, or eligible to perform the prescribed duties of the class in which
he/she shall be employed, and shall notify the County Office of the medical
findings. Reasonable accommodations may be made for persons with a
diagnosed disability as described below.

3. In consultation with the County Office’s physician, the County Office shall
make a determination if reasonable accommodation can be made for the
individual. If the determination is that reasonable accommodation can be made,
the appointment shall be made. If the determination is that reasonable
accommodation cannot be made, the individual will be so notified by the
County Office and informed of his/her appeal rights.

C. Extensive Physical Examination
   If the Sonoma County Office of Education requires a more thorough physical or
mental examination of an employee, Education Code Section 45122 shall apply.
(Revised 6/20/11)

D. Reasonable Suspicion
   If a supervisor has reasonable suspicion that an employee is at work impaired by a
legal or illegal drug, alcohol, or other substance, the supervisor may require the
employee to report for a fitness for duty health examination at Occupational Health,
which may include testing for the presence of drugs and/or alcohol. Occupational
Health will use these test results to make a determination as to whether or not the
employee is/was fit for duty. The Supervisor will use this information, in
combination with other information about the behavior or incident, to determine
whether disciplinary action or other action is warranted.
E. Return to Work and Unscheduled Exams:
An employee may be required to undergo a physical (including a psychological) examination at any time there is deemed to be reasonable cause by the County Office Administration.

F. Every employee returning from illness/injury leave of absence may be required to submit to a medical examination to verify sufficient recovery to return to the employee’s regularly assigned duties. (Revised 6/20/11)

G. Medical Review Board:
1. Any rejection for medical reasons of an eligible or of an employee who has applied for return from leave of absence may be appealed to the Commission.

2. The Commission may employ outside medical experts to give a medical advisory opinion.

3. The Commission, based on evidence submitted and the advice of medical experts to the Commission, shall determine whether or not the denial of appointment or return from leave shall be sustained. The decision of the Commission shall be final and binding on all parties. (Revised 6/20/11)

60.100.2 Criminal Records Check (E.C. Sections 45106 and 45125)
A. Fingerprinting:
Every new permanent employee shall submit to a criminal records check in accordance with prescribed procedures or shall forfeit eligibility for employment. The Assistant Superintendent of Human Resources will notify each such employee where and when to report for fingerprinting and make necessary arrangements for making payment of the required fee. (Revised 2/27/06)

1. Review of Criminal Records:
   a. All personal information such as date of birth, social security number, place of birth and similar personal information contained in a Request for Live Scan services shall be kept confidential and shall not be used by any employee for personal reasons; nor shall such information be disclosed, except as needed to conduct official SCOE business. (Adopted 2/27/06)

   b. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.

   c. The criminal records report from the California Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation will be reviewed, together with the person's application form. If there is a criminal record, the appointing authority shall decide whether or not the person should be employed or retained in employment. If the record discloses no information beyond that supplied by the person on his/her application form, and s/he was accepted for examination and/or appointment, s/he shall be considered employable.
2. Notice of Conviction of Subsequent Arrest
   a. If the County Office receives a subsequent arrest notice on a current employee, the Assistant Superintendent of Human Resources shall review the charges to determine if the employee should be placed on unpaid leave pending the outcome of the judicial process. (Adopted 2/27/06)

   b. If an employee is to be dismissed because of a conviction or information disclosed on the criminal records report, the employee will be provided with ten (10) calendar days notice of the termination. The employee may be placed on unpaid leave during the ten days notice. If an employee is dismissed because of information disclosed on the criminal records report, the employee shall be removed from all eligibility lists. (Revised 2/27/06)

   c. If the appointing authority desires that an eligible be removed from an eligibility list because of information from the Department of Justice or FBI, the Human Resources department will follow the merit rules on removing a candidates name from an employment list. (See 40.100.3 and 50.100.6) (Revised 2/27/06)

   d. The Personnel Commission shall be notified of the recommended action and the reasons therefor. If it approves the recommendation, the Commission shall notify the employee or eligible of the Action taken or contemplated and the reasons therefor. The Commission shall provide the person with an opportunity to appeal the decision, in writing, within ten (10) calendar days of notification, and may hold a hearing at its discretion. The decision of the Commission shall be final. (Revised 2/27/06)

60.100.3 Employment Requirements

   Documentation
   No individual shall be allowed to be placed in paid status without having on file with the County Office all the below documents, including sufficient documentation as required by Federal law as to that individual’s right to work for the County Office. (Revised 6/20/11)

   A. Income Tax Withholding Form
   New employees shall submit the W-4 form for both State and Federal taxes to payroll at the time of employment. (Adopted 6/20/11)

   B. Public Employees Retirement System (PERS) Application:
   New employees shall submit a completed application form to the County Office at the time of employment. This rule shall apply only to those employees entitled to retirement benefits. (Adopted 6/20/11)

   C. Social Security Number
   New employees shall submit their social security number to the County Office at time of employment. Providing a false social security number is grounds for discipline, and may result in immediate dismissal. (Adopted 6/20/11)
D. Loyalty Oath
All new employees must take and subscribe to an oath or affirmation of loyalty as required by Article XX, Section 3 of the California State Constitution and the Education Code. Refusal to sign the loyalty oath shall cause the initial employment offer to be withdrawn.

E. Verification of Right To Work Status
All individuals employed after November 1, 1986 are required to provide proof of their right to work in the United States and for the County Office. An individual’s right to work is a minimum qualification for employment with the County Office. No individual shall be allowed to be placed in paid status without having on file with the County Office sufficient documentation as required by Federal law as to that individual’s right to work for the County Office. (Adopted 6/20/11)

No proof will be required until after an initial offer of employment has been made by the County Office. Every individual will be required to provide verification as required in this rule. An individual unable to provide verification of his/her right to work in this country and for the County Office pursuant to this rule, shall have his/her name removed from the eligibility list(s), and shall not be placed on the payroll of the County Office. (Adopted 6/20/11)

F. California driver license if required for the assignment; (Adopted 6/20/11)

G. Proof of insurability, if required for assignment. (Adopted 6/20/11)

60.100.4 Requirement to Notify County Office of Any Status Change
Employees shall notify the County Office whenever their status changes, such as new address, new telephone number, marital status for health and welfare benefits, increase or decrease in the number of dependents for health and welfare benefits and tax purposes, name of person(s) to notify in case of emergency, etc. (Adopted 6/20/11)

60.100.5 Filing of Required Licenses or Certificates
Some classifications may require the employee to possess certain licenses and/or certificates. Every new employee must file copies of all licenses and/or certificates required as a condition of employment with the County Office. As these licenses and/or certificates are renewed, copies of them must also be filed in the County Office within ten (10) working days of receipt by the employee. (Adopted 6/20/11)

60.200 PROBATIONARY PERIOD (E.C. Section 45301)
(See Also Employee Contracts).
A probationary employee may be suspended or dismissed at any time without cause and without right of appeal. (Adopted 6/20/11)
60.200.1  Duration of Probation  
(Revised 6/20/11)

A. A new employee appointed from an Employment List shall serve a probationary period of six (6) months in one (1) class before attaining permanency in the classified service. Classified management will serve a twelve (12)-month probation period. An employee who has been promoted, laterally transferred to a related class not previously held, or demoted to a class not previously held shall serve a probationary period of six (6) months in the new class before attaining permanency in that class. Classified management newly assigned as described above must serve a twelve (12) month probationary period. Credit toward completion of probation shall be granted only for paid service in regular positions in the class after appointment from the eligibility list, except as provided below and in Rule 50.300.3 and 50.400.4 (Ed Code 45301)

B. In the event that a provisional employee is certified from an Employment List promulgated next after his/her original application for employment in that class, his/her probationary period shall include the time served as a provisional employee. Wherever an employee may have failed to qualify by an examination, from which was promulgated the Employment List next after his/her original application, his/her probationary period shall not include the time served as a provisional employee.

C. No credit towards acquiring regular status with the County Office or in any classification shall accrue from service in a limited-term assignment or substitute assignment except as provided in D. below. (See 50.300.4)

D. Whenever a person employed under a limited-term appointment is subsequently certified and appointed to fill a permanent position without a break in service, his/her regular employment shall be considered for all purposes, other than completion of probationary period, as beginning with the effective date of the limited-term appointment. (See 50.400.3)

E. Extended School Year (ESY) Employee
An Extended School Year employee does not attain regular employee status. An Extended School Year employee, who is subsequently hired into a permanent full time or part time position, must successfully complete the full probationary period before becoming a regular employee.

F. Intermittent Assignment or Substitute
An employee working in a limited-term intermittent or substitute assignment does not attain regular employee status in said assignment. Said assignment may end at any time, and the incumbent has no appeal rights. (Revised 11/14/05)

60.200.2  Rights of Probationary Employees

A. A new employee who resigns in good standing during his initial probationary period shall, upon request, have his/her name restored in proper rank to the Employment List. Such action shall not extend the life of the list or the period of eligibility of the employee.
B. A new employee who is suspended or dismissed during his initial probationary period shall be notified in writing of the action taken and the reasons therefor. S/he shall not have the right of appeal.

C. An employee, who has regular status in the classified service and who has been promoted to a higher class, may be demoted involuntarily during the probationary period to his/her former class. S/he shall be notified, in writing, of the action and the charges against him, and shall have the right of appeal provided in Rule 60.1000.

D. A regular employee, who is suspended or dismissed or demoted to other than his/her former class during a probationary period, retains full rights of appeal.

E. Should the work for which a probationary employee has been appointed prove temporary, instead of regular as certified, and should s/he be laid off without fault or delinquency on his/her part before his probationary period is completed, his/her name shall be restored to the eligibility list, and the time s/he has served shall be credited to him on his/her probationary period.

### 60.200.3 Expiration of Probationary Period

A. With the written mutual agreement of the probationary employee and the County Office and approval of the Commission, the probationary period may be extended by up to six (6) additional months. The Assistant Superintendent of Human Resources shall, in writing, notify the Department Head of the date on which each employee's probationary period will expire. Such notification shall be made not less than one (1) month prior to the date of expiration. (Revised 11/14/05)

B. Upon receipt of the notification of expiration of the probationary period, the employee's immediate supervisor shall complete a performance report and submit it to the Assistant Superintendent and the Superintendent, who shall consider it in their comments thereon. (See 60.700)

C. The Superintendent, based on his/her evaluation of the performance report, shall specify one (1) of the following actions:
   1. The employee shall be placed on regular status.
   2. The employee shall be separated or, if appropriate, demoted to his/her former classification.

D. The regular status of a probationary employee shall begin on the day following the end of the probationary period, provided, that the Assistant Superintendent of Human Resources has received from the Superintendent the recommendation for regular appointment.

### 60.300 CHANGES IN POSITION, ASSIGNMENT, AND/OR CLASS

#### 60.300.1 Transfer

A. An employee may be transferred at his/her request or for the good of the service of the Sonoma County Office of Education from one position to another in the same class, at the discretion of the Superintendent, provided that such action shall not be taken for punitive or preferential reasons.
B. A regular employee may be transferred to a position in a related class on the same salary schedule for which s/he is qualified, with the recommendation of the Assistant Superintendent of Human Resources and the approval of the Superintendent.

C. Transfers shall not change the employee's salary rate, anniversary date, accumulated illness leave, and accumulated vacation credit, or in any other manner reflect adversely upon his/her rights, as provided in law and these Rules.

D. The Assistant Superintendent of Human Resources shall determine whether classes are sufficiently related to permit transfer between them. S/he shall consider similarity of duties, minimum qualifications, examination content, occupational group, and promotional field (above and below).

In general, more latitude in transfers should be permitted: (Revised 2/27/06)
1. As the employee's seniority in the classified service increases.
2. When the transfer request is based on reclassification, impending layoff, or reasons of health.
3. When the employee meets the minimum requirements for the class.

E. A regular employee who transfers to a position in a class in which s/he has not previously completed a probationary period shall be considered probationary in that class. At any time during the probationary period, s/he may be returned (transferred) to his/her former class without right of appeal, unless such action results in layoff, demotion, or reduction in assigned time. In the latter cases, the employee will have the same appeal rights as a regular employee who is demoted or dismissed. (Revised 6/20/11)

F. Transfers shall have the following effects on seniority:
1. Within the same class - none.
2. From one class to another - the employee shall not receive seniority credit in the new class for service in the other classes; however, s/he shall retain such credit as seniority in the classified service.

G. Transfer shall not be used as a device to alter the sequence of impending layoff, although employees whose positions are to be eliminated may transfer to other classes as this Rule contemplates. (See 60.900)

H. Reasons for any transfer, which are not voluntary, shall be discussed with the employee by his/her immediate supervisor, and shall be subject to an appeal to the Commission.

60.300.2 Demotions
A. Voluntary Demotion
A regular employee may request, in writing, a voluntary demotion to a class with a lower maximum salary rate. Such requests require the approval of the Superintendent.
The salary paid to an employee who requests a voluntary demotion will be paid in accordance with the existing applicable contract provisions. If no contract provision applies, the employee may request that his/her salary be y-rated. Such y-rate requests will be reviewed on a case-by-case basis and will be approved or denied by the Superintendent.

Voluntary demotion is a privilege available to a probationary employee only in cases when s/he would otherwise be laid off for lack of work or lack of funds.

B. Involuntary Demotion (Revised 6/20/11)
Involuntary demotion is a disciplinary action for cause, and is subject to the pertinent rules and procedures. A permanent employee, who has been promoted or reclassified to a higher class or transferred to a new class, may be involuntarily returned to his/her former class during the probationary period without cause and without right of appeal.

60.300.3 Restorations (E.C. Section 45309)
A. Restoration after Resignation (Revised 2/27/06)
A former regular employee who resigned in good standing may be reinstated in a vacant position in his/her former class and status within thirty-nine (39) months of the last date of paid service. Also, s/he may be reinstated in a vacant position in a lower related class, if qualified, or in limited-term status in the same or lower class. Such actions are discretionary with the Superintendent. (See 50.100.2, 60.800.4, & 60.900.5.)

B. Restoration From Voluntary Demotion (Revised 2/27/06 & 6/20/11)
With the approval of the Superintendent, an employee who has taken a voluntary demotion, within thirty-nine (39) months after the effective date of the demotion, may be restored to a vacant position in his/her former class or in a vacant position in a related lower class, as determined by the Commission. Restoration from voluntary demotion is discretionary with the Superintendent, unless the demotion was in lieu of layoff, in which case 60.300 C. below applies.

C. Restoration From Layoff (Revised 2/27/06)
An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, or abolishment or reclassification of his/her position, has the right to be reemployed, in accordance with his/her seniority, in a vacant position in his/her former class within thirty-nine (39) months after demotion. Intervening reassignments to other classes shall not abrogate that right. If s/he has not been reemployed in his/her former class within thirty-nine (39) months, s/he shall be eligible for appointment to a vacant position in that class, without examination, for an additional twenty-four (24) months, at the discretion of the appointing authority. (E.C. Section 45298.)

D. Effects of Reinstatement (Revised 6/20/11)
Reinstatement or reemployment of a current or former employee shall have the following effects:
1. Restoration to the former step in the current salary range for the class or, if restored in a lower class, to the rate closest to that of the step to which s/he would be assigned if s/he were restored in his/her former class.

2. Restoration to regular status will include past seniority credit for future pay step advancements, but no credit will be earned during the off-duty period.

3. If restored to regular status, restoration of accumulated sick leave and seniority as of the date of the separation.

4. Restoration of former anniversary date, but without step-advancement credit for the off-duty period.

5. Restoration of all rights, benefits, and burdens of a regular employee in the class to which restored.

60.300.4 Promotions
Revised 5/18/15A. Vacant positions in the classified service shall be filled by promotion, whenever the qualifications are met by a sufficient number of Sonoma County Office of Education employees to provide reasonable competition among candidates and reasonable choice of candidates for appointment. The Assistant Superintendent of Human Resources shall make the determination as to whether reasonable competition is available, based on the number and qualifications of possible applicants within the Office of Education. For information regarding salary placement upon promotion see Merit Rule 70.200.4.

60.400 LIMITED-TERM EMPLOYMENT

60.400.1 Types of Limited-Term Appointments
A. A substitute assignment may be made not to exceed in duration the authorized absence of the regular employee, but it need not coincide with the dates of that absence. Also, a substitute assignment may be made in a lower class related to that of the absent employee if the assigned duties are reduced in level accordingly.

B. The appointing authority may establish positions, the duration of which is six (6) months or less; such positions shall be designated "limited-term". Such positions are subject to classification by the Personnel Commission, except that the Assistant Superintendent of Human Resources may classify them, subject to later ratification, if the good of the service demands expeditious action. (Revised 2/27/06)

C. Limited-Term Extended School Year
1. The appointing authority may establish Extended School Year positions, the duration of which is 150 hours or less. Such positions are subject to classification by the Personnel Commission.

2. Limited-Term – Intermittent Assignment: A limited-term position, which is used to cover assignments with hours that vary during the school year. Hours and assignment may vary during the school year, but will not exceed a total of 1040 hours in any year. Intermittent Assignment is only available to employees working six hours or more per day.
60.400.2 Eligibility for Limited-Term Employment
A. Limited-term appointments shall be made in accordance with procedures for regular appointments, except as provided below.

B. If an eligible has been appointed from an eligibility list to a substitute assignment or limited-term position, s/he shall continue to be eligible for limited-term appointments in the same or related lower class after the eligibility list has expired. The same privilege of continued eligibility shall apply to a former employee who resigned in good standing and who accepted a limited-term appointment within thirty-nine (39) months after resignation.

The names of such persons shall be ranked in the order of seniority on a special list used for limited-term appointments, and shall be certified therefrom before the current eligibility list is used. Names may be removed from this list for any of the causes listed in Rule 40.100.3 or Rule 60.1000.1, subject to appeal to the Personnel Commission.

C. Extended School Year limited-term appointments shall be made in accordance with 60.400.1 C. above, 50.100.5 B, and 50.200.2C. (Revised 2/27/06)

D. Provisional appointments may be made to limited-term positions, and substitute assignments subject to the provisions of Rule 50.400.

60.400.3 Compensation
A. Current Regular Employee
   1. Additional Hours Same Classification
      When a regular part time employee is given a limited-term appointment in the same classification, he/she will be paid for those limited-term hours at the same rate of pay as the employee is paid for his/her regular assignment.

   2. Additional Hours Different Classification
      If approved by the Superintendent, a regular part time employee who is assigned to work hours in addition to his/her regular assignment in a different classification on a limited-term basis will receive credit for past service to the County Office for placement on the salary range for the limited-term assignment.

   3. Limited-Term In Lieu of Regular Assignment
      When a regular employee is given a limited-term appointment in a second class in lieu of all or part of his /her regular appointment, his/her rate of pay in the second class shall be the rate appropriate to that class which is next above his/her regular rate, if any, but not more than the highest rate applicable to that class. (E. C. Section 45110.)

B. Reinstated Employee
   Former regular employees who are reinstated as limited-term employees within thirty-nine (39) months after resignation shall be paid in accordance with Rule 60.400.3. The salary step so determined shall be applicable to all future limited-term appointments of that employee in that class until s/he loses eligibility for such appointment.
C. Bilingual Premium
If approved by the Superintendent, a limited-term employee, who is required to use a second language (including signing) in the performance of his/her duties, and who meets the criteria listed below, may receive a bilingual premium pay of 5% of the employee’s base pay.
1. The supervisor will verify that the limited-term assignment requires the use of a second language;
2. The employee may be required to pass a proficiency test; and
3. The bilingual premium will end when the limited-term assignment ends.

D. Education Premium
If approved by the Superintendent, a limited-term employee, who has completed training in the STARS program, the SHAPE program, or has a BA/BS degree in an education related major as determined by the Assistant Superintendent of Human Resources, and who is assigned to work with special needs students, may be approved to receive a 5% education premium. The premium is paid only if proof of training is submitted and the request is approved by the Superintendent. Approval is not automatic, and will be based upon program needs. (Revised 2/27/06)

E. All other limited-term employees shall be paid at the hiring rate for regular appointments in the class.

60.400.4 Rights and Benefits
A. Regular employees who are serving in limited-term appointments while retaining regular status in another class shall continue to earn and be granted all rights and benefits of a regular employee.

B. All other limited-term employees shall be granted only those benefits provided by law and these rules, such as paid holidays and bereavement leave. No seniority or credit toward completion of probation or any other benefit shall accrue from service in a limited-term appointment, except as provided under Paragraph A of this rule. (E.C. Section 45136 - No Sick Leave Earned.)

C. Under these rules limited-term employees are entitled to the following paid leaves: holidays (70.400.2.), bereavement leave (70.400.7), Industrial Accident/Illness Leave (70.400.6), jury duty/witness leave (70.400.8), absence for exam -- promotional interview (70.400.9), military leave (70.400.10)

D. When authorized by the Superintendent limited-term employees may be allowed to take the following unpaid leaves: Family Medical Leave, leave without pay.

E. Under certain circumstances, the Superintendent, or his/her designee, may authorize benefits for a limited-term employee. It may be in the interest of the program to offer health, dental or vision benefits to secure the most qualified employee. The decision to grant health, vision or dental benefits to a limited-term employee will be made on a case-by-case basis. Each decision will be based upon program needs and whether or not the situation meets all the criteria listed in this rule; and must be approved by the Department Director, the Assistant Superintendent of Human Resources, and the Superintendent, or his/her designee. Such benefits shall not be granted unless all the following criteria are met: (Revised 2/27/06 & 6/20/11)
1. The limited-term appointment requires special skills, such as bilingual skills, LVN Certification, CNA Certification, or other specialized training;

2. The limited-term appointment is for a minimum of four hours per day, or twenty hours per week; and the limited-term appointment is for a duration of at least 4 months.

60.400.5 Terminations
A. Limited-term appointments shall be subject to termination at any time, except during an assigned shift.

B. Limited-term employees may be dismissed for cause, which cause shall be made known to them and to the Assistant Superintendent of Human Resources in writing. A Limited-term employee has no appeal rights for termination from a limited-term assignment. The Assistant Superintendent of Human Resources may remove the employee's name from the special list for limited-term appointments, if his/her investigation supports such an action. (Revised 2/27/06 & 6/20/11)
ASSIGNMENTS OF DISABLED EMPLOYEES

General Policy
(Revised 2/27/06)
When a regular employee becomes unable to perform the duties of his/her classification because of illness or injury, as determined by medical authority designated by the Commission, effort shall be made to place him/her in a position, the duties of which are within his/her capabilities. Reassignment, if any, shall be at the discretion of the appointing authority, with the approval of the Commission, in the cases noted below.

Reassignments
(Revised 2/27/06)
A. A disabled employee, who is able to perform the essential functions of the position, may request that his/her duties in his/her regular position be altered in accordance with his/her limitations. Such request for changes in duties shall be made in writing to the Assistant Superintendent of Human Resources, who shall determine whether an accommodation can be made and whether the position requires classification study.

B. A disabled employee may accept demotion or transfer to a less demanding class, with the approval of the Commission.

C. A disabled employee may be assigned to a position in a higher class, with the approval of the Commission, but shall receive no salary benefit from such assignment until s/he can be appointed to the higher class in accordance with the rules and procedures on eligibility and appointments.

Effect of Refusal by Employee
(Revised 2/27/06)
A disabled employee may refuse assignments to other classes without effect on his/her rights under sick leave provisions of the law and these rules. However, there is no obligation for the appointing authority to renew offers of reassignment, which have been refused, or to make alternative offers.

EMployment of PERS Retirees

General Policy (E.C. Section 42662)
A. A person receiving a retirement allowance from the Public Employee's Retirement System may be employed for up to 960 hours in a fiscal year whenever other eligibles are not available and the retiree's skills or knowledge are needed, or during an actual emergency to prevent the stoppage of public business. However, if a retiree applies for and receives unemployment benefits after retirement, the County Office will not offer any form of employment to such retiree for at least 12 months. (Revised 3/27/06, 2/28/11 and 3/16/15)

In addition, if the County Office discovers that a retiree, who is working part time for the County Office, has received unemployment within the past 12 months, the County Office shall terminate that employment with the County Office no later than the last day of the month. The retiree will then be ineligible for any employment with the County Office for a period subsequent to the termination of employment of at least 12 months.
B. The retired person must certify that s/he understands s/he is restricted to 960 hours in any fiscal year with the district and other employers subject to PERS, and that his/her employment, and continuance in employment, is discretionary with the Superintendent. (Revised 3/27/06 and 3/16/15)

60.600.2 Compensation
A. A retiree employed under authority of this rule shall be entitled only to the appropriate salary earned, to include overtime compensation as provided for in Rule 70.300.3. S/he shall be entitled to all fringe benefits applicable to employees with limited-term status only, except no retirement contributions shall be made. (Revised 3/27/06)

B. Retired personnel shall normally be paid on the first step of the hiring step of the salary schedule of the class to which assigned, but may be paid on a higher step upon the recommendation of the appointing authority and the approval of the Commission, but in no case will the compensation be at a rate other than one payable to a regular employee in that class.

60.600.3 Assignment
A. A retired employee employed under this rule is not subject to reinstatement to PERS, nor does the compensation paid provide for retirement allowance adjustment.

B. The appointing authority will certify to the Assistant Superintendent of Human Resources that a retiree employed under this rule meets the provisions thereof, and his/her combined calendar year employment by all employers subject to PERS does not exceed 960 hours. (It is suggested that the appointing authority secure an affidavit from the prospective employee as to his/her eligibility and/or the district certify eligibility through PERS. (Revised 3/27/06)

60.700 PERFORMANCE EVALUATIONS
(Also see Employee Contracts)

60.700.1 When Evaluations Are To Be Made
All regular classified employees shall be evaluated by their immediate supervisors in accordance with the following schedule:
A. Probationary Employees
   New regular classified employees shall have an evaluation rendered by the end of their first three (3) months of service (classified confidential and classified management after six (6) months), and at any other time during the twelve (12) months probationary period when it will aid in the determination of whether or not s/he is to be separated or continued to the end of his/her probationary period.

   Also, by the end of the twelve (12) month probationary period, an evaluation shall be rendered recommending either separation or regular status.

   Regular employees in a probationary status as the result of a promotion may have evaluations rendered at any time during the six (6) months or twelve (12) months probationary period for confidential and management classified employees and shall have an evaluation by the end of the period which shall recommend either regular status in the new classification, or demotion back to the employees' former classification, with substantiating reasons therefor. (Revised 10/30/17)
B. Regular Employees
Except as provided in the represented employees' contract, regular employees will be evaluated at least once each year and at any other time the supervisor desires to make a special report for commendation or for unsatisfactory performance. (Revised 3/27/06)

60.700.2 Procedure To Be Followed
(Revised 3/27/06)
A. Performance evaluation reports shall be made on forms prescribed by the Assistant Superintendent of Human Resources, and shall be prepared by the employee's immediate supervisor whenever possible. The report shall then be discussed with the employee for his/her possible comments and signature. The report shall then be forwarded to the Department Director, the Assistant Superintendent, and Superintendent for appropriate comments.

B. The employee will be furnished a copy of the completed report for his/her files and the original report filed with his/her personnel records retained in the Human Resources Department, and shall be available for review by administrative officials in connection with promotional examinations and disciplinary actions.

C. If an employee is not satisfied with his/her performance evaluation, s/he may appeal through the grievance procedures. (See 80.100)

60.800 RESIGNATIONS AND REINSTATEMENTS (E.C. Section 45308)

60.800.1 Submission in Writing
When a classified employee desires to resign from his position, s/he shall present his/her resignation, in writing, including the effective date, to the Superintendent. A copy of the resignation shall immediately be filed with the Assistant Superintendent of Human Resources. An employee is considered to have "resigned in good standing" if the employee gives at least two weeks advanced notice, unless otherwise determined by the Commission. Employees with specialized skills are encouraged to give more than two weeks notice whenever, possible. (Revised 7/24/06)

60.800.2 Resignation and Effects on Eligibility Lists
A resignation relates only to the specific position from which the employee resigns and does not impair his/her rights on other eligibility lists, except that if his/her name is on any promotional eligibility lists, the name will be removed.

60.800.3 Absent Without Leave
An employee who fails to report for duty for three (3) consecutive working days without permission from his/her supervisor or the Superintendent, or who fails to return from a leave of absence within three (3) working days after the expiration of an authorized leave, shall be deemed to be absent without leave. Unless for good cause, such absence shall be deemed an automatic resignation.
60.800.4 Rights after Resignation
Upon recommendation of the Superintendent, any permanent classified employee who resigned in good standing may be reinstated to his/her former classification without further competitive examination within thirty-nine (39) months after his/her last day of paid service if a position is available. The break in service shall be disregarded, and s/he shall assume his/her previous status and have restored to him all rights, benefits, and burdens of a permanent employee. S/he may also be reemployed in a lower-related classification if s/he is qualified or on a limited-term basis in the same or lower classification. (See 60.200.3)

60.800.5 Resigned Probationer
An employee in good standing who resigns during his/her probationary period may be returned to his/her original place on the eligibility list, at the discretion of the Commission. A person who resigns because of inability to cope successfully with the reasonable requirements of a position will have no standing under this Rule.

60.800.6 After Service in Another Class or in the Certificated Service
A permanent classified employee who accepts a position in the Certificated Service of the Office or in the Classified Service under provisional or limited-term appointment in another classification shall have the right to reinstatement to his/her former permanent position in the Classified Service upon termination of the certificated position or the provisional or limited-term appointment.

60.800.7 Reinstatement Request File
The Assistant Superintendent of Human Resources shall maintain a file containing the names of former employees who have requested reinstatement. (Revised 7/24/06)

60.900 LAYOFF (E.C. Sections 45260, 45261, 45298, 45308, and 45309)

60.900.1 Layoff Procedure
A. Classified employees shall be subject to layoff for lack of work or lack of funds. When it becomes necessary to lay off regular or probationary employees, such layoffs shall be made in inverse order of seniority in the classification in which the layoff occurs. The employee who has been employed the shortest time in the classification, plus higher classification, shall have the least seniority, and, therefore, shall be laid off first.

B. When two (2) or more employees in the same classification have the same employment date or promotion date in the same classification, a lottery system will be held within 60 days of the date of employment or promotion to determine seniority rankings.

C. Notice: The County Office shall notify the affected classified employee in writing a minimum of forty-five (45) calendar days prior to the date of any layoff, unless the employee requests less notice in writing. (Adopted 11/15/10)
The notice to the affected employee shall specify the reason for the layoff and be given personal delivery, or if the employee is not at work, by certified mail to the last known address of the employee on file in the Human Resources office. Failure of the employee to retrieve delivered mail or to respond to notification by the US Postal Service of attempted delivery shall not be grounds for voiding notification, or the staying of the timelines outlined in these rules. For purposes of these rules, if a notice is mailed, the third working day following the postmark date of the notice shall be considered to be the official date of receipt. (Adopted 11/15/10)

D. Notice Content: The notice of layoff shall contain the following information:
1. The reason for the layoff;
2. The employee’s displacement rights, if any;
3. The deadline for exercising any displacement rights;
4. The employee’s reemployment rights; and
5. Procedures for continuation of benefits, if any. (Adopted 11/15/10)

60.900.2 Displacement Rights of Employees Laid Off For Lack of Work or Funds
(Seniority rights are applicable only to service performed in the Sonoma County Office of Education):

A. The names of regular and probationary employees so laid off shall be placed upon the reemployment list for their classification from which they were laid off in the relative order of seniority, and such eligibility shall continue for thirty-nine (39) months from date of layoff. A regular or probationary employee, who is laid off and is subsequently reinstated, shall regain that seniority earned prior to the time of layoff and regain all the rights, benefits, and burdens of a regular or probationary employee, as the case may be, in that class to which s/he is reemployed.

B. As concerns displacement rights of employees laid off for lack of work or lack of funds, the senior regular or probationary employee is the individual who has the longest period of continuous service. No service performed prior to entering into a probationary or regular status in the classified service, except in restricted positions, will be counted. Seniority rights of an employee displaced from a higher classification shall include the total of previous service in a higher class, service in the class from which layoff occurs, and prior service in an equal or higher class in the County Office. (Revised 11/15/10)

C. If the employee who is being laid off or displaced has had previous service in an equal or lower classification range in the Sonoma County Office of Education, s/he may then in turn displace an employee with less seniority working in his/her former equal or lower classification range. Should an employee have the right to displace in more than one (1) class, s/he shall first displace in the class with the highest salary allocation.

D. A regular employee who may be laid off, despite the possession of displacement rights, in order to avoid layoff, may request, in writing, a voluntary demotion to a vacant position in a lower classification or a transfer to an equal vacant classification, provided s/he is found qualified by the Assistant Superintendent of Human Resources to perform the duties thereof, and provided further that the appointing authority approves the demotion and assignment.
E. When a permanent position is to be reduced in assigned time per day, week, or year, the incumbent shall have the right to transfer to any vacant position in the class, which is not greater in assigned time than his/her former position. If a vacant permanent position of equal time is not available, the incumbent may bump the incumbent of a position with equal time who has the least seniority in the class, provided that s/he has greater seniority. (Adopted 11/15/10)

F. If no such option as described in E above is available, the laid off employee may bump the employee with the least seniority among those occupying positions of less time than the original position being reduced, provided s/he has greater seniority. (Adopted 11/15/10)

60.900.3 Layoffs of Emergency, Provisional, and Limited-Term Employees

No regular or probationary employees shall be laid off from any position while employees are serving under emergency, provisional, or limited-term appointments in the same classification or lower classification, unless the regular employee declines such an appointment.

Emergency, provisional, and limited-term employees may be separated, at the discretion of the appointing authority, without regard to the procedures set forth in this rule.

60.900.4 Restoration

(See 60.200.3)

A. Persons shall be certified from a reemployment list in reverse order of layoff, provided that the person is willing and able to report for duty within three (3) weeks of the offer. Each such person who has been laid off or displaced from a position in which s/he had permanent status shall, in writing, be offered restoration to the position from which s/he is laid off, should such position be reestablished, or should the necessity for layoff or displacement cease to exist, or should another position in the same class become vacant within thirty-nine (39) months after the date s/he is laid off or displaced. Should s/he not accept restoration within one (1) week after the date of the offer, or should s/he decline to begin work within three (3) weeks after the date of the offer, s/he shall be declared unavailable, and shall forfeit his/her right to restoration, unless further offer of restoration is granted by the Personnel Commission. (Revised 11/15/10)

B. If a person has been on a reemployment list for six or more months before an offer or restoration is made, the County Office will require the person to pass a medical exam prior to being restored, if a medical exam is normally required as a part of the hiring process for the classification. The exam shall be no more rigorous than the normal employment exam or fitness for duty exam required for the position. (Revised 11/15/10)

C. A name may be removed from a re-employment list for any of the following causes:

1. Conviction of a crime or crimes which would be sufficient to support dismissal for a permanent employee or which precludes employment in a public school.

2. Conduct, which would cause dismissal under the provisions of Education Code Section 45303.
3. Inability to pass the medical exam within 10 calendar days;

4. Making a false statement or omitting statement as to any material facts on an application form or health screening form.

5. Dismissal from employment for cause subsequent to layoff.

A person removed from the reemployment list will be provided a written statement of the reason, and will be advised of his/her right to file an appeal with the Personnel Commission if there has been an error. (Revised 11/15/10)

D. Whenever a person is unavailable for restoration, the next senior person who is eligible for restoration shall be offered restoration in the same manner and under the same conditions. Should there be no person eligible and available for restoration, the position may be filled as otherwise provided by these Rules for appointment to a vacant position.

E. A person who is unavailable for restoration may, within two (2) weeks after s/he is declared unavailable, request, in writing, to the Personnel Commission that s/he be considered for further offer of restoration should such occur within thirty-nine (39) months after lay off or displacement.

His/her request shall contain a full explanation of the reason for his/her unavailability. Within one (1) month after the request is filed, the Commission shall either grant or deny further offer of restoration. The Commission may specify conditions under which further offer of restoration may be granted.

60.900.5 PERS Retirement in Lieu of Layoff
A regular employee who has at least five (5) years of service credit with PERS and is at least fifty (50) years of age may elect to accept a service retirement under PERS in lieu of layoff, voluntary demotion, or reduction in assignment. Such employee shall complete and submit a retirement application to PERS no later than 30 days after notification of pending layoff. (Adopted 11/15/10)

60.1000 DISCIPLINARY ACTION AND APPEAL (E.C. Sections 45302, 45303, 45304, 45305)
(Also see Employee Contracts)

A substitute, limited-term, provisional, probationary employee or other temporary employee may be terminated at any time during his/her assignment without cause and without any appeal rights as described in these rules. (Revised 4/25/11)

60.1000.1 Causes for Suspension, Demotion, and Dismissal
A. Persons employed in the classified service may be disciplined, including suspended, demoted, or dismissed for any of the following causes: (Revised 4/25/11)
   1. Incompetence, inefficiency, insubordination, inattention to or dereliction of duty, discourteous treatment of the public or of fellow employees, or any other willful failure of good conduct tending to injure the public service, or any willful and persistent violation of the provisions of the Education Code or of rules, regulations, or procedures adopted by the Board of Education or the Personnel Commission pursuant to it, provided that specific instances must be set forth as to any of the causes enumerated under this heading.
2. Dishonesty, theft, or knowingly falsifying or withholding any material information supplied to the County Office, including but not limited to, information required on application forms and employment records, or other official documents of the County Office. (Revised 4/25/11)

3. Working, or reporting to work, under the influence of a legal or illegal drug, including alcohol, or other substance which impairs the employee’s ability to perform his/her job duties, or addiction to the use of controlled substances. Possession of an open container of alcohol or an illegal drug while at work or on a County Office work site. (Revised 3/27/06)

“Possession” is defined as on the person, in the employee’s personal belongings, or in the employee’s vehicle. For alcohol use, “under the influence” is defined as a blood alcohol level of .08 or above. For drug use “under the influence” is as defined by Occupational Health. “Controlled substance” is defined as a drug, other than those drugs available without a prescription, alcohol, and tobacco.

If the use of a controlled substance is a first offense and does not involve any of the following activities in the presence of children: the sale or use of an illegal drug, illegal use or sale of a controlled substance, or sale or consumption of alcohol, the employee will have the option of successfully completing a substance abuse treatment program in lieu of disciplinary action. If the employee does not select such an option, or, in the judgment of the treatment center director, successfully complete the program, the County Office may proceed with disciplinary action.

4. Conviction of a sex offense as defined in Education Code Section 44010. Verification of conviction of such offense shall result in immediate dismissal with no right of appeal and the employee is not eligible for the option of successfully completing a substance abuse treatment program in lieu of disciplinary action. A plea, verdict, or finding of guilty or a conviction following a plea of nolo contendere, is deemed to be a conviction. (Revised 4/25/11)

5. Conviction of a narcotics offense as defined in Education code section 44011. Verification of conviction of such offense shall result in immediate dismissal with no right of appeal and the employee is not eligible for the option of successfully completing a substance abuse treatment program in lieu of disciplinary action. A plea, verdict, or finding of guilty or a conviction following a plea of nolo contendere, is deemed to be a conviction. (Revised 4/25/11)

6. Conviction of a serious crime by a court of law; a record of one or more convictions, which indicates that the person is a poor employment risk. A plea, verdict, or finding of guilty or a conviction following a plea of nolo contendere, is deemed to be a conviction. (Revised 4/25/11)

7. Political activities engaged in by an employee during his/her assigned hours of employment. “Assigned hours of work” is defined to include any and all time an employee is scheduled to be at his/her worksite and/or engaged on County Office business and for which the employee is compensated, including paid rest breaks. (Revised 4/25/11)
8. Frequent unexcused absence or tardiness, or habitual abuse of sick leave. 
   (Revised 4/25/11)

9. Continuing illness of a disabling nature after the exhaustion of illness leave and 
   leave of absence privileges, which preclude the employee from performing the 
   essential job functions with or without accommodation. (Revised 4/25/11)

10. Failure to report for review of critical records or for health examination after 
    due notice.

11. Advocacy of overthrow of the Government of the United States or the State of 
    California by force, violence, or other unlawful means.

12. The discovery or development during an initial probationary period of any 
    physical, emotional, and/or mental condition which would have precluded 
    acceptance as an eligible for assignment.

13. The un-insurability of an employee to drive a County Office vehicle when such 
    duty is a requirement of the employee’s position and assignment. Upon 
    notification or confirmation that an employee is uninsurable, discipline shall be 
    handled in the following manner:
    a. The County Office will attempt to reassign the employee within the same 
       class or to a vacant position in a related class, which does not require 
       driving as a part of the employee’s regular assignment.
    b. If such reassignment is not possible, then the employee may be demoted to 
       a vacant lower classification which does not require driving and for which 
       s/he is qualified.
    c. If a vacant position does not exist for a demotion to be accomplished, or if 
       the employee declines demotion, the employee may be dismissed. (Revised 
       4/25/11)

14. Violation of local, state, or federal law, which results in cancellation or 
    suspension of a license required for the performance of assigned duties. 
    (Revised 4/25/11)

15. Willful destruction or mishandling of County Office property, or unauthorized 
    use of County Office property; or use of County Office property for personal 
    gain, or offering anything of value or offering any service in exchange for 
    special treatment in connection with the employee’s work assignment or 
    position with the County office. (Revised 4/25/11)

16. Any action that causes harm to the public, the County Office, its students or its 
    employees such as, but not limited to, carrying out a physical or cyber attack or 
    assault on an employee, a student, a member of the public, or an employee of 
    another districts; or any conduct creating a discriminatory, intimidating or 
    abusive work environment. (Revised 4/25/11)

17. Working overtime without authorization. (Revised 4/25/11)
18. Defrauding the County Office by collecting sick leave or Industrial Accident/Illness Leave pay while working elsewhere for pay during the hours the employee would normally be scheduled to work for the County Office. (Revised 4/25/11)

19. Abandonment of position.

60.1000.2 Progressive Disciplinary Action
(Revised 4/25/11) (Also see Bargaining Agreement for Represented Employees)
A. The procedure for disciplinary action shall be based on the concepts of progressive discipline as set forth in Superintendent’s policy and Operating Policy. Progressive discipline is not appropriate in all cases such as, but not limited to, fraud, dishonesty; possession of, sale, or use of controlled substances; sex offenses; immoral conduct; theft; or conviction for any of the criminal activities reflected in Education Code Sections 44010 and 44011, or conviction for any offense which would preclude employment under the Education Code including, but not limited to, the following sections: 44836, 45122.1, 45123, 45124. For further guidelines regarding documentation of employee performance see applicable Superintendent policies and/or collective bargaining agreement provisions. (Revised 4/25/11)

B. No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against for reasons that constitute illegal discrimination as defined by applicable state and federal law.

60.1000.3 Written Notice and Procedures
A. Delivery of written notice to an employee is deemed to have been met if the notice is hand delivered or is sent certified mail to the last known address of the employee. Failure of the employee to retrieve delivered mail or respond to notification by the US Postal Service of attempted delivery shall not be grounds for voiding notification, or staying the timelines outlined in these rules. The employee is responsible for keeping the County Office informed as to his/her current mailing address. (Revised 4/25/11)

B. When a regular employee is to be suspended, demoted, or dismissed, specific written charges shall be prepared and presented by the County Superintendent of Schools. The charges must be so clear that the employee will know the exact complaints, and may be expected to respond to them. Education Code Section 45116, “The notice shall contain a Statement in ordinary and concise language of the specific acts and/or omissions upon which the disciplinary action is based.” (E. C. 1311 and 45116)

C. The Superintendent shall provide the employee with a written Notice of Intended Disciplinary Action and the reasons therefor, and shall include a statement of charges and notice of the right of the employee to request, within ten (10) calendar days from the date of the notice, a Pre-discipline Conference, i.e. an opportunity to meet with the Superintendent, and/or his/her designee, regarding the charges and proposed disciplinary action (also known as a Skelley Meeting). Any such request for a Pre-discipline Conference shall include a list of the dates and times the employee and his/her representative are available to attend the Pre-discipline Conference. (Revised 4/25/11)
D. Pre-discipline Conference
Whenever possible the Pre-discipline Conference will be held within seven (7) calendar days. The employee has the right to bring his/her legal counsel, union representative or any other person designated by the employee as his/her representative to such meeting, and the employee is responsible for notifying their legal counsel or representative of the Pre-discipline Conference date and time. (Revised 3/27/06 & 4/25/11)

If the Superintendent is unable or unwilling to conduct the Pre-discipline Conference, the Superintendent may assign a designee. That designee shall be an administrator who has the authority and authorization to accept, modify, or rescind the proposed disciplinary action. The administrator may not be a party to the proposed disciplinary action, either as the supervisor initiating the discipline or as a witness. (Revised 4/25/11)

The purpose of the Pre-discipline Conference is to allow the employee an opportunity to respond to the charges. The Conference is not an evidentiary hearing. The employee will not be allowed to call or examine witnesses during the pre-discipline conference. (Revised 4/25/11)

If the employee does not request a Pre-discipline Conference within ten (10) calendar days of the date of the Notice of Intended Discipline, the Superintendent may move forward with the proposed disciplinary action. (Revised 3/27/06)

E. Notice of Discipline and Right of Appeal (Revised 4/25/11)
If the Superintendent decides to proceed with disciplinary action after the Pre-discipline Conference, or if no Pre-discipline Conference is held within the period to request and hold such a meeting as specified above, the Superintendent shall provide the employee with a Notice of Disciplinary Action Statement, which shall include a clear statement of the charges and a statement of his/her right to appeal within fourteen (14) calendar days of his/her receipt of this notice. Such Statement shall be delivered in person or by registered or certified mail to the last known address of the employee.

The Statement shall include the effective date of the disciplinary action, which shall be no less than fourteen (14) calendar days after notice is mailed or delivered in person to the employee. An appeal by the employee does not preclude the implementation of discipline, pending the findings of the Commission. (Revised 3/27/06)

Upon the issuance of the charges by the Superintendent, a copy of the Notice of Disciplinary Action Statement shall be provided to the Assistant Superintendent of Human Resources, who shall immediately notify the employee of his/her right to appeal the Superintendent's action to the Personnel Commission, together with a copy of Rule 60.1000.4. The Assistant Superintendent of Human Resources shall, within ten (10) calendar days of the Superintendent's notice, report the action to the Personnel Commission. (Revised 3/27/06 & 4/25/11)
F. Suspension Pending Appeal
Notwithstanding the procedures prescribed above, an employee may be suspended for not more than thirty (30) calendar days, except as provided in Rule 60.1000.3 G. prior to exhaustion of the appeal process, at the discretion of the Superintendent. Such suspension pending appeal shall take place if the Superintendent determines that the employee's continued presence poses a threat to the safety of people or property. (Revised 4/25/11)

The employee shall be provided an opportunity to meet with the Superintendent, or designee, regarding such immediate suspension, and may have his/her legal counsel or representative present. (Revised 3/27/06 & 4/25/11)

G. Conviction of a Sex Offense
A regular employee charged with the commission of any sex offense, as defined in E.C. Section 44010, or any controlled substance offense, as defined in E.C. Section 44011, by complaint, information, or indictment filed in a court of competent jurisdiction, shall or, if not required by education code, may be suspended, as provided in E.C. Section 45304. Suspension, without pay, shall not exceed the time limitations prescribed in E.C. Section 45304. (Revised 3/27/06)

Such a suspension will be processed as an involuntary personal leave in accordance with the provisions of this rule relative to suspensions. The employee may receive compensation, as provided for in Education Code section 44940.5. Such suspension shall be reviewed by the Personnel Commission every ninety (90) calendar days. (Revised 3/27/06)

H. Dismissal shall cause removal of the employee's name from all employment lists.

I. Failure to appeal, as provided below, shall make the action of the Superintendent final and conclusive.

60.1000.4 Appeal (E.C. Section 45305)
A. A regular employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within fourteen (14) calendar days after receipt of the Statement by filing a written answer to such charges and a request for a hearing. Such answer and request shall be filed with the Human Resources Office. There is no right of appeal from a written warning or reprimand. (Revised 3/27/06 & 4/25/11)

B. A permanent employee who has not served the full probationary period for the class to which promoted, and who is demoted to his/her former class, does not have the right to appeal such demotion. However, a permanent classified employee who has not served the full probationary period for the class to which promoted, and who is subject to disciplinary action that would result in the termination of his/her employment with the County Office shall have the appeal rights described in this chapter for permanent employees. (Revised 4/25/11)

60.1000.5 Pre-Hearing Conference, Witness Lists and Subpoenas
(Revised 4/25/11)
Prior to the Personnel Commission’s formal hearing, the Assistant Superintendent of Human Resources, may hold a pre-hearing conference with the Superintendent’s representative and the appellant and his/her representative, if any. The purpose of the pre-hearing conference, if held, includes, but is not limited to, the submission of witness lists, list of document to be presented as evidence, request(s) for subpoena of witnesses or documents, and determination of the length of time required to conduct the hearing.
Regardless of whether or not a pre-hearing conference is held, all witness lists and requests for subpoenas shall be filed with the Assistant Superintendent of Human Resources at least seven (7) days before the date of the appeal hearing. This will allow the Personnel Commission time to secure the release of the employees called as witnesses prior to the hearing.

60.1000.6 **Hearing Officer**  
(Revised 4/25/11)  
The Personnel Commission may conduct hearings of appeals or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission. Any such Hearing Officer conducting such hearing or investigation may administer oaths, subpoenas, and require attendance of witnesses and production of documents.

The hearing officer shall submit his/her findings of fact and written recommendations to the Assistant Superintendent of Human Resources within a reasonable time period following the conclusion of the hearing. A “reasonable time period” is defined as not more than thirty (30) days, unless there are extenuating circumstances.

The hearing officer’s report will prepare a proposed decision in a form that can be adopted by the Commission if after review the Commission agrees with the finding of facts and recommendations of the hearing officer.

Upon receipt of the hearing officer’s written recommendations and findings of fact, the Assistant Superintendent of Human Resources shall contact the Commission chair and schedule a Commission meeting to consider the findings of fact and recommendations of the hearing officer.

Upon request of the Commission the hearing officer may be present at the meeting where his/her recommendations are considered by the Commission and may advise the Commission and/or answer questions about finding of facts or the recommendations. After review of the findings of facts and the recommendations, the Commission may accept, reject or amend the recommendations and/or findings of the hearing officer.

60.1000.7 **Hearing Procedure (E.C. Section 45312)**  
(Revised 4/25/11)  
A. Upon receipt of a request for a hearing, the Personnel Commission shall determine the date, time, and place of the hearing on the appeal of discipline.

B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by technical rules of evidence. Finding of facts, recommendations and decisions made by the Commission or its hearing officer shall not be invalidated by any informality in the proceedings.

C. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.
D. Each side will be permitted an opening statement (Superintendent first) and closing arguments (employee first). The Superintendent shall first present its witnesses and evidence to support the charges and the employee will then present his/her witnesses and evidence in defense. (Revised 3/27/06)

E. Each side will be allowed to examine and cross-examine witnesses. The appellant may be called to testify and the appellant may be cross-examined just as if s/he had testified on his/her own behalf.

The policy of the Personnel Commission shall be that where possible, all witnesses shall give testimony orally, under oath at the hearing. However, if in the opinion of the Commission or its hearing officer, a witness has good and sufficient reason for being unable to be present at the hearing; either video conference equipment may be used to provide live testimony and cross examination from a remote location or written testimony may be accepted by the Commission or its hearing officer.

Written testimony may be accepted under the following conditions:
Such evidence shall be submitted by sworn affidavit of the witness. The affidavit shall be confined to a statement of facts bearing on the case and within the direct knowledge of the witness, and shall not contain any conclusions of the witness, except that a witness who qualifies as an expert witness may express his/her opinion based upon the facts, which s/he has recited. The Personnel Commission or their hearing officer may reject any affidavit that does not comply with the above requirements.

Copies of all such affidavits shall be filed with the Human Resources office at least seven (7) days before the hearing date and the affidavits may be inspected by either party prior to the hearing. At the hearing either party may object to the introduction of the affidavit and the Commission or its hearing officer will rule on the objection. Either party may request a continuance so that the witness is available to testify and be cross-examined. The Commission or its hearing officer will rule on such request for a continuance.

F. The Personnel Commission or its hearing officer shall rule on objections raised by either party.

G. Both the Superintendent and the employee will be allowed to be represented by legal counsel or other designated representative. If the employee files an appeal, s/he shall be required to attend the Commission Appeal Hearing, even if the employee’s designated representative appears on his/her behalf. If the employee fails to appear, the employee will be determined to have forfeited his/her right of appeal and the Personnel Commission will allow the disciplinary action to stand.

H. The Commission may and shall, if requested by the Superintendent or the employee, subpoena witnesses and/or require the production of records or other material evidence.
I. The Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important to reaching a fair and proper decision. Except in case of an emergency, a request for a continuance by either party prior to the start of a hearing must be made at least seventy-two (72) hours before the start of the hearing. The request must be in writing with a clearly stated reason for the continuance. A continuance will only be granted if there is a compelling reason as determined by the Assistant Superintendent of Human Resources. Denial of a request for a continuance may be appealed in writing to the Personnel Commission within five (5) days of the denial of the request.

J. All discipline hearings before the Personnel Commission or a hearing officer shall be in closed session, unless the appealing employee requests an open hearing in his/her appeal request. For any hearing, the Commission or its hearing officer shall exclude from the hearing all witnesses not under examination, except for the appellant, County Office representative, and his/her respective counsel or designated representative, and the Assistant Superintendent of Human Resources.

K. Whether the hearing is held in a public or closed session, the Commission, after it concludes the hearing, may deliberate its decision in closed session.

No persons other than members of the Commission, its counsel, its hearing officer, and its staff shall be permitted to participate in the deliberations. If the Assistant Superintendent of Human Resources or any staff is not serving full time for the Commission and/or was a witness in the proceedings, she shall also be barred from the Commission's final deliberations. The same person shall not represent the Superintendent and act as counsel to the Personnel Commission. (Revised 3/27/06)

L. The Commission shall render its judgment as soon after the conclusion of the hearing as possible, and in no event later than fourteen (14) calendar days. Its decision shall set forth which charges, if any, are sustained and the reasons therefore. The Commission’s order of judgment will be reviewed and signed by the Chair of the Commission and then distributed to the appellant and the Superintendent, and will set forth the Commission’s findings and decision. If the Superintendent’s action is not sustained, the Commission’s decision shall set forth the effective date of the action ordered by the Commission. (Revised 3/27/06)

M. The Commission may sustain or reject any or all of the charges filed against the employee. It may sustain, reject, or modify the disciplinary action invoked against the employee. It may not provide for discipline more stringent than that invoked by the Superintendent. The date the disciplinary action was implemented by the Superintendent, pending the hearing, shall remain in effect unless overturned or modified by the Commission.

N. The employee or his/her representative may obtain a copy of the transcript of the hearing, upon written request and agreement to pay for necessary costs.
CHAPTER 70 - WAGE AND SALARY PROVISIONS

70.100  DETERMINATION OF SALARY SCHEDULES.

70.100.1  Factors in Salary Determination
The Assistant Superintendent of Human Resources shall prepare recommendations for the allocation of classes to salary schedules for approval by the Commission. These recommendations shall take into account the following factors: (Revised 11/14/05)

A. If available, wages and salaries paid for similar work in private industry in the recruitment area; (Revised 7/25/11)

B. Wages and salaries paid by other governmental agencies, including local school districts, which may be in competition in the labor market within the local geographical area; (Revised 7/25/11)

C. The principle of like pay for like work within the classified service;

D. Appropriate differentials between related classes to reflect differences in duties and responsibilities, as established in the classification plan;

E. Such other information as the Commission may require.

70.100.2  Salary Studies
A. A salary review or study shall be made:
   1. Whenever a new class is created;

   2. When directed by the Commission. (Revised 11/14/05)

B. Employees, employee representatives, or the administration may request a salary study of a class or classes by directing a written communication to the Commission and setting forth the reasons for the study.

C. Data obtained in a salary study shall be made available to interested parties, including employee organization representatives. The staff shall indicate its tentative recommendations to and shall meet and confer with employee organization representatives and district administration.

   An effort shall be made to ameliorate all differences before recommendations are submitted to the Commission.

70.100.3  Salary Recommendations (E.C. Section 45268)
The Personnel Commission shall set reasonable relationships between the various classifications. The Commission may make modifications to the relationships as part of its statutory obligations after the County Office administration and any exclusive bargaining agent that represents the impacted employee(s) have had an opportunity to comment on the modifications. (Revised 7/25/11)
A. After making its findings, the Commission shall present salary recommendations to the Superintendent. The Superintendent may approve, amend, or reject the recommendation, but may not alter the relationships among classes, as established by the classification plan.

B. A salary recommendation shall also be made each time a new class is created. Salary recommendations at other times of the year shall be based on clear evidence that the class in question is substantially overpaid or underpaid in relation to community rates or alignment with other classes, including a total compensation approach to salary and benefits. Nothing in this paragraph shall prevent adjustments in salary, based on classification studies resulting from changes in duties and responsibilities, regardless of when such changes occur. (Revised 11/14/05)

C. By adoption of this rule, the Superintendent reserves the right to increase the salaries of classified employees at any time during the school year, pursuant to Education Code Section 45162, in accordance with its approval of the recommendations of the Personnel Commission.

70.100.4 Appeals of Recommendations
(Revised 11/14/05)
A. An employee or his/her representative may appeal the recommendation of the Assistant Superintendent of Human Resources in regard to the salary of his/her class. S/he shall have the opportunity to present his/her case, in writing and orally, at a regular meeting of the Commission. The Administration shall have the same privilege.

B. If the Superintendent desires reconsideration of salary recommendations, s/he or she may return the recommendations to the Commission, which shall reconsider them at its next meeting. After reconsideration, the Commission will advise the Superintendent of its findings and the reasons therefor.

70.200 APPLICATION OF SALARY SCHEDULES
70.200.1 Salary Upon Employment
A. Appointment
Except as otherwise provided in these Rules, appointment to any position in any class shall be made at the minimum rate, and advancement to rates greater than the minimum rate shall be by successive steps in the salary range for the class.

B. Steps
Whenever the number for the salary range allocated to a particular class of position is followed by step 1, 2, 3, 4, 5, or 6, such number refers to the salary range step, other than step 1, at which appointments to such class may be made.

C. Advanced Step Placement
In exceptional cases, and after reasonable effort has been made to obtain employees for a particular class at the minimum rate, employment of individuals who possess special qualifications higher than the minimum qualifications prescribed for the particular class may be authorized by the Personnel Commission at Step 2 or Step 3 of the salary range for that class. The Assistant Superintendent of Human Resources shall provide the Commission with an evaluation of the qualifications of each such individual and an analysis of the exceptional circumstances, which may occasion consideration of such authorization.
D. Restoration
Any full-time or continuing part-time employee who has resigned in good standing and who is reemployed on a full-time or continuing part-time basis in the same class or a closely related class in the same salary range or in a lower salary range, within thirty-nine (39) months of his/her resignation, may, upon approval by the Personnel Commission, be paid in the appropriate salary range at the salary step at which s/he was paid at the time of resignation. (See 60.300.3 and E.C. Section 45309.)

70.200.2 Anniversary Dates (Revised 2/23/15)
Effective July 1, 2014, for the purposes of salary step advancement, the anniversary date of each classified employee will be recognized as July 1 of each year, except as otherwise provided below.

A. Each employee shall have an annual anniversary date, which shall be determined as hereinafter provided. Each employee’s anniversary date shall be July 1, until such time as the provisions of these Rules may act to change such anniversary date.

B. The first anniversary date of a new employee shall be the first day of the calendar month next following completion of a six (6)-months probation period (twelve (12) months for classified management), and then July 1 of the following year thereafter, except as provided in paragraph K. below.

C. The first anniversary date of an employee who is promoted shall be the first day of the calendar month next following completion of a six (6)-months probation period, or twelve (12) months for classified management, and then July 1 of the following year thereafter, except as provided for in paragraph J. below.

D. The first anniversary date of an employee who is demoted shall not be changed as a result of such demotion, except that an employee who is promoted and subsequently demoted shall reassume the anniversary date, which s/he had prior to promotion.

E. The anniversary date of an employee who is transferred to a class allocated to the same salary range shall not be changed as a result of such transfer.

F. The anniversary date of an employee whose class is reallocated from one salary range to another shall not be changed as a result of such reallocation.

G. In the case of a provisional employee or an employee who is serving a probationary period on his/her anniversary date, such anniversary date shall be deferred until the first day of the calendar month next following completion of a probationary period of six (6) months (twelve (12) months for classified management) or longer in the particular class.

H. For each employee whose step advancement is postponed by his/her Department Head or the Superintendent, his/her anniversary date shall be changed to the date to which the advancement is postponed.

I. Effective the 1993-94 school year, the anniversary date for all classified management will be July 1. Such anniversary date shall not affect a change in the probationary period. Classified management will receive a step advancement on the first day of the calendar month next following successful completion of twelve (12) months probationary period. (Revised 1/28/08)
J. Classified management, who receive their first step advancement between July 1 and February 20, shall receive a subsequent step advancement on July 1. All subsequent step advancements will be on July 1. (Revised 1/28/08)

K. Classified management, who receive their first step advancement between February 1 and June 30, shall receive their subsequent step advancement on July 1 of the second calendar year. All future step advancements will be on July 1. (Revised 1/28/08)

Whenever the effective date of employment, reemployment, or promotion is between the first and fifteenth (inclusive) of a month, it shall be treated for the purpose of this subsection in the same manner as the first calendar day of that month, and credit shall be given for the full month of service. If the effective date of employment, reemployment, or promotion is between the sixteenth and thirty-first (inclusive) of a month, it shall be treated for the purpose of this subsection in the same manner as the first calendar day of the following month, and credit shall begin the following month.

For Teaching Assistants the anniversary date will be July 1st. Such anniversary date shall not affect a change in the probationary period or the Teaching Assistant's entitlement to a step increment upon successful completion of their probationary period.

Teaching Assistants who receive their first increment between November 1 and June 30 shall receive a subsequent increment in the following school year, effective July 1st. Teaching Assistants who receive their first increment between July 1 and October 31 shall receive a subsequent increment in the same school year on July 1st.

70.200.3 Step Advancement within Salary Range

Merit salary adjustments (salary step advancement) shall not be granted automatically, but must be based upon satisfactory performance by the employee as documented by his/her most recent job performance evaluation. An employee will be notified by his/her immediate supervisor in writing of any denial of a salary step advancement with the reasons for the denial. (Revised 9/26/11)

Step Advancement (Revised 6/15/15):
A. Anniversary Date:
   Effective July 1, 2014, for the purposes of salary step advancement, the anniversary date of each classified employee will be recognized as July 1 of each year. The aforementioned employee must have successfully completed her/his probationary period.

   All subsequent earned step advancements will be made on July 1 of subsequent years unless otherwise provided by the contract terms or merit system rules. No such advancement shall be made without a written approval by the County Superintendent of Schools.
B. Years of Service:

Represented Classified Employees

Normally, there will be a six (6) step salary advancement (Steps 1, 2, 3, 4, 5, and 6) within the salary range for represented classified employees of the County Superintendent of Schools' Office.

On July 1 of each fiscal year represented classified employees who will complete their 7th, 10th, 15th, or 20th year of employment within said fiscal year, are entitled to additional compensation for completed years of service as follows:

On July 1, represented classified employees who are on the top salary step (Step 6) of their current salary range shall be placed on additional steps for beginning their 8th, 11th, 16th, or 21st year of employment within said fiscal year - Step 8 for 8 years of service, Step 11 for 11 years of service, Step 16 for 16 years of service, or Step 21 for 21 years of service. Each of these additional steps (8, 11, 16, and 21) for years of service provides a five percent (5%) increase to the employee’s salary.

Exception: On July 1, represented classified employees who are on a salary step other than the top step (Step 6), i.e., Step 1, 2, 3, 4, or 5, of their current salary range, as in the case of promotion to a position with a higher salary range (Rule 70.200.4 Salary Upon Promotion), shall not be placed on additional steps for beginning their 8th, 11th, 16th, or 21st year of employment during said fiscal year; but rather shall receive a five percent (5%) add-on to their salary that is calculated on their current salary step placement. Once the employee has advanced to the top salary step (Step 6) of the salary range to which they were promoted, s/he shall be placed on the additional step(s) for completed years of service as noted above.

Classified Confidential Employees

Normally, there will be a six (6) step salary advancement (Steps 1, 2, 3, 4, 5, and 6) within the salary range for classified confidential employees of the County Superintendent of Schools' Office.

On July 1 of each fiscal year classified confidential employees who will complete their 7th, 10th, 15th, or 20th year of employment within said fiscal year, are entitled to additional compensation for completed years of service as follows:

On July 1, confidential classified employees who are on the top salary step (Step 6) of their current salary range shall be placed on additional steps for beginning their 8th, 11th, 16th, or 21st year of employment within said fiscal year - Step 8 for 8 years of service, Step 11 for 11 years of service, Step 16 for 16 years of service, or Step 21 for 21 years of service. Effective July 1, 2015, each of these additional steps (8, 11, 16, and 21) for completed years of service provides a five percent (5%) increase to the employee’s salary.

Exception: On July 1, classified confidential employees who are on a salary step other than the top step (Step 6), i.e., Step 1, 2, 3, 4, or 5, of their current salary range, as in the case of promotion to a position with a higher salary range
(Rule 70.200.4 Salary Upon Promotion), shall not be placed on additional steps for beginning their 8th, 11th, 16th, or 21st year of employment during said fiscal year; but rather shall receive a five percent (5%) add-on to their salary that is calculated on their current salary step placement. Once the employee has advanced to the top salary step (Step 6) of the salary range to which they were promoted, s/he shall be placed on the additional step(s) for years of service as noted above.

**Classified Management Employees**

Normally, there will be a six (6) step salary advancement (Steps 1, 2, 3, 4, 5, and 6) within the salary range for classified management employees of the County Superintendent of Schools' Office.

On July 1 of each fiscal year classified management employees, hired into management positions prior to September 1, 2007, who will complete their 10th or 15th year of classified management employment within said fiscal year, are entitled to additional compensation for completed years of service as follows:

On July 1, classified management employees who are on the top salary step (Step 6) of their current salary range shall be placed on additional steps for beginning their 11th or 16th year of classified management employment within said fiscal year - Step 11 for 11 years of service, or Step 16 for 16 years of service. Effective July 1, 2015, each of these additional steps (11 and 16) for years of service provides a five percent (5%) increase to the employee’s salary.

Classified management employees, hired into management positions after August 31, 2007, are not entitled to additional compensation for years of service.

C. The Assistant Superintendent of Human Resources shall, not less than four (4) weeks prior to the anniversary date of each officer and employee, inform the County Superintendent of Schools, in writing, of the anniversary date. The Superintendent shall, not less than two (2) weeks prior to the anniversary date, inform the Assistant Superintendent of Human Resources, in writing, whether s/he approves advancement to the next higher step. The Superintendent may specify that the advancement be postponed for one (1) or more months, not to exceed six (6) months deferment.

D. No step advancement shall be made for provisional employees or for employees serving probationary periods.

E. Special Pay Adjustment:
   1. In the demonstrated instance of clearly superior job performance, a special one (1) step salary increase may be granted an employee when a written recommendation is made by the Department Head and approval, in writing, is given by the Assistant Superintendent of Human Resources, the Superintendent, and the Personnel Commission. (Revised 9/26/11)

   2. If the employee is currently on a step less than the top step of the range, the special pay advances the employee to the next step of the range. If the employee
is currently at the top step of the range, five percent (5%) will be added to the employee’s base pay.

3. This special salary adjustment will be based on the advancement of the public interest or the prevention of a manifest injustice to an employee by virtue of superlative performance or other related circumstances, and does not constitute reclassification action.

4. A non-management classified employee who received either the Golden Bell Award or Service Award prior to July 1, 2013 automatically qualified to receive the special salary adjustment and shall continue to do so throughout their employment tenure at SCOE. Effective July 1, 2013 all future SCOE Golden Bell and Service Award recipients, regardless if they are classified, certificated, or management employees, will receive a one-time only stipend of $1,000.00 for the year in which they were recognized. Employees shall be eligible to receive more than one Golden Bell or Service Award during their employment with SCOE. (Revised 12/17/12)

70.200.4 Salary Upon Promotion (Revised 6/15/15)
A. Salary Upon Promotion Between Classes Within the Same Represented Classified, Classified Confidential, or Classified Management Employee Unit:
An employee who is promoted to a position of a class in the same employee unit that is allocated to a higher salary range than the position from which s/he was promoted, shall be placed on the salary step of the new range that provides a five percent (5%) increase over his/her salary step placement prior to promotion (inclusive of additional steps or add-ons for completed years of service). Such placement shall not be less than the salary of Step 1, nor exceed the top salary step (Step 6) of the salary range for the new position. If so entitled, the employee shall continue to receive additional compensation for years of service as noted in Merit Rule 70.200.3B. Such promotion shall be independent of any reallocation of the class to which promotion is made.

B. Salary Upon Promotion Between Classes from the Represented Classified Unit to the Classified Confidential Unit or from the Classified Confidential Unit to the Represented Classified Unit:
An employee who is promoted from a position in the Represented Classified Unit to a position in the Classified Confidential Unit, or from the Classified Confidential Unit to the Represented Classified Unit, that is allocated to a higher salary range than the class from which s/he was promoted, shall be placed on the salary step of the new salary range that provides a five percent (5%) increase over his/her salary step placement prior to promotion (inclusive of additional steps or add-ons for completed years of service). Such placement shall not be less than the salary of Step 1, nor exceed the top salary step (Step 6) of the salary range for the new position. If so entitled, the employee shall continue to receive additional compensation for years of service as noted in Merit Rule 70.200.3B. Such promotion shall be independent of any reallocation of the class to which promotion is made.

Merit System Rules
C. **Salary Upon Promotion Between Classes from the Represented Classified Unit or the Classified Confidential Unit to the Classified Management Unit:**

An employee who is promoted from a position in either the Represented Classified Unit or the Classified Confidential Unit to a position in the Classified Management Unit that is allocated to a higher salary range than the class from which s/he was promoted, shall be placed on the salary step of the new salary range that provides a five percent (5%) increase over his/her salary step placement prior to promotion (inclusive of additional steps or add-ons for completed years of service.) Such placement shall not be less than the salary of Step 1, nor exceed the top salary step (Step 6) of the salary range for the new position. *In regards to entitlement to additional compensation for completed years of service see Merit Rule 70.200.3B for classified management employees.* Such promotion shall be independent of any reallocation of the class to which promotion is made.

70.200.5 **Salary Upon Demotion**

A. Voluntary Demotion

A regular employee may request, in writing, a voluntary demotion to a class with a lower maximum salary rate. Such requests require the approval of the Superintendent. The salary paid to an employee who requests a voluntary demotion will be paid in accordance with the existing applicable contract provisions. If no contract provision applies, the employee may request that his/her salary be y-rated. Such y-rate requests will be reviewed on a case-by-case basis and will be approved or denied by the Superintendent.

B. Involuntary Demotion

An employee who is demoted to a position of a class allocated to a lower salary range than the class from which s/he is demoted shall have his/her salary reduced to the salary in the range for the new class next lower than the salary s/he received before demotion. Such demotion shall be independent of any reallocation of the class to which demotion is made or of any step advancement to which the employee may be entitled through resumption of a former anniversary date.

70.200.6 **Salary Upon Transfer**

A. In case of the transfer of an employee from one position to another in the same class or to another class to which the same salary range is applicable, the employee shall continue to receive the same salary. Such transfer shall be independent of any reallocation of the class to which transfer is made.

B. When appointed to a permanent position with the County Office, with approval of the Superintendent, each employee, whose name appeared on the employment list due to a program transfer, will be allowed to have his/her service with the transferring district counted in determining step placement on the salary range for the SCOE classification. (Also see 50.200.2 B. 3.) (Revised 9/26/11)

C. The above rule, B., does not preclude the Personnel Commission under Merit System Rule 70.200.1 C. from initially hiring an employee on Step 2 or Step 3 of the salary range if they possess special qualifications and other conditions are met.
70.200.7 **Salary on Reallocation of Class:**
An employee in a position of a class which is reallocated from one salary range to another shall be compensated at the same step in the new salary range as s/he was compensated in the range to which the class was previously allocated, except when such a reallocation would cause the employee to have a lower salary, in which case the incumbent’s salary shall be y-rated. (Revised 10/24/11)

70.200.8 **Salary on Reclassification of Position:**
A. The salary of an incumbent of a position, who is reclassified to a different class, shall be compensated at the same step of the salary range for the new class as the step at which s/he was compensated for in the former class. This provision shall not apply in the event a position in one (1) class is abolished and replaced by a position in a different class. (See 30.200.11.)

If, as a result of the reclassification, the salary range for the new class has a lower maximum salary rate than the employee’s former class, the salary will be paid in accordance with the existing applicable contract provisions. If no contract provision applies, the employee may request that his/her salary be y-rated. Such y-rate requests will be reviewed on a case-by-case basis and shall be approved or denied by the Superintendent. (Adopted 10/24/11)

B. **Y-Rating**
Whenever the affect of voluntary demotion, reallocation, or reclassification reduces the salary of an incumbent, and the employee is entitled to y-rating, a capital "Y" shall be set opposite the position in the departmental budget and on all payroll and other personnel records. Wherever a capital "Y" is set opposite a position, the incumbent shall continue to receive his/her previously authorized salary until termination of his/her employment in the position or until a higher rate of pay is recommended by the Superintendent and authorized by the Personnel Commission. (Revised 10/24/11)

C. **Y-Rating Applied (Adopted 10/24/11)**
Whenever an employee is Y-rated, a separate salary schedule will be created using the dollar amount paid to the employee at the time of the Y-rating, i.e., the salary paid to the employee prior to the event (voluntary demotion, reallocations, or reclassification) that created the Y-rating.

An employee whose pay is Y-rated will not be eligible for any cost of living adjustment, bonus, one-time only payment, range, or step adjustment until one or more of the following occurs:

(1) The salary range for the employee’s new job classification is equal to, or exceeds, the dollar amount being paid to the employee under the Y-rating; or

(2) A higher rate of pay is recommended in writing for the specific employee by the Superintendent and approved by the Personnel Commission.
Salary Differential Pay
(E.C. Sections 45110-45180, et seq.)

A. Except as otherwise provided in the collective bargaining agreements, all positions, the regularly assigned time of which requires the employees to work one-half (1/2) time or more between the hours of 4:00 p.m. and 7:00 a.m., shall be entitled to receive an increase in basic salary equal to seven percent (7%) or more, as recommended by the Personnel Commission and approved by the Superintendent.

No changes in salary range or step and anniversary dates are to be made, and the approved increase in salary will remain effective only during the time in which the employee is assigned to the job requiring these work hours.

B. Working Out of Class or Special Assignments:
In special cases, whereby employees in a classification are required regularly to perform tasks not necessarily defined in the job description for that class, yet not of sufficient importance to require reclassification, these employees may be granted up to five percent (5%) additional compensation to their current salary range and step. No change in anniversary dates will be made, and the additional approved increase to the salary will remain effective only so long as the unusual condition exists.

In order for the increase mentioned above to be granted, the Department Director will so recommend, in writing, to the Superintendent, who, in the event approves, will send their recommendations to the Personnel Commission through the Assistant Superintendent of Human Resources. If the Personnel Commission approves the requested differential pay, they will notify the Assistant Superintendent of Human Resources for payment.

C. Legal Office Manager Assignment
In special cases, where an employee in a Legal Secretary classification is required regularly to perform the tasks listed below, the employee may be granted an annual stipend of up to five thousand dollars additional compensation. The General Counsel and the Superintendent will review, and approve or deny in writing all requests for this stipend. No change in anniversary dates will be made, and the additional approved increase to the salary will remain effective only so long as the extra duties are required. The Assistant Superintendent of Human Resources and the General Counsel will periodically verify that the extra duties are being performed.

- Coordinates office operations in a regional legal office
- Assists in legal staff recruitment & legal support staff training
- Assists in the development of and monitors budgets, income and expenditures
- Supervises space utilization in a regional legal office
- Coordinates workshop planning and development for a regional legal office.
- Coordinates use & maintenance of law library for a regional legal office
- Supervises other legal support staff

Salary Computation

A. For each basic salary there is established a standard hourly rate calculated to the nearest whole cent. The monthly rated may be determined by multiplying the hourly rate by 173.3. The daily rate may be obtained by dividing the basic monthly salary by 21.75, which is herewith established as the average number of working days in a month. (Authorized holidays included.) (Revised 9/26/11)
B. Each full-time, twelve-month employee, whose pay status at the same basic monthly salary rate in any calendar month equals the normal full-time month's work for his position in that month, shall be paid the basic monthly salary prescribed for his/her class. (Revised 9/26/11)

C. Each full-time employee and each part-time employee whose position is budgeted at a fixed percentage of full-time work, and who is employed at two or more hourly salary rates during any calendar month, or whose pay status in any calendar month is less than the normal full-time month's work for his position in that month, shall be paid at the correct hourly rate for all hours worked at that rate during the month. Computation of partial monthly pay for classified employees will be in accordance with the following tables and formula: (Revised 9/26/11)

Compensation due a classified employee for services performed for part of a month will be determined by multiplying the hourly rate by the number of hours worked per day and that sum by the number of days of actual service. (See 70.200.11 A. 4.) (Revised 9/26/11)

1. Days of actual service shall include paid holidays, provided the holidays do not precede the actual starting date of a new employee, or follow the actual termination date of an employee separating.

2. The number of days in any month countable for pay purposes shall be considered to be 21.75, including all authorized paid holidays.

3. Employees separating for any reason after six (6) months (E.C. Section 45197) of service shall be paid for Accrued Leave and Compensatory Time earned as actual days of service and at the rate of compensation in effect at the time of separation except:
   a. Each part-time employee, except as provided in Subsection C. above, and each person employed full-time on a limited-term or emergency basis for less than one (1) month, shall be paid at the appropriate standard daily rate as prorated for each part of an eight (8)-hour day of pay status.

D. In lieu of receiving the full compensation provided for by the salary schedule an employee may elect to receive a reduced salary, with the amount of the monetary reduction applied to a deferred compensation program, such as a 403(b) or 457 plans. For the purpose of classification and salary schedules and for similar purposes, an employee's compensation, which has been so reduced, shall be treated as though the employee were being compensated on the full amount, except that withholding tax is based on the reduced amount only.

70.200.11 Compensation Adjustments for Classified Employees
(See employee contract for payment of 10-month teaching assistants.)

A. Methods of Computing Daily Rate of Pay for Adjustments Due to Partial Pay; Leave-Without Pay; Accrued Annual Leave and Compensatory Pay. (Revised 9/26/11)

1. Normal Monthly Gross (NMG) = Monthly salary is determined as follows: Hourly rate of pay multiplied by 173.3 hours

2. 21.75 = Average number of working days in any month.
3. Daily rate of pay = $21.75 (adjusted to nearest whole cent).

4. Compensation for employment for partial month: *
   *NOTE: Whenever there are two (2) or more different salaries involved within
   a month, the actual number of hours worked at each salary must be used.

   \[ \text{NMG} \times \text{No. of Actual Work Days} = \text{Total Amount Due} \]

   \[ \frac{21.75}{21.75} \]

5. Compensation for employee who is absent without pay (LWOP):

   \[ \text{NMG} \times \text{No. of Actual Work Days LWOP} = \text{Amt. to be deducted from NMG} \]

   \[ \frac{21.75}{21.75} \]

   Not to exceed thirty (30) days, unless otherwise provided by contract.

   \[ \text{NMG} \times \text{No. Days Accrued Annual Leave} \]
   \[ \frac{21.75}{21.75} \]

   \[ \text{NMG} \times \text{No. Days Credited Compensatory Time (1.5 x actual)} \]
   \[ \frac{21.75}{21.75} \]

   OR

   Hourly rate x No. Actual Compensatory Time Hours worked x 1.5

   Compensation for Accrued Annual Leave and Compensatory Time is not subject to
   retirement contributions.

   Number of actual workdays includes all workdays and all authorized paid holidays,
   except those paid holidays immediately preceding a first day of employment or
   subsequent to a final day of employment.

7. Compensation adjustment for twelve (12) month part time employees working less
   than a normal eight (8) hour day for full fiscal year:

   Daily rate of pay \( (3) \times \text{No. Hrs. Actually Worked per day} = \text{Adjusted Daily Rate}. \)
   \[ \frac{21.75 \times \text{Adjusted Daily Rate} = \text{Adjusted Monthly Rate (NMG)}}{8} \]
   \[ \text{Adjusted Monthly Rate x 12 = Adjusted Annual Earnable Income.} \]

8. Compensation adjustment for part time employees working for school term only
   and less than normal eight (8) hour day.

   a. School Term = Number of work days, including authorized paid holidays,
      plus prorated number of vacation days during the period school is in
      session.
b. School Term days x hours per day x hourly rate = Annual Earnable Income during school year.

c. In the event an employee terminates service prior to the end of the school year:

\[
\frac{\text{Hours per day x hourly rate x actual days for pay purposes}}{\text{Annual Earnable Income (b above)}} = \text{Total amount due.}
\]

B. Definitions (Revised 9/26/11).

1. School Year: The school year begins on the first day of July and ends on the last day of June (E.C. Section 37200).

2. School Term: Number of work days, including authorized paid holidays, during the period in which school is in session, plus the prorated number of vacation days.

3. Annual Earnings: Total amount employee would earn if s/he completed the school year or school term at a given monthly salary rate.

4. Days for Pay Purposes: Total number of days actually worked, including authorized paid holidays, plus the prorated number of vacation days allowed.

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70.300 HOURS OF WORK (E.C. Section 45127)

(Also see Employee Contracts).

70.300.1 Work Day and Work Week

Work Week: (Revised 5/24/11)
The normal workweek of full time classified employees shall be forty (40) hours.

Work Day: (Revised 5/24/11)
The normal workday of full time classified employees shall be eight (8) hours.

The County Office may establish a workday of less than eight (8) hours per day and a workweek of less than forty (40) for some or all classified positions.

The County Office may establish alternative work schedules to meet the program needs.

70.300.2 Overtime (E.C. Section 45128)

(Revised 5/24/11)

A. Overtime is defined to include any time required to be worked in excess of forty (40) hours in any established work week, or more than eight (8) hours in a work day, excluding a duty free lunch period, unless the employee is working an approved alternate work schedule of more than eight (8) hours per day.

B. Except as otherwise expressly provided for by the Superintendent, any person employed in any class or position may be required to work in excess of the regularly established hours of work when so requested or authorized by the Superintendent. This extra work may be required on any day, including Saturdays, Sundays, and holidays, and employees so working will be compensated by the granting of compensatory time off or paid in cash therefor.
70.300.3 **Compensation for Overtime (E.C. Sections 45128 & 45129)**
A. Compensation for overtime shall be made in cash or time off at the rate of one and one-half (1 1/2) times the normal rate.

B. The Assistant Superintendent of Human Resources shall maintain a detailed record of all overtime work.

C. All overtime for which compensatory time off is to be granted shall require prior approval of the Assistant Superintendent in charge of the respective division. All overtime for which overtime pay is to be made shall require prior approval by the Superintendent, or his/her designee, and such payment will be made only for overtime work subsequent to the date of approval by the Superintendent, or designee, except as may be provided by law in the event of critical emergency.

70.300.4 **Classification Exempt From Overtime (E.C. Section 45130 & Rule 60.700.1A.6)**
All positions that qualify as executive, administrative, and professional may be exempt. The regular rate of pay shall be considered full compensation for all time that is required of the employee to perform the duties of his/her position.

However, if an employee in this group of positions is required to work on official holidays, as listed in Section 70.400.2 of this rule, s/he shall be granted compensatory time off equal to the actual number of hours worked.

70.300.5 **Rest Periods**
Except as otherwise provided in the collective bargaining agreements, the Superintendent shall authorize rest periods of ten (10) minutes, which insofar as practicable shall be in the middle of each work period. The authorized work period shall be based on the total hours worked daily at the rate of ten (10) minutes per four (4) hours or major fraction. However, a rest period need not be authorized for employees whose daily work time is less than three and one-half (3 1/2) hours. Authorized rest period time shall be counted as hours of work, for which there shall be no deduction in pay. Rest periods must be taken at the assigned worksite, unless prior approval has been obtained from the immediate supervisor. (Revised 5/24/11)

70.300.6 **Duty Free Meal Periods**
Except as provided in 70.300.7 each employee who is scheduled to work over five (5) consecutive hours per day shall be assigned an unpaid, uninterrupted meal period of at least thirty (30) minutes, and up to one hour. Whenever possible, the meal period shall be assigned at or about the midpoint of each work shift. (Revised 5/24/11)

70.300.7 **Non-Duty Free Meal Period**
An employee may be assigned to a non-duty free meal period if the demands of the program so require. The employee will be provided an opportunity to eat his/her meal, but must be available to perform duties and remain on-site. The employee will be paid his/her normal rate of pay for all non-duty free meal periods. (Revised 5/24/11)
70.400 LEAVES OF ABSENCE (E.C. Section 45203)
(Also see Employee Contracts)

70.400.1 General Provisions
(Revised 5/24/11)

A. Definition of Leave of Absence
A leave of absence is an authorization for a regular employee to be absent from duty
for a specific period of time for an approved purpose.

B. Leaves Not Granted as A Matter of Right
An employee shall not be entitled to a leave of absence as a matter of right. Upon
request for a leave of absence signed by the employee and stating the reason for the
leave, the appointing authority may approve or disapprove the request. A denial of a
leave without pay request for medical reasons may be appealed to the Commission.

C. Authorized Leave Is Not A Break In Service
Industrial Accident/Illness Leave, other paid leave, military leave, and unpaid illness
leaves shall not constitute a break in service.

D. Cancellation of Voluntary Leaves
The Board or Superintendent may cancel any voluntary leave of absence for good
cause by giving the absent employee due notice. Due notification shall allow
sufficient time for the employee to return to work.

E. Failure to Report for Duty after Leave Expires
Failure to report for duty within five (5) working days after a leave expires or has
been canceled shall be considered abandonment of position and the employee will be
terminated. Such termination shall be considered as termination for cause.

F. Absent Employees May Not Accept Gainful Employment
An employee, while on a leave of absence (paid or unpaid) from the County Office,
may not, and shall not, accept gainful employment with another employer, except
ordered military service, without the express prior approval of the Superintendent.
An employee may take an approved leave from his/her regular assignment to serve
in another position with the Sonoma County Office of Education.

G. Verification of Leaves
The County Office shall have the right to require verification of all leaves requested
and taken by an employee.

H. Employee Required to Maintain Licenses and Certificates
Any required license or certificate held by the employee at the time a leave (paid or
unpaid) is granted must be maintained and valid at the time the employee returns to
active service with the County Office. If the employee does not have the license or
certification, the employee may be placed on unpaid leave of absence until the
license or certificate is received or the employee may be terminated.
I. Holiday Pay - Paid Leave of Absence

Authorized paid holidays which occur during the period in which an employee is on a paid leave of absence shall be paid as holiday pay and shall not be deducted from any paid leave days to which the employee is entitled by law or the provisions of these Rules and Regulations.

70.400.2 Authorized Holidays

Unless otherwise provided by the County Board or by law, holidays with full pay shall be granted annually for all regular employees on the following days (Revised 4/23/07 & 5/24/11):

- **New Year's Day**
- **Martin Luther King Day** (observed the third Monday in January)
- **Lincoln Day** (date of observation determined annually)
- **President’s Day** (observed third Monday in February)
- **Memorial Day** (observed last Monday in May)
- **Independence Day** (normally observed on July 4th)
- **Labor Day** (observed first Monday in September)
- **Veterans Day** (observed on November 11th, unless otherwise approved by the Superintendent and Board.)
- **Thanksgiving Day and day following Thanksgiving Day** (the fourth Thursday & Friday in November)
- **Christmas Eve** (normally observed on December 24th)
- **Christmas Day** (normally observed on December 25th)
- **New Years Eve** (normally observed on December 31st)
- **Two (2) floating holidays employee may choose, with prior supervisor approval**

Such other days, or portions of days, as may be designated by the Superintendent, the County Board, the Governor of California, the President of the United States, or other proper authority.

A. When a holiday falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed, unless Monday is also a holiday. If Monday is also a holiday, the holiday falling on Sunday will be observed on the preceding Friday, unless Friday is also a holiday. If Friday is also a holiday, then the holiday it will be observed on the preceding Thursday. Example: Christmas Eve falls on Sunday and Christmas Day falls on Monday, the holidays will be observed on the preceding Friday and the following Monday. (Revised 5/24/11)

When a holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed, unless Friday is also a holiday. If Friday is also a holiday, the holiday falling on Saturday will be observed on the preceding Thursday. Example: Christmas Eve falls on Friday and Christmas Day falls on Saturday, the holidays will be observed on the Thursday and Friday preceding the Saturday).

Notwithstanding the above, employees assigned to Special Education, Alternative Education and Student Services, SELPA and Sonoma Developmental Programs shall work the calendars of the programs to which the employee is assigned. The operation of this provision shall not cause the loss of any of the above holidays.
When a classified employee is required to work on any of said holidays, s/he shall be paid compensation or given compensatory time off for such work, in addition to the regular pay received for the holiday at the overtime rate. (NOTE: This means regular pay or time, plus one and one-half (1 ½), or a total of two and one-half (2 ½) times regular pay or time.)

B. All regular employees, full-time and permanent part-time, who are not normally required to work during the holiday periods listed in A. above, shall receive their normal rate of pay for those holidays, provided they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday periods mentioned.

C. In the interests of uniformity in the operation of County Government, days off with pay may be granted to employees for holidays proclaimed for County employees by the Board of Supervisors of the County of Sonoma.

70.400.3 Exchange of Holidays by Board Action (E.C. Section 45205)  
(Revised 5/24/11)  
A. The Board of Education may, prior to July 1 of any year, specify, if so authorized in law, that schools will be maintained and classified employees are required to work on any or all of these holidays:

Lincoln Day, President’s Day, Memorial Day, and Veterans Day.

B. If the Board lawfully takes such an action, it shall designate another day, during the same school year, as a holiday for classified employees in lieu of the regular, normal holiday.

C. In Lieu Holiday  
1. The day specified as the "in lieu" holiday shall be a day when all classified employees, who could normally have established eligibility for the regular holiday, will also be able to establish eligibility for the "in lieu" holiday.

2. The day designated as an "in lieu" holiday shall provide classified employees with at least a three (3)-day weekend.

D. If the Board fails to comply with Rule C. 1. above, employees who will not normally be able to establish eligibility for the "in lieu" holiday and who are required to work on the regular holiday shall be paid, in addition to the normal pay for the holiday, at the rate of time and one-half (1/2) for time required to be worked.

70.400.4 Vacation Leave (E.C. Section 45197)  
(Also see Employee Contracts):  
A. Each full-time employee, other than an emergency or limited-term employee, shall accrue vacation leave with full pay as provided herein. Each employee may accrue a maximum of thirty (30) working days of unused vacation leave, unless otherwise provided in the collective bargaining agreement. (Revised 1/23/06)
Regular employees working less than full time earn pro-rated vacation benefits based upon the ratio of their normal work schedule to a fulltime schedule of eight (8) hours per day and forty (40) hours per week.

Except in special cases, as determined by the Superintendent, no employee may take such leave or receive payment in lieu thereof until s/he has completed six (6) months of continuous service in the Sonoma County Office of Education.

No employee shall accrue any paid vacation leave for any period of leave without pay, absence without leave, or suspension.

Regular employees shall accrue vacation as follows:

1. Each such employee shall accrue vacation leave at the rate of twelve (12) working days per year until s/he has completed five (5) years of service.

2. Each such employee who has completed five (5) years of service and through ten (10) years of service shall accrue vacation leave at the rate of fifteen (15) working days per year.

3. Each such employee who has completed ten (10) years of service and through fifteen (15) years of service shall accrue vacation leave at the rate of eighteen (18) working days per year.

4. All employees who have completed fifteen (15) years of service or more shall accrue vacation leave at the rate of twenty-one (21) working days per year.

5. For the purpose of determining years of service, all such employment of one (1) year or more in any California school district and not separated by a break in service greater than thirty (30) days, may, at the discretion of the Superintendent, with the approval of the Personnel Commission, be construed as service creditable toward the requirements stated above.

6. Certain classified positions may be designated as executive, administrative, and professional by the Personnel Commission "when applicable" or the Governing Board. (See 70.300.4 and E.C. Section 45130).

Personnel employed in these positions shall receive the regular rate of pay in accordance with the classification and salary allocation chart, as approved by the Superintendent, and which shall be considered full compensation for all time that is required of the employee to perform the required duties of his/her position, without reference to overtime. (Revised 1/23/06)

In recognition of the requirements and limitations thus imposed on these specific employees, their annual vacation leave shall accumulate at the rate of twenty-one (21) working days per year, without regard to total number of years of continuous service with the Sonoma County Office of Education.

7. An employee in paid status as of the 15th of the month or later shall receive vacation credit for that month. (Revised 9/26/11)
B. Vacation schedules shall be arranged by Department Heads, with particular regard to the needs of the service and, whenever possible, with regard to the wishes of the employees. Every effort shall be made to arrange vacation schedules, so that each employee will take as much vacation in each year as accrued to him/her in that year. Each employee's vacation time may be so divided as the needs of the service require or permit, except that the County Office shall make every effort to provide employees the opportunity to take at least one (1) week of uninterrupted vacation time each year. No employee may take vacation leave without advance approval of the Superintendent or his/her designated representative.

No employee may take vacation leave in advance of that actually accumulated by him/her at the time such leave is taken without the written recommendation of the Department Head concerned and approval of the Superintendent.

When an employee is restricted on use of vacation during a certain month, or months, of the year due to needs of the County Office, the County Office shall make every reasonable effort to be flexible in accommodating the employee's request(s) to use vacation during the remaining months of the year. (Revised 1/23/06)

C. Each employee who is separated from employment after completing six (6) months of continuous service with this office shall be entitled to payment in lieu of all unused vacation leave which s/he may have accumulated as of his/her last day of work. (E.C. Section 45197(h).) In the event of a deceased employee, payment therefor shall be made to his/her estate, or as otherwise provided by probate law.

D. When an employee has accumulated the maximum allowable vacation credit, and when a critical emergency prevents his/her being off duty, the nature and duration of the emergency shall be reported to the Superintendent. The Superintendent may authorize payment in lieu of vacation earned above the maximum, or may permit the accumulation of excess vacation credit for the duration of the emergency.

E. Any regular classified employee who commences his prescribed vacation period and subsequently becomes ill or is bereaved before his/her vacation period has been completed, shall be placed on sick leave under the following conditions:

1. If the illness or bereavement is for three (3) consecutive days or more.

2. If the illness or bereavement is such that had the employee been working, s/he would have been absent on sick or bereavement leave.

3. If the employee, normally, is required to return to duty immediately following the vacation period.

4. If the request is filed with the Superintendent within two (2) weeks of the illness or bereavement or within, at the latest, one (1) week of his/her return to duty, unless extraordinary, extenuating circumstances exist which prevent such filing. (Revised 1/23/06)
5. If the filed request fully outlines the reasons for the request, and is fully substantiated to include medical reports in the case of illness.

6. When all or part of an employee's vacation is to be converted to illness or bereavement leave, the appropriate vacation credit shall be restored to the employee's earned vacation balance. If possible, s/he shall be granted opportunity to consume this vacation credit in order not to exceed the limit on accrued vacation. In other cases, Paragraph D, above, may be applied in order to avoid loss of vacation credit.

F. Vacation Rate of Pay
   All vacation shall be paid at the employee’s regular rate of pay earned in his/her permanent classification including any steps above step 6. (Revised 5/24/11)

70.400.5 Paid Sick Leave
(E.C. Sections 45191 and 45196) (Also see Employee Contracts):

A. Sick leave is the authorized absence of a regular employee when the absence is due to:
   1. Physical or mental inability to perform the usual and customary duties of the position due to illness or injury, exposure to contagious disease, or legally established quarantine.

      If it is determined that the illness or injury, exposure to contagious disease, or legally established quarantine is work-related, the employee shall be entitled to Industrial Accident/Illness Leave under 70.400.6. (Adopted 9/26/11)

   2. A visit to a licensed physician, dentist, medical practitioner, psychologist or other therapist for examination, treatment, consultation, or therapy.

B. At the beginning of each fiscal year, the allocation of the employee shall be increased by the number of days of paid sick leave, which s/he would normally earn in the ensuing fiscal year. An employee's sick leave allocation shall be adjusted if a change of assignment alters the amount of sick leave earnable or if the employee leaves mid-year. (Revised 1/23/06)

C. Employees shall be entitled to earn sick leave without loss of pay at a rate of one (1) working day per month. The employee must be in paid status as of the 15th of the month or later to earn that month’s sick leave. The unused sick leave shall be cumulative. New employees with probationary status only may use no more than six (6) days of paid sick leave during the first six months of employment. (Revised 9/26/11)

D. An employee who is absent due to illness and receiving full pay because of accrued sick leave shall be entitled to all employment benefits.

E. When a person employed in the classified service is absent from his/her duties on account of illness or accident for a period of five (5) months or less, whether or not the absence arises out of or in the course of employment of the employee, the amount deducted from the salary due him/her for any month in which the absence occurs shall not exceed the sum which is actually paid a substitute employee employed to fill his/her position during his/her absence. (Revised 1/23/06)
In the event the absent regular employee is in the first step of a salary range, the substitute employee shall be employed at a step of a salary range, which is at least five percent (5%) less than the regular employee's current salary. (E.C. Section 45196.)

F. Exhaustion of all Paid Leave
A regular employee whose illness extends beyond the five (5)-month period may, on written advice from a licensed medical advisor, be granted leave of absence without pay, not to exceed one (1) year, in accordance with these Rules. Upon his/her return to work, the anniversary date of his/her increment will be changed to make adjustments for time not worked and not covered by sick leave.

G. Emergency and limited-term employees will not earn sick leave credit, unless they are subsequently appointed into permanent positions without a break in service.

H. An electronic leave request by the employee of the need for sick leave may be required by the County Office for each use of sick leave for illness or disability. (Revised 5/24/11)

I. Reasonable medical evidence of illness shall be required for each such use for a period of five (5) or more working days, as determined by the Superintendent. An employee returning from surgery, illness requiring hospitalization, or extended illness regardless of the duration of the absence may be required to provide medical verification of fitness to fully perform all the essential duties of his/her assigned position, and/or freedom from communicable disease. The doctor’s report and/or clearances to return to work shall be submitted to the Human Resources office. (Revised 6/16/14)

J. Unlimited accumulations shall be allowed in all sick leave benefits, except personal necessity. However, the cumulative aspect of sick leave from year-to-year is based on accrual at the rate of one (1) day of sick leave per whole calendar month of employment. (Revised 5/24/11)

K. While an employee is on any paid leave resulting from an industrial accident or industrial illness, the employee's salary paid by the County Office shall not, when added to a normal temporary disability allowance award without penalties granted the employee under State Workers' Compensation Insurance laws, exceed the employee's regular salary. A regular employee's salary is computed on the basis of the number of hours and days in his/her basic daily assignment. An employee who is not fulltime shall have his/her regular salary computed on the basis of the average number of hours worked each month in which the employee was in paid status during the preceding year.

The Superintendent shall issue to the employee appropriate warrants for payment of wages, the continuation of health and welfare benefits, and/or leave benefits, and shall deduct normal retirement and other authorized contributions.

Final allowance for permanent industrial disability settlements shall not be subject to remittance to the County Office under this rule. Eligibility for purposes of accruing vacation and sick leave will be suspended during disability leaves without pay. (Revised 9/26/11)
L. Any accrued, unused sick leave at the time of retirement will be reported to the Public Employees Retirement System (PERS) for the employee to receive additional service credits. (Revised 1/23/06 & 5/24/11)

M. Transfer of Sick Leave
Any classified employee of another school district, county superintendent’s office, community college, or other public school agency deemed a school district by the State of California for one year or more, who has not terminated from that agency for cause, who accepts employment with the County Office within one (1) calendar year from the date of termination of employment with the other agency shall be allowed to transfer his/her accumulated sick leave from that agency to the County Office. In order to effectuate the transfer of the accumulated sick leave, the newly hired employee shall provide the name of the school agency and the approximate dates of service to the Human Resources Office assist in to securing the necessary information from the former school agency to complete the transfer. (Revised 5/24/11)

N. If, after the exhaustion of all sick leave and additional leave, paid or unpaid, granted under these Rules, the employee is still unable to assume the duties of his/her position, s/he will be placed on a reemployment list for a period of thirty-nine (39) months in the same manner as if s/he were laid off for lack of work or lack of funds. (Revised 1/23/06)

O. Personal Necessity (E.C. Section 45207)
1. In any one (1) fiscal year a classified employee may elect to use, not to exceed seven (7) days, sick leave which has been earned, pursuant to Education Code Section 45191, for personal necessities which fall in the following categories: (Revised 1/23/06)
   a. Bereavement leave, which may be necessary beyond that authorized in Rule 70.400.7.
   b. Accident involving his/her person or property, or the person or property of a member of his/her immediate family.
   c. Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction, and for which no other leave is provided for in these Rules.
   d. Death or illness of children, spouse, and/or members of the immediate family. (Revised 1/23/06)
   e. Required medical appointments for children or other family members in the household.
2. Immediate family as used in this section shall have the same meaning as provided in Section 70.400.7.
3. Personal Necessity Leave is noncumulative. Employees are limited in each fiscal year to the amount of usage outlined in these rules. (Revised 5/24/11)
Industrial Accident/Illness Leave (Revised 12/19/16)

In the case of an industrial accident, injury, or illness the employee shall report the incident before the end of the workday in which the injury occurred. All injuries or accidents not reported the same day require justification for the delay.

A. Leaves resulting from an industrial accident, injury, or illness shall be granted in accordance with the provisions of Education Code Sections 44043, 45192 and this rule.

B. An employee in the classified service, who is absent from duty because of an accident, injury, or illness defined as industrial under provisions of the Workers' Compensation Insurance Law, shall be granted paid Industrial Accident/Illness Leave for each such accident, injury, or illness while receiving temporary disability benefits from Workers' Compensation, provided that:

1. S/he has probationary or regular status.

2. In the opinion of the County Office of Education’s insurance carrier, Redwood Empire Schools Insurance Group (RESIG) the accident, injury, or illness constitutes an industrial accident/illness, or, if contested, it is ultimately determined to be work-related.

Sonoma County Office of Education employees who have experienced a work-related injury and are absent from work due to the accident, injury, or illness shall be entitled to Industrial Accident/Illness Leave as set forth in the following conditions and regulations:

A. Industrial Accident/Illness Leave shall be for a maximum of 60 days for each accident, injury, or illness. Eligibility for Industrial Accident/Illness Leave shall continue for only such period as the employee qualifies under the workers’ compensation laws.

B. Allowable Industrial Accident/Illness Leave shall not accumulate from year to year; nor from one accident/illness to another.

C. Industrial Accident/Illness Leave shall commence on the first day of absence. Absences in relation to the employee’s work-related injury that are supported by a physician’s authorization, i.e., work status report, and which are verified by the County Office of Education’s insurance carrier, Redwood Empire Schools Insurance Group (RESIG), as qualified for workers' compensation are absences payable under Industrial Accident/Illness Leave.

If RESIG should place a workers’ compensation claim on a “delay status”, the employee’s absence will be charged to the employee’s personal leave account i.e., (sick leave) until the claim is accepted or denied. If the claim is accepted, any personal leave that was used during the delay period will be reversed and the absence will be charged to Industrial Accident/Illness Leave (workers’ compensation). If the claim is denied by RESIG, the employee’s absence will continue to be deducted from personal leave time.
D. Employees who are absent from work on account of an Industrial Accident/Illness Leave shall receive wages, that when combined with the temporary disability indemnity award made under workers’ compensation, shall not exceed his/her normal wages.

E. Industrial Accident/Illness Leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award made under workers’ compensation. But, as in the case of an employee being returned to modified duty where his/her workday hours are temporarily reduced (modified), Industrial Accident/Illness Leave shall be pro-rated and will be reduced only by a portion of one day for each portion of one day of authorized absence.

Employees shall also be allowed to use their 60 days of Industrial Accident/Illness Leave on a pro-rated basis for medical appointments related to an active workers’ compensation claim. Any time used for such purposes shall be charged against the employee’s 60-day Industrial Accident/Illness Leave allowance at a proration of 60 minutes in 15-minute increments. This same formula shall be used to determine the percentage of a day to be counted if a classified employee is using his/her 60-day Industrial Accident/Illness Leave allowance or personal leave. Within one week of the medical appointment, the employee must submit to the Human Resources, Senior Administrative Assistant, written verification, i.e., a work status report, from his/her treating physician stating that the appointment is related to his/her active workers’ compensation claim for it to be counted as Industrial Accident/Illness Leave.

F. When an Industrial Accident/Illness Leave overlaps into the next fiscal year, the employee is entitled to only the remaining amount of his/her unused 60-day leave for the same illness or injury.

Upon expiration of the allowable 60-day leave for an industrial accident or illness, the employee may use personal illness and injury leave. If the employee continues to receive temporary disability indemnity, he/she may elect to take as much of the accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than the employee’s full salary. (Education Code 45192)

G. The 60-day Industrial Accident/Illness Leave is part of a 5-month differential leave that is available to classified employees (70.400.5E). Upon exhaustion of the 60 days the employee’s entitlement leave, i.e., sick leave, accrued vacation, earned compensatory time, other earned paid leave, i.e. floating holiday, will then be used for the remainder of the 5-month differential leave.

If the employee’s entitlement leave is exhausted prior to the expiration of the 5-month differential leave the employee will be entitled to substitute differential pay for the remainder of the leave.

If the employee continues to receive a temporary disability indemnity award, only the portion of entitlement leave or substitute differential shall be used which, when added to his/her temporary disability indemnity award, will result in a payment to the
employee of not more than the employee's full day's wage or salary. (Education Codes 45191, 45192, 45196)

H. After the expiration of all paid leave privileges, the employee may request that the appointing authority place the employee on an Industrial Accident/Illness Leave without pay. The total time of all leave benefits provided under this rule, including unpaid Industrial Accident/Illness Leave, shall not exceed thirty-six (36) months for any one (1) industrial accident/illness.

I. When all paid or unpaid leaves of absence have been exhausted and an employee is still unable to assume the duties of his/her position, the employee's name shall be placed on the reemployment list for the class from which s/he was on leave, for a period not to exceed thirty-nine (39) months.

(1) Those employees who have been placed on the thirty-nine month reemployment list after the exhaustion of their paid industrial accident/illness leave shall receive up to three (3) months health benefits with the County Office advancing the full premium for those former employees, as long as they were enrolled in SCOE’s medical benefits at the time of placement. Such payment of premium will terminate if the former employee secures other employment that provides health insurance coverage. If the former employee does not return to employment with SCOE for six months or more, SCOE will not collect the employee’s share of the premium for the three months the premium was advanced. If the employee does return to employment with SCOE within six months of the separation date, the County Office will collect the employee’s share of the premiums that were advanced pursuant to this section. The employee may request a time period of up to nine months for collection of the employee’s share of the premium. (Adopted 7/20/15)

(2) Once the County Office stops making its contribution, the former employee is entitled to participate in benefits at the former employee's own expense under the COBRA time period for continuation of benefits. (Adopted 7/20/15)

J. In accordance with Government Code 21153, if it is believed that an employee is disabled the County Office, prior to placing the employee on the thirty-nine (39) month reemployment list, must apply for PERS disability for the employee unless the employee waives, in writing, his/her right to disability retirement and elects to either withdraw contributions or leave them in the fund with rights to PERS service retirement. If PERS retires the employee, his/her employment with the County Office is ended as of the date of retirement.
K. An employee shall be permitted to return to service at any time prior to the expiration of the thirty-nine (39) months only upon presentation of a release from his/her treating physician. The release shall certify that the employee is able to return to his/her position without restrictions or limitations. If the medical release limits the work activities of the employee, the County Office shall determine if a reasonable accommodation can be made. The employee shall not return to work until such determination is made.

The employee shall be reemployed in the first vacancy in the classification of his/her previous assignment. The employee shall have preference over all other applicants except those laid off for lack of work/lack of funds, in which case they are ranked according to seniority. Upon resumption of duties, the break in service shall be disregarded and employee fully restored with permanent status. (Education Code 45195)

An employee who fails to accept an appropriate assignment, after being medically approved therefor, shall be removed from the thirty-nine (39) month reemployment list. Appropriate assignment is defined as an assignment to the employee's former class, in his/her former status and time basis, and in assignment areas in which the employee has made himself/herself available. Employees removed from a reemployment list under this Rule may appeal the removal to the Personnel Commission.

L. A regular employee's salary is computed on the basis of the number of hours and days in his/her basic daily assignment. An employee who is not fulltime shall have his/her regular salary computed on the basis of the average number of hours worked each month in which the employee was in paid status during the preceding year.

The Superintendent shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary, and/or leave benefits, and shall deduct normal retirement and other authorized contributions.

Final allowance for permanent industrial disability settlements shall not be subject to remittance to the County Office under this rule. Eligibility for purposes of accruing vacation and sick leave will be suspended during disability leaves without pay.

70.400.7 Bereavement Leave (E.C. Section 45194)
(Revised 1/23/06)

A regular employee shall receive necessary leave of absence with full pay, not to exceed three (3) days, or five (5) days if out-of-state travel is required, unless otherwise provided in the collective bargaining agreement, in the event of death of spouse, son, son-in-law, daughter, daughter-in-law, brother, sister, or grandchild of the employee, and the mother, father, grandmother, grandfather of the employee or of the spouse of the employee, or any relative living in the immediate household of the employee, or anyone who, over a period of time, has held the place of such a member.
If needed, additional absence without loss of salary will be allowed in accordance with Section 70.400.5 O. If additional time is needed, the employee may request the use of accrued vacation time or compensatory leave time.

A regular employee may receive time up to one (1) day with full pay to attend the funeral of a close personal friend. A "close personal friend" is defined as a person known personally by the employee, and with whom the employee has had a close relationship for an extended period of time. "Close personal friend" does not include pets or relatives of close friends.

70.400.8 Jury Duty and Witness Leave
A. Leave of absence for jury service shall be granted to any classified employees who have been officially summoned to jury duty in local, State, or Federal court. Leave shall be granted for the period of the jury service.

The employee shall receive full pay while on leave, provided that the jury service fee, if any, for such leave is assigned to and the subpoena or court certification is filed with the Superintendent. Request for jury service leave should be made by presenting the official court summons for jury service to the Assistant Superintendent of Human Resources. (Revised 1/23/06)

B. Leave of absence to serve as a witness in a court case shall be granted an employee when s/he has been served a subpoena to appear as a witness, not as the litigant, in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided that the witness fee for such leave is assigned to and the subpoena or court certification is filed with the Superintendent. Request for leave of absence to serve as a witness should be made by presenting the official court summons to the Department Head.

C. The jury service fee and witness fee referred to in A and B, respectively, do not include reimbursement for transportation expenses.

D. An employee who has received a leave of absence under this rule shall make himself/herself available for work during hours when his/her presence is not required in court. (Revised 1/23/06)

E. In order for a paid leave to be granted as provided above, the employee must submit an official acknowledgement of service to Human Resources. (Revised 5/24/11)

70.400.9 Absence for Examination
Every employee in the classified service shall be permitted to be absent from his/her duties during working hours in order to take an examination for promotion in the Sonoma County Office of Education without deduction of pay or other penalty, provided that s/he gives two (2) days' notice to his/her immediate supervisor.
**70.400.10 Military Leave**
(Also see Superintendent Policy 4615 and 70.400.11 Leave Without Pay)
Military Leave of Absence shall be granted and compensated in accordance with the Education Code and Military and Veterans Code Sections 389 and 395. (Revised 5/24/11)

A. Active Duty
A regular classified employee, who has worked for the County Office for at least 12 months, and who, under official orders is called to active duty in the Armed Services of the United States, including the Coast Guard, shall be granted military leave of absence for the period of service. An employee called to active duty as described above shall be granted full pay for the first thirty (30) calendar days of active duty. The County Office’s contribution towards benefits will continue for up to 12 weeks under family medical leave. After the County Office’s contribution ends, the employee on leave may continue the benefits at his/her own expense for up to 24 additional months or until such military leave ends, whichever occurs first. (Adopted 5/24/11)

B. Reserves
A regular classified employee, who has been an employee of the County Office for at least 12 months and who is a member of the reserve components of the armed forces, including the Air/Army National Guard of the United States, and who must be absent due to training or exercises, shall be granted a temporary unpaid military leave of absence for the first 180 days of training or exercises. A reservist called to active duty and deployment will receive military leave as described in A. above. (Adopted 5/24/11)

C. Official Order/Letter
In order for a paid leave to be granted as provided in the above sections, the employee shall submit a copy of his/her official orders/letter to Human Resources and his/her supervisor. The orders/letter must contain the date the employee is to report for active service or active reserve duty, and the projected duration of such service. (Adopted 5/24/11)

D. Return from Military Leave
Upon return from military leave the employee must report to work within 30 days of this/her last day of service and the employee shall be reinstated to his/her regular position or an equal position in the same class. If the class has been eliminated, the employee will have the same rights as a laid off employee and time during an approved military leave will count towards the seniority in the class the employee occupied before the leave. (Adopted 5/24/11)

**70.400.11 Leave of Absence Without Pay**
A. Leave of absence without pay may be granted to a regular classified employee, upon the written request of the employee and the approval of the Superintendent or his/her designated representative, subject to the following restrictions:

1. Leave of absence without pay may be granted for any period not exceeding one (1) year, except that leave of absence for military service shall be granted, as provided by the Education Code and the Military and Veterans Code, and leave of absence for service in the Peace Corps, or the Red Cross, or Merchant Marine during time of national emergency may be granted for a period not to exceed twenty-four (24) months; and
a. The granting of a leave of absence without pay gives to the employee the right to return to his/her position at the expiration of his/her leave of absence, provided that s/he is physically and legally capable of performing the duties.

b. The position may be filled only for the duration of the leave, and the employee so assigned must be released or reassigned upon completion of the leave and return of the regular employee.

C. The Superintendent, as ex officio Secretary for the Board of Education, may, for good cause, cancel any leave of absence by giving the absent employee due notification. The employee may appeal the cancellation to the Personnel Commission, which shall investigate and hear the appeal. The appeal by the employee will stay the cancellation directive of the Superintendent until action by the Personnel Commission, which shall be final and binding.

D. An employee may make a written request to the Superintendent, as ex officio Secretary for the Board of Education, to return to work prior to the expiration date of the leave. The Superintendent may approve or reject the request.

E. Failure to Return:
Failure to report for duty within five (5) working days after a leave has been canceled or expires shall be considered abandonment of the position, and the employee may be terminated by the Superintendent, as ex officio Secretary for the Board of Education. The termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause. This provision is not applicable to military leave.

F. If an employee cannot be placed in a vacant position in his/her class upon return from leave of absence, s/he shall have bumping and reemployment rights, in accordance with his/her seniority, in the same manner as if s/he had been laid off for lack of work or lack of funds on the date his/her leave expired.

70.400.12 Family Medical Care Leave
A. “Serious Health Condition” is defined as an illness, injury, impairment or physical condition or mental condition which warrants or requires the participation of the employee in providing necessary care or supervising the person receiving care during periods of treatment, when such care is being provided in either (1) inpatient care in a hospital, hospice, or residential health care facility, or (2) continuing supervision of person receiving medical treatment under the direction of a health care provider. (Adopted 5/24/11)

B. Employees who qualify are entitled to use Family Medical Leave Act (FMLA) leave or California Family Rights Act (CFRA) leave for a maximum of twelve weeks during a twelve-month period for the birth or adoption of a child, for the employee’s own serious health condition, or to care for a parent, spouse, domestic partner, or child with a serious health condition. As applied in regard to CFRA and FMLA, “child” shall mean the biological, adopted or foster child, stepchild or legal ward of the employee under the age of 18, or over 18 if the child is incapable of self-care because of mental or physical disability. (Added 12/15/08 & revised 5/24/11)
C. To qualify an employee must have rendered one year of continuous service and have worked a minimum of 1250 hours in the twelve months immediately preceding the requested leave. (Added 12/15/08)

D. In submitting a request to care for a child, spouse, domestic partner, or parent who has a serious health condition, the employee must submit a certification from the health care provider, which verifies there is a serious health condition, which requires the presence of the employee to either provide or supervise care of the individual. The County Office may require the employee to submit such certification as a condition for granting the leave requested. The certification shall include the date on which the serious health condition began; the probable duration of the condition and/or need for continued care; an estimate of the amount of time the health care provider believes the employee needs to care for the person requiring such care; a clear statement that the serious health condition warrants the participation of the family member to provide care during a period of treatment or to provide supervision of the person requiring care. When the time estimated by the health care provider expires, in the event that additional time is needed, the employee may provide a new or revised certification from the health care provider with revised information. (Adopted 5/24/11)

E. As a part of the approved leave the employee may elect or may be required by the County Office to use his/her accrued vacation time or other available paid or unpaid leave time. (Adopted 5/24/11)

F. The employee shall retain his/her status during FMLA or CRFA leave, and the leave shall not constitute a break in service for purposes of years of service, seniority, or any employee benefit plan. (Adopted 5/24/11, Revised 2/23/15)

G. Granting of this leave allows the qualified employee to return to the same or an equivalent position as the one held at the start of the leave, and to maintain health insurance under the County Office’s policy during twelve weeks unpaid leave as long as the employee pays the employee’s portion of the cost. (Added 12/15/08)

H. CFRA and/or FMLA leave taken for the birth, adoption, or foster care placement of a child must be completed within one year of the qualifying event. If both parents are eligible for CFRA leave but both are employed by the County Office, the leave will be limited to twelve weeks between the two parents. (Added 12/15/08)

I. Employees are required to give thirty days notice in advance of the need to take this leave when the need is known in advance. When the need for leave is unforeseen, the employee must provide as much notice as is practicable. (Added 12/15/08)

J. FMLA leave will be available for qualifying employees to care for a family member who is an injured service member and is undergoing medical treatment, recuperation, or therapy, is an outpatient of a military medical facility or care unit, for a serious injury or illness incurred in the line of duty during active duty. The qualifying employee may be the spouse, son, daughter, parent or next of kin of the service member of the Armed Forces, National Guard or Reserves. This leave is for as much as 26 weeks during a 12-month period. (Added 12/15/08)
K. FMLA leave will be available for qualifying employees who are family members of active-duty National Guard and Reserves members for any qualifying exigency arising out of the fact that the family member is on active duty or called to active duty status in support of a contingency operation. This 12-week leave in a 12-month period may be taken for qualifying exigencies which include: Short-notice deployment; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; and additional activities not encompassed in other categories but agree to by both the employer and employee. (Added 12/15/08)

L. CFRA and/or FMLA leave will commence after exhaustion of other paid sick leave benefits to which the employee is otherwise entitled assuming the employee meets the qualifying conditions noted above. CFRA and FMLA leave shall run concurrently, not consecutively. (Added 12/15/08)

M. CFRA and/or FMLA leave may be taken intermittently for medical treatment of the employee or employee’s child, spouse, or parent. The employee must make a reasonable effort to schedule the treatment to avoid undue disruption to the County Office’s operations. (Added 12/15/08)

70.400.13 Maternity Leave
Disabilities caused or contributed to by pregnancy, miscarriage, childbirth, or recovery therefrom shall be treated on the same terms and conditions as leaves for illness, injury, or disability. The length of the leave of absence, including the date on which the leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee's physician. (Ed Code 45193) (Revised 1/23/06)

Prior to the eighth month of pregnancy, the employee shall provide the County Office a medical certificate stating the last date on which she will be able to work. (Adopted 5/24/11)

Prior to returning to work from maternity leave, the employee shall provide the County Office with a medical release from the treating physician to return to work without limitations. If the release to return to work includes restrictions, the Assistant Superintendent of Human Resources will meet with the employee to determine if the restrictions can be accommodated. In addition, the County Office may require the employee to be examined by a physician selected by the County Office to confirm the employees’ ability to perform her job duties. (Adopted 5/24/11)

70.400.14 Leave Reporting
A. Each Department Head shall promptly furnish the Assistant Superintendent of Human Resources with a report of each approved leave in his/her Department. The Assistant Superintendent of Human Resources shall maintain a confidential record of all leave taken and the leave balances accumulated by each employee. (Revised 1/23/06)

B. Thirty (30) minutes is the minimum amount of time that will be reported and recorded for any absence.

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C. Absences from work required in order to have fingerprints recorded and physical examinations for employment purposes, written or oral examinations or tests, appointments, and interviews which may serve to advance the employee's status or position within the County School system, will not be chargeable against accrued leave.

D. Absences from work required in order for employees to meet doctor or dentist appointment will be reported and charged against employee's accrued sick leave total.

E. New employees appointed on a provisional or probationary basis will have vacation and sick leave credited from the original date of their first such appointment, whenever the employees continue without a break in the service and subsequently receives a permanent appointment.

F. Every absence of each employee shall be reported and recorded in a manner prescribed by the Assistant Superintendent of Human Resources. (Revised 1/23/06)

70.400.15 Medical or Psychological Exam

The County Office shall have the right to have an employee examined by a state-licensed physician, at County Office expense, whenever there is a question as to the employee’s physical, mental, or emotional ability to perform the duties and/or responsibilities of his/her position, regardless of whether or not the employee has claimed or received paid benefits under the provisions of these rules. (Adopted 5/24/11)

A. Return to Work After Illness or Disability

When an employee is absent due to illness or disability, the Superintendent may require that the employee pass a medical examination prior to his/her return to work. Failure to pass such examination shall result, after expiration of the employee's accumulated sick leave, in further leave with pay; leave without pay; and/or separation of the employee, as may be authorized in accordance with these Rules.

An employee who is off work, due to his/her own illness or injury, for more than five days the employee must be cleared by Human Resources to return to work. The employee must submit a release to return to work, indicating any restrictions, signed and dated by his/her health care provider to Human Resources. (Revised 1/23/06)

B. Release Without Restrictions

If the release to return to work contains no restrictions, Human Resources will notify the employee that he/she is cleared to return to work. (Adopted 1/23/06)

C. Release With Restrictions

If the work release includes restrictions, Human Resources will work with the department to determine whether or not the employee can perform the essential functions of the position and if the restrictions can be accommodated. If a determination is made that the employee can perform the essential functions and the restrictions can be accommodated, Human Resources will clear the employee to return to work. (Adopted 1/23/06)

D. If Human Resources and the department determine that the employee cannot perform the essential functions, and/or the restrictions cannot be accommodated, Human Resources will notify the employee and schedule a meeting to explore the employees' options. (Adopted 1/23/06)
70.400.16  **Absence Due to Epidemics or Emergencies**

An employee shall be paid his/her regular salary for any period during which the employee’s place of employment is closed due to quarantine, epidemic, or other conditions that may directly affect the health and safety of the employee; provided the employee is ready, willing, and able to work and perform his/her customary or other reasonable and suitable duties – including serving as a disaster service worker during a man-made or natural disaster. During such times the County Office shall make every effort to assign the employee to another work location. (Revised 8/22/11)

As determined under 70.400.5A, the employee shall be required to use sick leave if his/her health is directly affected, and the employee is physically or mentally unable to work due to exposure to a contagious disease or legally established quarantine. (Adopted 8/22/11)

70.400.17  **Time Off to Vote**

The County Office wants its employees to become registered voters and to exercise the right to vote, and encourages all of its employees to do so. If an employee does not have sufficient time outside of his/her working hours within which to vote at any general, direct primary or local election, the employee may, without loss of pay, request time off, which when added to his voting time outside of working hours, will enable the employee to vote. Such time will not exceed two hours, and shall not be used for any purpose other than voting. To ensure compliance with this requirement, proof of voting may be required.

Except in case of emergency, an employee requesting time off for voting shall provide his/her supervisor with at least 48 hours advanced notice of the need for time off and the amount of time needed. (Adopted 5/24/11)

70.500  **PAYMENT OF EMPLOYEES** *(E.C. Section 45166)*

**70.500.1  Time and Manner of Payment**

A. Regular Payroll: Each regular full-time employee shall be paid once per month normally on the last working day of that month. (Revised 7/25/11)

B. Supplementary Payroll: Each emergency, limited-term, and hourly employee shall be paid once per month on a supplementary payroll on the workday closest to the tenth day of the following month. (Revised 7/25/11)

**70.500.2  Approval of Payrolls** *(E.C. Section 45310)*

(Revised 3/27/06)

A. The Assistant Superintendent of Human Resources shall cause each payroll to be compared with the central roster of employees and positions to confirm the following data:

1. Each employee's name, class, and rate of pay;

2. The time worked by each employee;

3. The proper appointment of each employee in the position in which s/he is to receive pay.
B. He/she shall promptly report any discrepancy to the Superintendent, who shall withhold payment to the employee concerned, until a correct payroll, which includes such employee, has been approved by the Assistant Superintendent of Human Resources. (Revised 3/27/06)

C. The Assistant Superintendent of Human Resources shall approve each payroll change, causing his/her signature to be affixed thereto, thereby approving payment to each employee included thereon, for whom s/he has confirmed the data enumerated in this section. (Revised 3/27/06)

D. Whenever, after his/her approval of any payroll, the Assistant Superintendent of Human Resources shall learn of any unreported discrepancy or of a separation, an absence, or other information which would reduce the amount to be paid any employee, s/he shall immediately so inform the Superintendent, who will, wherever possible, withhold payment to the employee concerned until a correct payroll, which includes such employee, has been approved by the Assistant Superintendent of Human Resources. (Revised 3/27/06)

70.500.3 Official Roster
The Assistant Superintendent of Human Resources shall maintain in his/her office an official roster containing the names and complete employment records of all employees holding positions under the provisions of the Act. (Revised 3/27/06)

70.600 BENEFITS FOR REGULARLY EMPLOYED PART-TIME EMPLOYEES

A. Except as provided in represented employee contracts, benefits for persons employed less than full-time are to be provided as authorized in Education Code Sections 45136, 45137, and 45197. (Revised 4/24/0)

B. Sick leave and all other benefits accorded members of the classified service are to be prorated on the basis of assigned hours worked per day as it bears to eight (8) hours, forty (40) hours per week, weeks per month, or months to a calendar year.

C. If an employee works thirty (30) minutes or more for twenty (20) consecutive workdays in excess of the assigned time, the assigned time will be adjusted to reflect actual work time and become "assigned time".

D. If rule C. does not apply, but an employee works, on an average, fifty (50) or more minutes per day above the assigned time in any one quarter, s/he shall receive fringe benefits in the following quarter, based on the average actual time worked in the preceding quarter. (Revised 4/24/06)

E. Vacation - unless vacation pay is provided on the basis of actual hours of paid regular service rather than on an assigned time basis, vacation pay shall be granted on the basis of the average number of hours worked in a school year by the part-time employee.
CHAPTER 80 - MISCELLANEOUS PROVISIONS

80.100 PROCEDURE FOR THE ADJUSTMENT OF GRIEVANCES OF CLASSIFIED PERSONNEL
(See also Employee Contracts).

80.100.1 Purpose of the Adjustment Procedure
The adjustment procedure is the medium through which permanent classified employees may seek adjustment of complaints arising out of alleged violations of established Board rules or policies or administrative procedures, working conditions, or job relations, including the complaint of one employee against another employee. Because complaints should be adjusted as promptly as possible, various time limits have been established to minimize delays in the various steps that have been provided. There is an obligation on the part of an aggrieved employee to make known the existence of his/her complaint and the facts pertaining to his complaint within thirty (30) working days of any specific or documented incident, or at the earliest possible date after the recognition of a nonspecific occurrence, so that efforts can be made through the adjustment procedure to resolve differences and to promote harmonious relationships. (Represented employees may want to consult the employee contact for specific grievance procedures under the employee contract.) (Revised 3/27/06)

Matters excluded from the adjustment procedure shall be:

A. Accusatory charges relating to the moral or professional fitness of an employee. Such charges shall be processed by the Board of Education.

B. Matters specifically reserved for action or review by the Personnel Commission under Personnel Commission Rules in effect at the time the events leading to the grievance occurred. Such matters shall be processed through normal channels by the Personnel Commission.

In cases where the Personnel Commission Rule regulates less than the total procedure, the Commission may waive that rule, and thereby provide that the dispute be settled through the administrative procedure.

C. Complaints about the subject matter of a Board Rule or policy or administrative procedure, rather than the administration of the Board Rule or policy or procedure. An employee with such a complaint should direct his/her suggestions for change through administrative channels to the Board or to the administrator who established it.

D. An alleged violation of any provisions of a collective bargaining agreement. Such allegations shall be adjudicated through the provisions contained in the collective bargaining agreement. (Revised 4/25/11)
Steps in the Adjustment Procedure

Time is of the essence in handling any grievance by whatever level of authority the matter is presented. No more than fifteen (15) working days should elapse before the grievant receives a reply of a decision from the individual who has the problem under consideration. The Personnel Commission may require a maximum of thirty (30) days in order to explore all necessary evidence and to interview witnesses.

The timelines listed in this article are maximums, which may only be extended by written mutual agreement of the parties. If the employee fails to meet the deadline(s) in this article, the grievance will not proceed to the next level. Failure by management to respond within the deadlines will move the grievance to the next level in the process. (Revised 4/25/11)

A. Level 1- Informal Discussion (Revised 4/25/11)

Informal discussion between an employee, his/her representative, or a group of employees and the immediate supervisor shall take place to attempt to resolve the problem. The conference shall be confined to the parties immediately concerned. The immediate supervisor shall attempt to hold a meeting with the employee(s) within three (3) working days of the request of the employee for a meeting. The immediate Supervisor shall consider the facts and provide a written decision with supporting reasons within five (5) working days after the meeting. The supervisor shall promptly communicate his/her decision and supporting reasons to the employee(s).

In the event satisfaction between the employee and his immediate supervisor cannot be established, the procedures set forth in Level 2 will govern the action.

The immediate supervisor of an employee is the key individual in handling employee grievances, and should be the first person contacted before further appeal is made, unless s/he is a party to the controversy, in which case an informal discussion with the Department Head, the Assistant Superintendent of Human Resources, or Assistant Superintendent may be held in an attempt to reconcile the differences. (Revised 2/27/06)

B. Level 2 - Formal Written Complaint (Revised 4/25/11)

If successful resolution was not reached at level 1 and the employee chooses to pursue the complaint, the employee must submit the grievance in writing to the immediate supervisor within ten (10) days of the informal step at level 1. The written grievance must be a clear, concise statement of the problem, and include:

1. The merit rule, regulation or policy violated;

2. All relevant evidence and documentation including the level 1 response; and

3. A statement of the specific remedy sought.

The formal written complaint and all attachments will be submitted to the immediate supervisor. The immediate supervisor will meet with the employee to gather additional information, establish facts, and/or explore possible remedies. The supervisor will render a written decision within fifteen (15) days of the original filing of the written grievance or with ten (10) days of the last meeting with the employee(s), whichever is later. (Revised 4/25/11)
C. Level 3 - Assistant Superintendent of Human Resources - HR
In those cases where the supervisor is contacted and does not settle the grievance to the satisfaction of the employee, the employee or his/her representative may then present his/her problem, in writing, to the Assistant Superintendent of Human Resources. The Assistant Superintendent of Human Resources will investigate the case, interview the employee and other interested persons as required, and try to resolve the problem by interpretation and explanation of existing rules and policies.

If the grievance is resolved to the satisfaction of both parties at this point, then the settlement shall be binding upon the employee and the other party. However, if at this point dissatisfaction still persists with either party, the Assistant Superintendent of Human Resources will bring the matter to the attention of the Superintendent for consideration. (Revised 2/27/06)

D. Level 4 – Superintendent/ Personnel Commission
The Superintendent will interview such personnel as s/he desires and make every reasonable attempt to solve the problem to the satisfaction of all concerned. Should the matter still remain unresolved at this point, the Superintendent will refer the matter back to the Assistant Superintendent of Human Resources, who shall then present the matter before the Personnel Commission, which shall hear the grievance and receive all other relative information it deems necessary to arrive at a decision. If the matter falls under the purview of the Merit System Rules, the findings of the Commission shall be binding. (Revised 2/27/06 & 4/25/11)

After a thorough review of the grievance, if the Personnel Commission determines it is a subject that should be placed before the Superintendent, it shall be so referred, in writing, by forwarding all pertinent papers to the Superintendent, and the action of the Superintendent shall then be final. (Revised 4/25/11)

80.200 EMPLOYER-EMPLOYEE RELATIONS

80.200.1 General Provisions
The Board of Education, Superintendent of Schools, agents, and the Personnel Commission, its officers and agents, are governed, as are employees and employee organizations, by the provisions of Chapter 10.7, Division 4, Title 1, Section 3540 of the Government Code.

80.200.2 Strike or Engage in Other Concerted Labor Activity
(Revised 3/27/06)
A. Government Code Section 3549 specifically provides:
"The enactment of this Article shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public School employees."

This section means that public school employees may not strike against the County Office, nor may they engage in other related types of activities in order to attempt to resolve grievances or differences, real or fancied.
B. Any employee or groups of employees, either by their own initiative or through an employee organization, leaving their duty assignment or refusing to perform or failing to report to duty as a result of a strike or other concerted labor activities may be considered as having abandoned their positions and, if dismissed, shall not be eligible for reinstatement or subsequent employment with the Office. The Superintendent may bring charges against any employee or employees for abandonment of position under this rule. (See dismissal rights for appeal process.)

C. Any classified employee who absents himself from duty, for any reason, during the period of an unlawful strike, sit-down, slowdown, or other concerted activities shall be required to provide proper evidence that his/her absence was lawful and in no way an effort on the employee's part to further the strike or concerted activity.

D. Any rule prescribed in this Act which permits personal or illness absences without evidence of necessity is suspended and void during any attempted strike or other concerted labor activity against the Office.

80.300 POLITICAL ACTIVITY

80.300.1 Intent
It is the Commission's intent and purpose in enacting these Rules to allow employees their lawful privilege of political freedom and activity, but to insure that political activities are not engaged in during normal duty hours and normal duty assignments. The office has a reasonable obligation to make certain that personnel are aware of their political rights and can exercise those rights, but at the same time to insure that its employees do not wrongfully use their duty hours or office facilities for political purposes. (Revised 2/27/06, numbering change only)

80.300.2 Political Activity Freedom
Every classified employee may, during off-duty hours, participate in political activities not specifically prohibited by the Education Code. (Revised 2/27/06) (See Education Code Sections 7050-7058.)

80.300.3 Cause for Disciplinary Action
Any employee may be disciplined for improper political activity. Improper political activity includes:

A. The use of any Office property, equipment, or facility for any political purpose, unless the use thereof is authorized by law for such purposes, and the employee has obtained prior required approval.

B. The use of any Office property, equipment, or facility for any political purpose or the performance of any political act during regular hours of duty.

C. Engaging in active campaigning on behalf of any candidate, including himself/herself, for public office, whether by speaking, soliciting funds or support, distributing handbills, or otherwise, during his/her assigned hours of employment, including paid break time. (Revised 7/25/11)
D. Attempting to gain any advancement or privilege under the Act or these Rules through political activity.

80.300.4 Personal Candidacy
Any employee may be a candidate for any political office for which s/he may file, without suffering any loss of employment status in the office, unless s/he violates the provisions of Rule 80.300.3, and except as provided for in Rule 80.300.5 B.

80.300.5 Leave of Absence
A. An employee who files for a political office may request, and shall be granted, an unpaid leave of absence, which shall commence not earlier than one (1) month prior to the concerned election and continue until the election processes have been completed, insofar as his/her candidacy is concerned.

B. Such leave is required if the employee is a candidate for election to the Governing Board.

80.300.6 Election to a Political Office
An employee who is elected to a political office, the duties of which will clearly conflict with his/her normal duty hours and assignment with the office, may request, and shall be granted, an unpaid leave of absence, which shall commence on the date s/he assumes the office and shall terminate not later than thirty (30) days after his/her last day in the elected office. Reelection to the same office or election to a different office, which provides reasonable continuity of elected public service, shall cause extension of the approved leave.

An employee granted a leave under this rule may be used as a substitute employee during the period of the leave. S/he will be placed on (an) appropriate employment list(s), and notified that s/he may be offered limited-term employment. (Revised 7/25/11)

80.400 EMPLOYEE PERSONNEL FILES
(Revised 4/25/11)
(Represented employees should refer to their contract.)

80.400.1 Maintenance of File
Personnel files will be kept in the Human Resources Department.

80.400.2 Availability of Personnel File (Ed. Code 45260, 45261, 44031)
A. Any member of the classified service may, by his/her request, inspect his/her personnel file maintained in the Human Resources Department. An employee shall have access to all material in his/her personnel file, except that such materials subject to inspection shall not include confidential ratings, reports or records which were: (Revised 4/25/11)

1. Obtained prior to the person’s employment.

2. Prepared by identifiable examination committee members.

3. Obtained in connection with a promotional exam. (Revised 4/25/11)

The personnel file shall not be altered, tampered with, or removed from the Human Resources Department by the employee. (Revised 4/25/11)
B. All information in an employee's personnel file is confidential and shall only be used for official County Office business. Such information shall only be disclosed to County Office staff who have a business need to know such information or when authorized in writing by the employee. Information in an employee's personnel file shall not be disclosed to anyone outside the County Office other than as required by law or when authorized in writing by the employee. (Adopted 2/27/06 & revised 4/25/11)

C. Inspection By Others
Only those persons with a “need to know” or “right to know” may access an employee’s personnel file. An employee may authorize in writing, a representative to review their file. (Revised 4/25/11)

80.400.3 Personnel File Log Maintained
The Human Resources department shall keep a log indicating the persons who have examined a personnel file as well as the date such examinations were made. Such log and the employee’s personnel file shall be available for inspection by the employee or the employee’s official representative (with written authorization from the employee). County Office employees who need access to personnel files in the normal course of their duties shall not be required to log use of files. (Example: Human Resources staff members placing correspondence or completed evaluation forms in an employee’s personnel file would not be required to log use of the files). (Revised 4/25/11)

80.400.4 Derogatory Materials (Ed. Code 44031, 45260, 45261)
A. Placement of Derogatory Material in File
Information of a derogatory nature, shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. Such review shall take place during normal business hours and without loss of pay to the employee. The affected employee shall be furnished with a copy of the proposed material ten (10) working days prior to it being placed in that employee’s official personnel file. (Revised 4/25/11)

B. Response to Derogatory Materials
An employee shall have the right to enter, and have attached to any such derogatory statement, his/her own comments thereon so long as the response is received within 10 working days of the employee’s receipt of the material. (Revised 4/25/11)

80.400.5 Removal of Derogatory Material
If the Commission sustains a grievance that the procedures contained in 80.400.4 were not followed, the derogatory material shall be removed from the employee’s personnel file. In no other instance shall derogatory information be removed from the personnel file. At the point that any grievance is not sustained by the Commission or the time period for filing a grievance related to derogatory information has passed without the filing of a grievance, the derogatory material shall be considered a Permanent Record, and shall not be removed.
80.500 VIOLATIONS (E.C. SECTION 45317)
Any person who willfully or through culpable negligence violates any of the provisions of the Education Code (commencing at Section 45240) is guilty of a misdemeanor.

It is also unlawful for any person:

A. Willfully, by himself/herself or in cooperation with another person, to defeat, deceive, or obstruct any person with respect to his/her right of examination, application, or employment under the Merit System, Education Code or the rules and regulations of the Personnel Commission. (Revised 2/27/06 & 4/25/11)

B. Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under the Merit System, Education Code or the rules and regulations of the Personnel Commission, or to aid in so doing, or make any false representation concerning the same or the person examined; (Revised 4/25/11)

C. Willfully to furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined or to be examined under the Merit System, Education Code or the rules and regulations of the Personnel Commission. (Revised 4/25/11)
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