

Regular Meeting

Wednesday, December 9, 2015

4:00 p.m. – Closed Session – Conference Room E

5:00 p.m. – Public Session – Conference Room A

**District Office
North Facility
1400 E. Janss Road
Thousand Oaks, CA 91362**

I. CLOSED SESSION

- 1.1 Call to Order: Closed session called to order by _____ at _____ pm
- 1.2 Public Employee Performance Evaluation, pursuant to Government Code Section 54957
Title: Director, Classified Personnel
- 1.3 ADJOURN: Closed session at _____ p.m.

II. OPENING PROVISIONS

- 2.1 Call to Order: Open session called to order by _____ at _____ pm
- 2.2 Pledge of Allegiance
- 2.3 Roll Call of Members:
____ Nina Brandt, Chairperson; ____ Nathan Harimoto, Vice-Chairperson; ____, Rose Jeffery, Member
- 2.4 REPORT on actions taken in closed session: _____
- 2.5 Personnel Commission Reorganization, 12/2015 – 11/2016
Chairperson _____ **Discussion/Action: M ___ S ___ Vote ___**
Vice-Chairperson _____ **Discussion/Action: M ___ S ___ Vote ___**

III. GENERAL INFORMATION

- 3.1 Request for APPROVAL of the agenda for the regular Personnel Commission meeting on December 9, 2015, as *submitted or amended*.
Discussion/Action: M ___ S ___ Vote ___
- 3.2 Request for approval of the official minutes for the regular meeting of November 10, 2015, as *submitted or amended*.
Discussion/Action: M ___ S ___ Vote ___
- 3.5 HEAR Reports / Announcements
 - A. Director, Classified Personnel
 - B. Assistant Superintendent, Personnel Services
 - C. CSEA Representative
 - D. Commissioners
- 3.6 HEAR Public on items not appearing on the Agenda **Speaker card required*

IV. CONTINUOUS BUSINESS

- 4.1 Request for APPROVAL of the field of competition for active/future recruitments as *submitted or amended*.

Exam #	Recruitment / Examination Title	Field of Competition
15-230-1	Assistant Director, Technology Services	Continuous
15-180-2	Child Nutrition Assistant I	Continuous
15-281-1	Network Engineer	Dual Certification
15-285-1	Paraprofessional	Dual Certification
15-425-1	School Office Manager I	Dual Certification

Discussion/Action: M ___ S ___ Vote ___

4.2 Request for RATIFICATION of the employment eligibility lists as *submitted or amended*.

Exam #	Recruitment / Examination Title
15-182-1	Child Nutrition Assistant-Satellite
15-245-1	Child Nutrition Production Supervisor
15-200-1	Clerk
15-392-1	Early Care Assistant Teacher
15-260-S	Groundskeeper-Substitute
15-300-1	Library Technician
15-292-2	Paraprofessional/Bilingual-Spanish

Discussion/Action: M ___ S ___ Vote ___

V. NEW BUSINESS –ACTION/INFORMATION ITEMS

5.1 PROPOSED MEETING DATES FOR JANUARY – JULY 2016.

Proposed DATES / TIMES		Locations	Confirmed Date/Times
January 13, 2015	4:00 Closed Session 5:00 Open Session	Closed Session TBD Conference Room A	
February 10, 2015	Closed Session TBD 5:00 Open Session	Both – Conf Room A or Board Conference & Conference Room F	
March 9, 2015	Closed Session TBD 5:00 Open Session	Board Conference Room Board Room	
April 13, 2015	Closed Session TBD 5:00 Open Session	Closed Session TBD Conf Room A	
May 11, 2015	Closed Session TBD 5:00 Open Session	Both – Conf Room F	
June 8, 2015	Closed Session TBD 5:00 Open Session	Board Conference Room Board Room	

Discussion/Action: M ___ S ___ Vote ___

5.2 ADVANCE STEP PLACEMENT REQUEST

- A. Request to approve the appointment of Francesca M. Lisi to the position of Child Nutrition Production Supervisor at Range 70-Supervisory (\$19.62-29.10), Step D (\$26.39), on the Classified Supervisory Salary Schedule, upon initial date of hire.

Discussion/Action: M ___ S ___ Vote ___

5.3 DISCUSSION OF PERSONNEL COMMISSION RULES REVISIONS – 1ST READING

- A. Article I – Preamble

The revision would replace the current Article I – Policy Statement.

Pursuant to Government Code 54957.5, a copy of all documents related to any item on this agenda that have been submitted to the Personnel Commission, and that are public record not otherwise exempt from disclosure, will be available at the Classified Personnel Office – 1400 E. Janss Road, Thousand Oaks, CA 91362. Agenda may also be available on the CVUSD website: www.conejousd.org – Departments/Personnel Services/Classified Personnel/Agenda Minutes Reports.

Pursuant to the Federal Americans with Disabilities Act, if you require any special accommodation or assistance to attend or participate in the meeting, please direct your written request, as far in advance of the meeting as possible to the attention of the Director, Classified Personnel.

B. Article II – Rule Making Authority and Definitions

The proposed revision consolidates provisions that are currently encompassed within Article II- General Definitions, and Article IV – Rules.

C. Article III – Personnel Commission Organization and General Provisions

The proposed revision would replace the current Article III – The Personnel Commission and Staff

D. Article IV – Meetings of the Personnel Commission

The proposed revision would replace the current Article V – Personnel Commission Meeting Organization and Procedure

VI. NEXT MEETING

To be announced.

VII. ADJOURNMENT

ADJOURN the regular Personnel Commission meeting at _____.

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**CONEJO VALLEY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION**

MINUTES – NOVEMBER 10, 2015

I. CLOSED SESSION:

1.1 Call to Order

The Conejo Valley Unified School District Personnel Commission Chairperson, Mrs. Nina Brandt, called to order its regular meeting on November 10, 2015, in the District Board Conference Room, at 3:59 pm. The Commission then convened into closed session pursuant to Government Code 54957.

1.2 Public Employee Performance Evaluation, pursuant to Government Code Section 54957.
Title: Director, Classified Personnel

1.3 Mrs. Brandt adjourned Closed Session at 5:05 pm.

II. OPENING PROVISIONS – OPEN SESSION:

2.1 Call to Order

The Conejo Valley Unified School District Personnel met in Regular Session on November 10, 2015, in the District Board Room A. The meeting was called to order at 5:05 pm by Chairperson, Mrs. Nina Brandt.

2.2 Pledge of Allegiance

Mrs. Brandt led the Pledge of Allegiance.

2.3 Roll Call of Members

Present were Personnel Commissioners: Mrs. Nina Brandt, Chairperson, Mr. Nathan Harimoto, Vice-Chairperson, and Mrs. Rose Jeffery, Member. Ms. Marina Mihalevsky, Director, Classified Personnel was also present.

2.4 Actions Taken in Closed Session

None.

III. GENERAL INFORMATION:

3.1 Agenda Approval

On the motion of Mr. Harimoto, seconded by Mrs. Jeffery, and unanimously carried 3-0, the Commission approved the agenda for the meeting on November 10, 2015, as submitted.

3.2 Approval of Minutes

On the motion of Mrs. Jeffery, seconded by Mr. Harimoto, and unanimously carried 3-0, the Commission approved the minutes for the meeting on October 21, 2015, as submitted.

3.3 Reports/Announcements

A. Director, Classified Personnel, Marina Mihalevsky, provided updates on ongoing and future recruitments, addressing job classes where recruitment difficulties have been encountered. Ms. Mihalevsky let the Commissioners know of the various mandatory training that have to be rolled out to the employees, including Sexual Molestation and Mandated Reporter. Mrs. Mihalevsky let the Commissioners know that Carol Magno (HR Specialist) is out on FMLA and Lee Quiroz (HR Technician) has agreed to work out of class to help with administrating selection and recruitment.

B. Assistant Superintendent, Personnel Services, Mark McLaughlin, reported that the District is in the midst of negotiations with the bargaining groups. He mentioned that many surrounding districts have already reached agreements with their unions.

C. CSEA Representative, Mr. Matt Waldman, not present.

D. Commissioners, Mrs. Jeffery asked if there was any updates on the reclassification committee. Mrs. Mihalevsky explained she presented all the information at labor communications and the new Labor Rep wanted to contemplate the request filing period concept, he was not familiar with that rule. Mrs. Brandt asked what the Labor Reps feelings about the Reclassification Committee and how often they should meet. Mrs.

Mihalevsky stated that she wasn't sure whether the Labor Rep had much familiarity with the workings of Reclassification Committee's as he comes from LAUSD. Mrs. Mihalevsky pointed out that the Reclassification Committee is a district committee and that the Commissioners would need to take direction from Mark McLaughlin as to what is an appropriate number of yearly meetings to hold.

3.4 Public Comments – Speaker Card Required

No comments

IV. CONTINUING BUSINESS:

4.1 Active/Future Recruitments

On the motion of Mr. Harimoto, seconded by Mrs. Jeffery, and unanimously carried 3-0, the Commission approved the field of competition for the active/future recruitments submitted on the meeting agenda.

4.2 Ratification of Eligibility Lists

On the motion of Mrs. Jeffery, seconded by Mr. Harimoto, and unanimously carried 3-0, the Commission ratified the employment eligibility lists on the meeting agenda.

V. NEW BUSINESS

5.1 Job Specification Revision – Change in Title

Request for APPROVAL to change the title of the Senior Systems Engineer job class to Assistant Director, Technology Services. Mrs. Mihalevsky explained it is essentially a marketing tactic. The hope is that the title will attract applicants seeking management activities. Mrs. Mihalevsky explained what makes applicants click the button is the title, not the job description. In order to attract and compete with cities, counties and courts, the only recruitment tool we have right now is to see if the title change will get some applicants.

On the motion of Mr. Harimoto, seconded by Mrs. Jeffery, and unanimously carried 3-0, the Commission approved the change to title of the Senior Systems Engineer job class to Assistant Director, Technology Services.

5.2 Discussion of Personnel Commission Rules Revisions

- A. Article I – Rule Making Authority and Definitions
- B. Article II – Personnel Commission

Mrs. Mihalevsky provided an overview of the changes and the proposed consolidation of the articles, explaining that the revisions are much more about expanding on the procedures that are currently in place but are not specified in the current rules. Commissioners requested that citations be provided in order to better follow the changes in organization and content, and to hold another first reading at the next meeting.

VI. NEXT MEETING

Wednesday, December 9, 2015, 5:00 pm (open session) - Location: District Office, Conference Room

VII. ADJOURNMENT

Mrs. Brandt adjourned the Personnel Commission meeting at 5:58 pm.

**Personnel Commission Examination Statistics
2015-2016**

Exam #	Recruitment	Eligibility List Expiration Date	Applications Received	Did not qualify	Invited to written/performance exam	Did not appear for written/performance exam	Did not pass written/performance exam	# recommended for oral exam	Did not appear for oral exam	Did not pass oral exam	# placed on eligibility list	# on merged eligibility list
15-182-1	Child Nutrition Assistant-Satellite	11/9/2016	29	9	20	13	3	4	1	0	3	4
15-245-1	Child Nutrition Production Supervisor	11/13/2016	33	22	n/a			11	4	4	3	5
15-200-1	Clerk	11/26/2016	159	109	50	20	10	20	6	1	13	
15-392-1	Early Care Assistant Teacher	11/2/2016	17	10	n/a			7	2	2	3	
15-260-S	Groundskeeper - Substitute	11/5/2017	44	17	27	17	1	n/a			9	
15-300-1	Library Technician	11/13/2016	114	68	46	19	14	13	1	1	11	
15-292-2	Paraprofessional/Bilingual Spanish	9/30/2016	35	21	14	6	1	7	0	0	7	9

Personnel Commission Meeting 12/9/15

TO: Personnel Commission
FROM: Director, Classified Personnel
DATE: December 9, 2015 (Action)

SUBJECT: APPROVAL OF ADVANCED STEP PLACEMENT REQUESTS

ISSUE:

Should the Personnel Commission approve the advance step placement request as recommended by appointing authority?

BACKGROUND:

In accord with the Personnel Commission Rule 18.4, the appointing authority, with the approval of the Personnel Commission, may make new hire appointments at any step within the range of the job class for which the vacancy is to be filled. In evaluating the appointing authority's request for advance step placement beyond step C, for any hire, the Commission it is prudent to consider the following factors: (a) additional qualifying experience beyond that required for entry into the class, (b) additional education at the college level when related to the position beyond the educational requirements established for entry into the class, (c) difficulty experienced in the recruitment of candidates to meet the vacancy needs in the class, (d) the additional skills or qualifications of the candidate that make him/her especially qualified for the position.

Agenda 5.1

Sandy Curwood, Director, Child Nutrition, requests the Commission's approval to employ Francesca M. Lisi to the position of Child Nutrition Production Supervisor at Range 70-Supervisory (\$19.62-29.10), Step D (\$26.39), on the Classified Supervisory Salary Schedule, upon initial date of hire.

Staff recommends approval of the proposed requests in order to attract and retain staff who are skilled at job entry, such that, the incoming candidate will be earning a rate of pay at least comparable to their immediately preceding employment.

ALTERNATIVES:

1. Approve agenda item 5.1 A, as submitted
2. Approve agenda item 5.1 A as amended
3. Do not approve the advanced step placement request

RECOMMENDATION:

Approve alternative #1

Respectfully submitted,

Marina Mihalevsky
Director, Classified Personnel

ARTICLE I

POLICY STATEMENT

The Personnel Commission of the Conejo Valley Unified School District was established in 1974 upon unification of the Timber School District, Valley Oaks School District and Oxnard Union High School District. Prior to unification, the Timber School District and the Valley Oaks School District operated under separate merit systems. Upon unification in 1974, one Personnel Commission was established to operate the merit system for the Conejo Valley Unified School District.

THE PERSONNEL COMMISSION shall adopt and maintain the general supervision over the administration of the Classified Merit System in accordance with Division 3, Chapter 5, Article 6 of the California Education Code.

It shall actively promote the understanding of the Classified Merit System to both classified and certificated employees, the Governing Board, and the public, in order that the rights of the classified service are respected and accepted.

Through administration of the Classified Merit System, the commission shall strive for:

- A. Equal treatment for all classified personnel.
- B. Protection of individual rights as well as the rights of the classified service, pursuant to rules and regulations adopted for the classified service.
- C. Maintenance of a high level of morale within the classified service.
- D. Maintenance of harmonious relationships with the governing board.

~~The commission shall have jurisdiction over and the responsibility over the following activities:~~

- ~~A. Establishment of the general policy governing the administration of the Classified Merit System.~~
- ~~B. Adoption of the necessary rules for the administration of a comprehensive merit system.~~
- ~~C. Appointment of the Director of Classified Personnel and his/her staff.~~
- ~~D. Development and adoption of an annual budget for the commission.~~
- ~~E. Development and maintenance of the district's classification and compensation plan, recruitment, examination and selection program and personnel assignment policies.~~
- ~~F. Development of the procedures for the hearing of classified personnel appeals.~~
- ~~G. Review of district personnel operations.~~
- ~~H. Establishment and maintenance of the service records of each employee, including name, title, organization unit, salary, changes in status, service rating, and such other personnel information as may be considered pertinent.~~

ARTICLE II

GENERAL DEFINITIONS

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

~~ACCELERATED HIRING RATE: An initial hiring rate at other than the beginning step of the schedule for the class, which rate must be specifically authorized by the Commission for the particular class. Such rates are based upon anticipated or actual recruitment difficulties.~~ Changed to ADVANCE STEP PLACEMENT

~~ADJUSTMENT PROCEDURE: Provisions for the hearing and adjustment of employee grievances.~~

ALLOCATION: The assignment of a class to a salary schedule or rate.

ANNIVERSARY DATE: The date upon which an employee completes a year of service in a classification.

APPEAL: A protest by an employee regarding an administrative action actually or potentially detrimental to him/her.

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

APPOINTMENT: The official act of the appointing power in approving the employment of a person in a specific position.

ARMED FORCES: The United States Air Force, Army, Navy, Marine Corps, or Coast Guard.

ASSIGNMENT: Placement of an appointee in a position. Also, the position in which he/she is placed.

BEREAVEMENT LEAVE: Paid leave of limited duration granted to an employee upon the death of an immediate member of the family.

BOARD: The Board of Education of the district.

BREAK IN SERVICE: Severance of an individual's employment relationship with the District. The break in service may be cancelled by subsequent reemployment or reinstatement within 39 months.

BUMPING RIGHTS: The right of an employee, under certain conditions, to displace an employee with less seniority in a class.

CANDIDATE: A person who has taken one or more portions of a merit system examination.

CERTIFICATED SERVICE: All employees required by law to possess credentials issued by the State Department of Education and the positions which are limited to those who possess such credentials.

CERTIFICATION: The submission of the names of eligibles, who may be legally appointed from an employment list, to the appointing power who will select an eligible.

CHANGE IN LOCATION: The reassignment of an employee from one position to another position in the same class, but in a different administrative unit.

CLASS: A category into which one or more positions may be placed, thus giving them the same title, salary, entrance qualifications, and tests of fitness.

CLASS DESCRIPTION: A description, approved by the commission, of the nature and level of duties of the positions in a class.

CLASSIFICATION: The act of placing a position in a class.

CLASSIFIED SERVICE: All positions and employees in the district's service to which the merit system provisions of the California Education Code apply and which are not excepted by those provisions.

COMMISSION: The three-member Personnel Commission of the district established pursuant to the merit system provisions of the Education Code.

~~**CONCURRENT ASSIGNMENT:** The short term assignment of two regular incumbents to the same position at the same time, for the purpose of giving a successor an opportunity to obtain on-the-job orientation from an incumbent who is leaving.~~

DAY: The period of time between any midnight and the midnight following.

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 lower maximum salary rate.

DIFFERENTIAL: Salary allowance in addition to the basic rate or schedule based upon additional skills, responsibilities, or night work. Also, the size of the interval between salary schedules or rates of related classes.

DIRECTOR: The Director of Classified Personnel for the district.

DISCHARGE or DISMISSAL: Separation from service for cause in accordance with commission rules. Requires action by the Board.

DISTRICT: The Conejo Valley Unified School District.

DUAL CERTIFICATION: A procedure authorized by the commission under specific conditions, which provides for simultaneous certification from an open eligibility list and a promotional eligibility list according to examination scores.

ELIGIBILITY LIST: A rank order list of the names of persons who have qualified in a merit system examination.

EMPLOYEE: A member of the classified service who is legally an incumbent of a position or who is on authorized leave of absence.

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, change location, demote, be reinstated after resignation, or be restored after voluntary demotion or reduction to limited-term or part-time status.

ENTRANCE QUALIFICATIONS: Mandatory and desirable qualifications for a class established for those who wish to compete in merit system examinations.

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

EXEMPT SERVICE: Part-time playground positions, full time day students employed part-time, apprentices and professional experts employed on a temporary basis for a specific project.

FIELD OF COMPETITION: Those categories of persons identified by the Personnel Commission as possessing the necessary qualifications to participate in a merit system examination.

FISCAL YEAR: July 1 through June 30.

FULL TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is equal to or greater than 87 1/2 percent of the normally assigned time of the majority of employees in the classified service.

GOVERNING BOARD: The Board of Education of the district.

GRIEVANCE: An employee complaint concerning conditions of employment, not including appeals of disciplinary actions or requests for classification study or salary review.

HEARING: Formal review in the presence of the parties involved of evidence in connection with an action affecting an employee, concerning which the employee has filed an appeal.

HEARING OFFICER: A qualified person who may be employed by the commission to hear and make recommendations on appeals from disciplinary actions or grievances.

ILLNESS: Any pronounced deviation from a normal, healthy state which makes it disadvantageous to the district and/or detrimental to the employee for him/her to be at work.

ILLNESS LEAVE: Paid or unpaid leave given to an employee because of personal illness or injury. May also be used for specified personal emergencies of limited duration.

INCUMBENT: An employee assigned to a position and currently serving in or on leave from that position.

INDUSTRIAL ACCIDENT or INDUSTRIAL ILLNESS LEAVE: Absence because of injury or illness which arose out of and in the course of employment with the district.

LAYOFF: Separation from a regular 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 accident.

LEAVE OF ABSENCE: An approved absence from duty, with or without pay, for a prescribed period of time from a class, but not necessarily from a specific position within the class.

LIMITED TERM: A term used in the Education Code to designate employment for periods not to exceed six months, or employment during the authorized absence of a permanent employee.

LIMITED-TERM EMPLOYEE: An employee who is serving in a provisional appointment, or as a substitute for a regular employee, or in a position established for a limited period of six months or less.

LONGEVITY PAY: Compensation schedule of step increases approved for permanent classified employees with lengthy service in the district.

LOYALTY OATH: A statement required of each new employee concerning his/her support of the United States and California Constitutions, required by state law and local Board rule.

MERGING: The act of combining two or more eligibility lists for the same class, established not more than one year apart, in order of the scores of eligibles. Each individual's eligibility list within a merged list expires one year after its promulgation.

MERIT SYSTEM: A personnel system in which comparative merit and fitness govern each individual's selection and progress in the service as prescribed by the Education Code of California.

MILITARY LEAVE: Authorized absence to engage in ordered military duty.

NOTICE OF UNSATISFACTORY SERVICE: A form prescribed by the commission as a means of written reprimand.

OPEN EXAMINATION: An examination which is not restricted to persons who are current permanent employees of the district.

OVERTIME: Authorized time worked by an employee in excess of 8 hours in a day or 40 hours a calendar week.

PART-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87 1/2 percent of the normally assigned time of the majority of employees in the classified service.

PERFORMANCE EVALUATION: An evaluation of the work performed by an employee.

PERMANENT EMPLOYEE: In reference to the district's employment status, an employee who has completed a period of 6 months or 130 days of paid regular service in the classified service. In reference to employment status in a specific class, an employee who has completed a probationary period for that class.

PERMANENT POSITION: A position established for a continuing and indefinite or unlimited period of time or for a fixed period in excess of 6 months or 130 days of paid service.

PERSONAL NECESSITY LEAVE: Leave which may be taken for reasons of personal necessity as specified in the Education Code and Commission rules. Such leave is charged to the employee's illness leave and is limited to 6 days a school year.

POSITION: A group of duties and responsibilities assigned by competent authority required the full or part-time employment of one person. A position can only be established by the board.

PROBATIONARY PERIOD: The designated period before an employee becomes permanent.

PROFESSIONAL EXPERT: A person employed in a professional capacity for a specific limited-term project; such persons are excluded from the classified service.

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 permanent employees of the district.

PROVISIONAL APPOINTMENT: A temporary appointment to a permanent or limited-term position made in the absence of an appropriate eligibility list.

PROVISIONAL EMPLOYEE: A person employed under a provisional appointment.

QUALIFICATION APPRAISAL: Part of the selection process, usually the final portion of an examination, for the purpose of evaluating education, experience, and personal qualifications of the candidates. Also known as oral interview.

REALLOCATION: Movement of entire class from one salary schedule or hourly rate to another salary schedule or hourly rate.

RECLASSIFICATION: The removal of a position or positions from one class and placement into another.

REEMPLOYMENT: Return to duty of an employee who has been laid off. Also applies to employees who return to duty for reemployment without retirement.

REEMPLOYMENT LIST: A list of names of persons who have been laid off from permanent positions who are eligible for reemployment without examination.

REGULAR APPOINTMENT: An appointment made from an eligibility list to fill a regular full time or part-time position vacancy.

REINSTATEMENT: A reappointment after resignation within 39 months after the employee's last day of paid service. Also refers to a return to work after appeal from disciplinary action when so ordered by the commission.

RELIEF EMPLOYEE: A person hired to fill a relief position.

RELIEF POSITION: A limited-term position of not more than six months duration which augments the number of regular positions in a given organizational unit.

RESIGNATION: A voluntary statement, preferably in writing, from an employee that he/she wishes to terminate one or all of his/her assignments.

RESTRICTED POSITION: Positions whose incumbents must be from low income groups, impoverished areas or other designated areas and who are not entitled to employment permanency other than in the restricted position.

RETURN TO FORMER CLASS: A reappointment to a former class within 39 months of a demotion or transfer/promotion.

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

SALARY SCHEDULE: A series of salary ranges and steps that comprise the rates of pay for a classification.

SALARY SURVEY: The collection of current wage and salary data to determine the prevailing wage for benchmark classifications. Also, the report of such data.

SCHOOL YEAR: Same as fiscal year (July 1 through June 30).

SELECTION INTERVIEW: The meeting between an eligible and an appointing power in order to discuss appointment to a specific vacancy.

SENIORITY: Status secured by hours worked in the class and higher classes.

SEPARATION: The ending of all status as an employee.

SHIFT DIFFERENTIAL: Additional pay for night work, or other extraordinary schedule.

STEP ADVANCEMENT: Movement to a higher step on the salary schedule.

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

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

TEMPORARY EMPLOYEE: Limited-term employee. Also used to denote a provisional employee.

TERMINATION: The ending of an incumbent's assignment in a specific class.

TRANSFER: The reassignment of an employee without examination from one position in a class to a position in the same class or related class with the same salary schedule or hourly rate.

UNSATISFACTORY SERVICE: The performance of assigned duties and responsibilities in a manner which is detrimental to the good of the service, or the failure to perform them adequately; or the performance of actions detrimental to the good of the service while on duty.

VETERANS' CREDIT: Five or ten additional points, added to a passing score in open or promotional examinations, for military or related service rendered during time of war or national emergency.

WORKDAY: That part of a 24-hour period during which an employee is scheduled to work in accordance with his/her specific assignment.

WORKING DAY: Any day for which an individual employee receives compensation, regardless of the number of hours in a day for which compensation is received, with the following two exceptions:

- ✓ A work shift that begins in one day and ends in the succeeding day shall be considered 1 working day.
- ✓ A calendar day for which only overtime compensation is received shall not be considered a working day.

WORK WEEK: 40 hours usually served in 5 consecutive days.

Y-RATE: A frozen salary rate above the established range for a class.

ARTICLE III

NEW ORG

THE PERSONNEL COMMISSION AND STAFF

3.1 THE PERSONNEL COMMISSION

3.1.1

The commission shall be composed of three members and shall be appointed in the manner prescribed by E.C. 45245, 45246, and 45247. (E.C. 45243)

3.2 QUALIFICATIONS FOR MEMBERSHIP ON PERSONNEL COMMISSION

To be eligible for appointment or reappointment to the commission a person shall (a) be a registered voter and resident within the territorial jurisdiction of the district and (b) be a known adherent to the principle of the merit system. 3.1.2

"Known adherent to the principle of the merit system," with respect to a new appointee, shall mean a person who by the nature of his/her prior public or private service has given evidence that he/she supports the concept of employment, continuance in employment, in service promotional opportunities, and other related matters on the basis of merit and fitness.

"Known adherent to the principle of the merit system," with respect to a candidate for reappointment, shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he/she does, in fact, support the merit system and its operation.

No member of the governing board of any school district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the commission. During his/her term of service, a member of the commission shall not be an employee of the district. (E.C. 45244)

3.3 APPOINTMENT OF PERSONNEL COMMISSION

3.1.3

One member of the commission shall be appointed by the governing board of the district and one member nominated by the classified employees of the district shall be appointed by the governing board of the district. Those two members, in turn, shall appoint the third member. 3.1.3.1 3.1.3.2 3.1.3.3

As used in this section, "classified employees" shall mean an organization of classified employees which represents the greatest number of classified employees of the district as determined by the board exercising its authority under Section 7110 of the Education Code. If there is no such organization existing within the district the board shall, by written rule, prescribe the method by which the recommendation is to be made by its classified employees. (E.C. 45245)

3.4 ANNOUNCEMENT OF RECOMMENDED APPOINTEES

3.1.3

When a vacancy will exist on December 1, by not later than September 30, the governing board shall publicly announce the name of the person it intends to appoint or reappoint if the vacancy is its appointee. 3.1.3.1 3.1.3.2 3.1.3.3
If the vacancy is the third member on the commission, the appointee of the governing board and the appointee of the classified employees shall publicly announce the name of the person they intend to appoint.

When a vacancy is the position nominated by the classified employees, the classified employees shall submit the name of its nominee to the governing board at least 30 days prior to the date on which the vacancy will occur and the governing board shall appoint that nominee to be effective on the date on which the vacancy would occur. If the classified employees voluntarily withdraw the name of the nominee and submit the name of a new nominee, then the board shall appoint the new nominee.

In the event a vacancy exists because of a failure of the classified employees to agree on a nominee, the board may make an emergency interim appointment under rule 3.6 C and D.

At a board meeting to be held after 30 and within 45 days of the announcement of the board's nominee, the governing board in open hearing shall provide the public and employees and employee organizations the opportunity to express their views on the qualifications of the person recommended for appointment. The

board may, for its direct appointment to the commission, after the open hearing, make a substitute recommendation or appointment without further notification or public hearing. (*E.C. 45246, 45248*)

3.5 TERMS OF OFFICE

3.1.4

Terms shall be for three years commencing at noon the first day of December. The commission may perform any act authorized or required by law when two members have been appointed. (*E.C. 45247*)

3.6 INTERIM APPOINTMENTS

3.1.6

In the event of a vacancy on the commission, the board at the request of the director shall declare that an emergency exists and shall make an interim appointment to fill a vacancy to insure the continuance of the functions of the commission.

- A. Appointment to vacancies occurring subsequent to the initial appointment shall be made by the original appointing authority, either for a new full term or to fill an unexpired term.
- B. If there is no personnel director, the board may, nevertheless, make an emergency interim appointment.
- C. An interim appointee must meet the requirements of Education Code Section 45244 and be free of the restrictions contained therein and the appointment shall be valid for not more than 60 days.
- D. An interim appointment shall terminate immediately on the date the notification of permanent appointment is received by the appointee. Notification shall be made upon selection of the appointing authority of a new appointee.

~~3.7 EXPENSES OF THE COMMISSION~~

~~The expenses of the commission shall be paid out of the general fund of the district.~~

3.8 ANNUAL BUDGET OF THE COMMISSION

3.4

3.4.1

The commission shall prepare an annual budget for its own office which, upon the approval of the County Superintendent of Schools, shall be included by the board in the regular budget of the district. The annual budget of the commission may include amounts for the purposes of staff training.

The budget shall be prepared for a public hearing by the commission to be held no later than May 30 of each year.

The commission shall forward a copy of its proposed budget to the board indicating the time, date and place for the public hearing of the budget and shall invite board and district administration representatives to attend and represent their views. The commission shall fully consider the views of the board prior to adoption of its proposed budget.

The commission shall then forward its proposed budget to the County Superintendent of Schools for action.

If the County Superintendent of Schools proposes to reject the budget as submitted by the commission, he/she shall, within 30 days after the commission's submission of the budget, hold a public hearing on the proposed rejection within the district. He/she shall have informed both the commission and the board of the date, time and place of the hearing. He/she may after such public hearing either reject, or, with the concurrence of the commission, amend the proposed budget.

In the absence of agreement between the commission and the County Superintendent of Schools, the budget of the preceding year shall determine the amount of the new budget, and the items of expenditure shall be determined by the commission. (*E.C. 45243*)

3.9 COMMISSION'S APPOINTMENT OF PERSONNEL DIRECTOR AND OTHER EMPLOYEES 3.2
3.2.1
3.2.2

The commission shall appoint a director from an eligibility list established from a competitive examination given under the auspices of the commission. The commission shall also appoint all other employees paid from funds budgeted for the support of the commission from eligibility lists established from a competitive examination. The commission staff shall have all the same rights, benefits, and privileges of district employees. (E.C. 45264)

~~3.10 EXPENDITURES FOR COMMISSION STAFF TRAINING~~

~~The commission may, with respect to the staff of the commission, expend funds for their orientation, training, retraining and development. (E.C. 45255)~~

3.11 RECORDS AND REPORTS

~~The commission shall establish and maintain, through the director, a service record for each classified employee of the district showing name, title, organization unit, salary, changes in status, service rating and such other personnel information as may be considered pertinent. Every recommendation for temporary or permanent change in status of an employee shall be submitted on prescribed forms to the commission.~~

The commission shall make a written report annually to the board on personnel activities and procedures of the district. (E.C. 45266) 3.3
3.3.1

~~3.12 CONDUCT OF HEARINGS AND INSPECTION OF DISTRICT RECORDS~~

~~The commission may conduct hearings, subpoena witnesses, require the production of records of information pertinent to investigation, and may administer oaths. It may, at will, inspect any records of the board that may be necessary to satisfy itself that the procedures prescribed by the commission have been complied with. Hearings may be held by the commission on any subject to which its authority may extend as described under Division 3, Chapter 5, Article 6 of the Education Code. (E.C. 45311)~~

Article 2
Article 33

~~The commission may authorize a hearing officer or other representative to conduct a hearing or investigation which the commission itself is authorized to conduct. Any such authorized person may administer oaths, subpoena and require the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses to be taken in the manner prescribed by law for like depositions in civil cases in the superior court of this state. The commission may instruct such authorized representative to present findings or recommendations which may be accepted, rejected or amended by the commission. Any rejection or amendment of findings or recommendations shall be based either on a review of the transcript of the hearing or investigation or upon the results of such supplementary hearing or investigation as the commission may order.~~

3.13 COUNSEL FOR THE COMMISSION 3.4.3

The counsel of the board shall aid and represent the commission in all legal matters, and if he/she refuses, the commission may employ its own attorney, and the reasonable cost thereof shall constitute a legal charge against the general funds of the district. (E.C. 45313)

3.14 THE PERSONNEL DIRECTOR 3.2
3.2.1

The director shall be appointed by the commission in the manner prescribed in E.C. 45264 after appointment of at least two of the commissioners. (E.C. 45240)

3.15 GENERAL DUTIES OF THE PERSONNEL DIRECTOR 3.2.2

The director shall be responsible to the commission for carrying out all procedures in the administration of the classified service in conformity with law and rules of the commission and shall be free of prejudgment of bias in order to ensure the impartiality of the commission. He/she shall act as secretary to the

commission and shall issue and receive all notifications on its behalf. He/she shall direct and supervise the employees of the commission and conduct administrative transactions consistent with the law and necessary to the proper functioning of the office and staff of the commission.

The director shall conduct classification, salary, and rules studies and shall make such other investigations as directed by the commission or as he/she deems necessary to his responsibilities. He may be designated as a hearing officer in accordance with Education Code Section 45312.

In cases where two or more rules appear to be in conflict, or when no rule provides a clear answer to a problem, the matter shall be decided by the director, subject to appeal to the commission.

The director shall maintain, in his/her office, an official roster containing names and complete employment records of all employees holding positions under the provisions of the merit system. (*E.C. 45266*)

ARTICLE IV – RULES

4.1 POWER OF PERSONNEL COMMISSION TO PRESCRIBE AND AMEND RULES

The commission shall prescribe, amend and interpret rules pursuant to the authority granted to the commission under Article 6 of Chapter 5 of Division 3 of the California Education Code as may be necessary to insure the efficiency of the service and the selection, retention and promotion of employees upon a basis of merit and fitness. The rules shall be binding upon the board to cover classified employees not represented in a recognized employee unit. The rules shall be binding upon the board for those classified employees in a recognized unit so long as they are in accordance with lawful negotiated agreements.

2.1
2.1.1
2.1.2

In the event that judicial review or change in law should invalidate any or a portion of the rules, such finding or amendment shall not affect the validity of the remainder of the rule or other rules. *(E.C. 45260)*

2.6

4.2 SUBJECTS OF RULES

The rules shall provide for the procedures to be followed by the board as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of the merit system so long as they do not conflict with lawful negotiated agreements governing classified employees in a recognized unit.
(E.C. 45260 & 45261)

2.2

4.3 PRINTING AND DISTRIBUTION OF RULES

~~The rules of the commission and copies of this article shall be printed and made available to each school, office and permanent work site where employees report and shall be distributed to school libraries for loan to employees.~~
(E.C. 45262)

2.7

4.4 ENFORCEMENT OF THE RULES

The commission shall enforce the provisions of the classified merit act and these rules, and shall conduct such investigations and hold such hearings, as may be necessary to this end.

2.1.3

4.5 AMENDMENT, DELETION OR ADDITION TO RULES

All proposals, from any source, to amend, delete, or add to these rules will be considered at a "first reading" at the meeting in which they are first presented to the commission. They will not, unless a critical emergency exists, be acted upon at that meeting.

2.4
2.4.1
2.4.2
2.4.3

At the "first reading" the commission will set a date for commission action on the proposal, of which the date shall not be less than two weeks later. It shall also instruct the director to refer the proposal to interested persons or organizations for comment and recommendation.

No rule or amendment shall be adopted by the commission until the exclusive bargaining representative and the board have been given reasonable notice of the proposal.

Insofar as possible, interested parties shall submit their reactions to proposals in writing to the director on or before the stipulated agenda deadline date for transmittal to the commission. Such parties shall also have the right to make presentations orally before the commission at the appropriate commission meeting.

4.6 POWER OF THE GOVERNING BOARD

The board shall employ, pay and otherwise control the services of classified personnel in accordance with the Education Code governing the merit system and the rules promulgated by the commission accordingly.
(E.C. 45241)

ARTICLE V

PERSONNEL COMMISSION MEETING ORGANIZATION AND PROCEDURE

*New
organization*

5.1 ~~OFFICERS~~

~~At its first meeting following December 1 of each year, the Commission shall elect one of its members as Chairman and another member as Vice Chairman, to serve a term of one year or until their successors are duly elected, whichever is sooner.~~ Article 3

5.2 QUORUM AND MAJORITY

Two members shall constitute a quorum for any regular or special meeting of the Commission. The affirmative vote of two members shall be necessary to any action. (E.C. 45247) 4.2.4

5.3 MEETINGS

All meetings except closed sessions shall be open and public. 4.2.2
4.2.2.1

5.4 REGULAR MEETINGS

Subject to cancellation or proper change, the Commission shall meet the first Tuesday of each month. In cases of emergency, the Commission may meet at some other time provided that at least 48 hours notice is given to employee and administration representatives and posted on the Commission's official bulletin board and distributed to each school whenever possible. (G.C. 54953-54956 inclusive)
(amended 4/2/92)
(amended 2/22/94)

5.5 SPECIAL MEETINGS

Special meetings may be called at any time by the Chairman and shall be called upon the written request of any two members. Written notice shall be delivered personally or by mail to each member of the Commission. Notice must also be given to each of the following who have filed written requests for such notice: each local newspaper of general circulation, radio or television station, and recognized employee or other organization. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. A copy of the notice shall be posted on the Commission's official bulletin board and distributed to each school whenever possible. 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. (G.C. 54956) 4.2.2.3

5.6 CLOSED SESSIONS

Closed Sessions may be held in accordance with provisions of Government Code Section 54956 to consider the employment or dismissal of an employee or employees, or to hear complaints or charges brought against employees. 4.2.5
4.2.5.1
4.2.5.2
4.2.5.3

5.7 AGENDA SPEAKERS

All individuals or groups desiring to appear or give a presentation before the Commission shall request to be an agenda speaker from the Director at least one week before the scheduled commencement time of the meeting. The request should be in writing and shall state the subject matter in sufficient detail to properly inform the public. 4.2.7.2
4.2.7.3

ARTICLE I: PREAMBLE

In 1974, the Board of Education of the Conejo Valley Unified School District, adopted the Merit System as set forth in California Education Code, Chapter 5, Part 25, Division 3, commencing with section 45260, to govern classified personnel employment. The adoption of the Merit System necessitates the establishment of the Personnel Commission, as the mainstay of the Merit System, to adopt and enforce the rules and regulations that shall govern classified service employment in adherence with the Education Code provisions set forth in the Merit System Article. The rules and regulations adopted by the Personnel Commission shall be binding upon the classified service and the Governing Board.

The Personnel Commission Rules and Regulations established herein, provide regulatory guidance on matters falling within the jurisdiction of a Personnel Commission as indicated within the California Education Code. Information contained within this document was compiled and prepared to assist in the governance of classified personnel within the District in the effort to provide the best possible educational program for students and the best possible working environment for classified support staff in fulfillment of this effort.

The Commission shall strive to uphold the following tenets of the Merit System through its rules and regulations:

- Hiring and promoting employees on the basis of ability, with open competition in initial employment.
- Assuring fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex or religious creed and with proper regard for their privacy and Constitutional rights as citizens.
- Providing equal pay for equal work and reward excellent performance.
- Maintaining high standards of integrity, conduct, and concern for the public interest.
- Managing employees efficiently and effectively.
- Retaining or separating employees on the basis of their performance.
- Educating and training employees if it will result in better organizational or individual performance.
- Protecting employees from improper political influence.
- Protecting employees against reprisal for the lawful disclosure of information in "whistleblower" situations.

ARTICLE II: RULE MAKING AUTHORITY AND DEFINITIONS**2.1 STATUTORY AUTHORITY OF RULES**

← 4.1

The Rules and Regulations contained herein are established pursuant to the authority of the Personnel Commission as granted under the California Education Code, Chapter 5, Part 25, Division 3, commencing with section 45260.

2.1.1 The Rules and Regulations shall not apply to bargaining unit members if the subject matter is within the scope of representation between the Board of Education and the exclusive bargaining representative as defined by California Government Code section 3543.2, and is included in a written negotiated collective bargaining agreement between the Board and the unit.

2.1.2 The Rules shall be binding upon the Board of Education, but shall not restrict the authority of the Board herein and pursuant to other sections of the Education Code. ← 4.6

2.1.3 The Commission may initiate investigations, require production of records pertinent to the scope of investigation, hold hearings, and issue subpoenas in an effort to determine and enforce compliance with the provisions of the rules provided herein. ← 3.12
← 4.4

REFERENCE: Education Code 45241 and 45260
Government Code 3543.2

2.2 SUBJECT OF RULES

← 4.2

The Rules shall provide for the procedures to be followed as they pertain to classified service regarding such matters as applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without compensation, and any other matters deemed necessary by the Commission to insure the efficiency of the classified service and the selection and retention of employees upon a basis of merit and fitness.

REFERENCE: Education Code 45260

2.3 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 interpreted and applied with consideration of their intent. However, specific and applicable provisions of the 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 Personnel Director, subject to appeal to the Personnel Commission. The Commission shall consider responsible comment to amend rules which prove to be in need of clarification. However, unless otherwise provided in accordance with the law, no rule amendment or new rule shall have retroactive application.

REFERENCE: Education Code Section 45260

2.4 ESTABLISHMENT, AMENDMENT, AND ABOLISHMENT OF RULES

← 4.5

All proposals, from any source to establish, amend, or abolish these rules in whole or in part, shall be placed on the Order of Business for action by the Personnel Commission.

2.4.1 No rule or amendment shall be adopted by the Commission without the exclusive bargaining representative and the Board or its designee having been given at least fourteen (14) calendar days to review and comment on the impact of the proposed change. The scheduling of the 1st reading shall constitute as notice, so long as the 2nd reading and adoption shall not occur earlier than fourteen calendar days apart.

2.4.2 Insofar as possible, interested parties shall submit their reactions to proposals in writing to the director on or before the stipulated agenda deadline date for transmittal to the commission. Such parties shall also have the right to make presentations orally before the commission at the appropriate commission meeting.

2.4.3 No rule amendment or new rule shall have a retroactive date of effect and application.

REFERENCE: Education Code 45260

2.5 GENERIC TERMINOLOGY

As used in these rules, the masculine gender includes the feminine gender. Singular terms shall be construed to include the plural, and the plural terms, shall be construed to include the singular.

REFERENCE: Education Code 73-74, 45260

2.6 SEVERABILITY OF RULES (JUDICIAL REVIEW)

← 4.1

If a judicial review or a change in law causes any portion of these rules or application thereof to become invalid or unenforceable, such finding or amendment shall not affect the validity or the enforceability of the other rules and regulations.

REFERENCE: Education Code 45260

2.7 DISTRIBUTION OF RULES AND REGULATIONS

← 4.3

A copy of the Rules shall be accessible electronically to the Personnel Commissioners, the Board of Education members, the District's certificated and classified administrators and supervisors, exclusive representative(s) of the classified employees and classified employees.

2.7.1 If one of the parties listed in 1.7 is unable to electronically retrieve a copy of the Rules, the said party will make a request to the Director for a printed copy to be provided upon request.

2.7.2 A copy of Article 6 of Chapter 5 of Part 25 of the California Education Code (commencing with Section 45240) shall also be available for distribution as noted in Section 1.7 and 1.7.2 above.

REFERENCE: Education Code 45260

2.8 VIOLATIONS OF PERSONNEL COMMISSION RULES AND REGULATIONS

New addition

Any person who willfully or through culpable negligence violates any of the provisions of the Education Code Article 6 is guilty of a misdemeanor. Such acts include the following:

2.8.1 Willfully, independently, or in cooperation with another person, defeat, deceive, or obstruct any person with respect to his/her right of examination, application, or employment under this article or Commission rule.

2.8.2 Willfully and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article or Commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.

2.8.3 Willfully 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 this article or Commission rule.

REFERENCE: Education Code 45317

2.9 DEFINITIONS OF TERMS

Unless otherwise required by context and/or prevailing law, words used in these rules and regulations 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 to the "Merit System" for classified employees in certain school districts that have adopted the Merit System. It shall include all of the provisions of Article 6, Chapter 5, Part 25, as well as the provisions of Chapter 1 and Articles 1 to 4 of Chapter 5 in Part 25.

ADMINISTRATIVE CLASS: A job class whereby the incumbents assigned to it are exempt from overtime provisions based on State and federal law.

ADMINISTRATIVE LEAVE: An enforced absence of an employee with pay pending the outcome of an investigation of charges that have been filed against the employee.

ALLOCATE OR ALLOCATION: The official placing of a position in a given job class assigned to a particular range on the salary schedule.

ANNIVERSARY DATE: The day on which an employee completes the prescribed amount of service with the District, based on initial hire date into a regular classified or certificated services, adjusted for breaks in service, for purposes of earning longevity pay increments, or advancement on the salary schedule for management, supervisory and confidential employees; synonymous with "Hire Date" when an employee has not had a break in service in the course of his/her employment.

APPEAL: A protest by an employee relative to an actual or potentially detrimental administrative action.

APPLICANT: A person who has filed an official employment application to participate or compete in the District's employment selection process.

APPOINTING AUTHORITY OR POWER: The Board of Education or its designees, or the Personnel Commission or its designee, when referring to Commission employees and positions.

APPOINTMENT: The official act of the appointing authority in approving the employment of a person in a specific position, subject to official approval by the Governing Board.

ARMED FORCES: For the purpose of military leave of absence, the United States Air Force, Army, Navy, Marine Corps, Coast Guard, Revenue Marine Service, Army Nurse Corps, and Navy Nurse Corps. For the purpose of veteran's credit in an open examination, the United States Air Force, Army, Navy, Marine Corps, and Coast Guard.

ASSIGNMENT: Placement of an appointee in a funded position.

ASSIGNMENT BASIS: The number of working days in a year and work hours per day for which employment is authorized for a specific position.

BEREAVEMENT LEAVE: A paid leave of absence granted to an employee upon the death of a member of his/her immediate family member or any relative residing in his/her household.

BOARD OF EDUCATION or BOARD: The governing body of the Conejo Valley Unified School District, comprised of five (5) elected representatives.

BREAK IN SERVICE: Interruption of an individual's employment relationship with the District.

BUMPING RIGHTS: The right of an employee, under certain conditions, to displace another employee with less seniority in the class.

CANDIDATE: A person who has participated or competed in one or more portions of the competitive selection process.

CAUSE: The grounds for discipline identified within these Rules as being subject to disciplinary action or offenses enumerated in the law.

CERTIFICATED SERVICE: Those persons and positions required by law to possess credentials issued by the State Department of Education for the State of California.

CERTIFICATION: The submission of names by the Personnel Director, of candidates from an appropriate eligibility list, approved or ratified by the Personnel Commission, or from some other source of eligibility, to the appointing power or to the department head authorized to make selections subject to the approval of the appointing power.

CHANGE IN LOCATION: The reassignment of an employee from one position to another position in the same class, but in a different administrative unit.

CHANGE OF SERVICE ASSIGNMENT: An employee's change from the certificated to the classified service of the District, or vice versa.

CLASS or JOB CLASS: A group of positions with similar duties and responsibilities, to which the same title, entrance qualifications, and tests of fitness apply.

CLASS SPECIFICATION (Sometimes referred to as a "Class or Job Description"): A written statement of duties and responsibilities of the position(s) in the class; illustrated by examples of typical tasks, job

competencies, skills and abilities, and qualification requirements for employment in the class, as adopted by the Personnel Commission.

CLASS TITLE: A descriptive title prescribed to a class, which best captures the duties assigned to the class.

CLASSIFICATION: An act by the Personnel Commission to classify the duties of position(s) to a certain new or existing class within classified services.

CLASSIFIED SERVICE: All employees and positions within the jurisdiction of the Board of Education or of the Personnel Commission, except those exempt from classified service pursuant to California Education Code section 45256(b).

COMMISSION: Synonymous with Personnel Commission.

CONFIDENTIAL EMPLOYEE OR POSITION: A designation assigned to a position and the employee that occupies it, who, in the course of his/her duties, has access to, or possesses information relating to the employer's collective bargaining matters which, if divulged, could adversely affect the interest of the district. Employees designated as "confidential" are precluded from participating in or belonging to any organization which represents classified employees per the Government Code.

CONTINUOUS EXAMINATION(S): A procedure or procedures authorized by the Personnel Commission for the frequent testing of applicants in certain specified classes (or classifications).

DAY: The period of time between any midnight and the midnight following.

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class which is allocated to a lower maximum salary rate. A demotion may be voluntary, or for reasonable cause designated by rule of the Personnel Commission as detrimental to the efficiency of the service, or for any other good and sufficient cause.

DIFFERENTIAL or DIFFERENTIAL PAY: A salary allowance in addition to the basic salary rate or schedule, based upon additional skills, responsibilities, or specifically scheduled working hours. It also relates to the size of the interval(s) between steps on a salary range and/or the salary rates (ranges) of related classes.

DISCHARGE or DISMISSAL: Separation from the classified service for cause in accordance with the Rules and Regulations of the Personnel Commission. Requires action by the Board of Education.

DISTRICT: The Conejo Valley Unified School District.

DUAL CERTIFICATION: A procedure authorized by the Personnel Commission which provides for simultaneous certification, under certain specific conditions, from an open eligibility list and a promotional eligibility list in accordance with the examination scores attained by the candidates.

DUTIES STATEMENT: A listing of the specific duties assigned to an individual position. It is sometimes referred to as a "position description," which is based on the class specification, but individualized to the specific position(s) in class.

ELIGIBILITY LIST: A rank ordered list of the names of persons who have qualified for possible employment through one of the District's competitive examination processes.

ELIGIBLE: (As an adjective) Legally qualified to be appointed to a position. (As a noun) A person whose name appears on an appropriate eligibility list.

EMERGENCY APPOINTMENT: The assignment of an individual to a regular classified position for a period of time, not to exceed fifteen (15) working days, in order to prevent the stoppage of public business when persons on an eligibility list are not immediately available.

EMPLOYMENT LIST (sometimes known as "Certification List": A list of names from which certifications(s) may be made. The term includes eligibility lists, reemployment lists, as well as lists of individuals who wish to be transferred, demoted, reinstated or reemployed after resignation, or those who wish to be reinstated to a former class after voluntary demotion or reduction to limited-term status.

EMPLOYMENT STATUS: The condition of an employee's appointment indicating the degree of permanency with the District.

EXCLUSIVE REPRESENTATIVE: The labor organization certified or recognized by Public Employee Relations Board, as the sole representative of the approved unit of employees.

EXECUTIVE SECRETARY: A position approved by the Personnel Commission and exempt from specific provisions of these Rules in accordance with Education Code Section 45272.

EXEMPT CLASSIFIED SERVICE: Refers to those positions and employees exempt from the regular classified service as provided in Education Code Sections 45256b, 45257 and 45258.

FIELD OF COMPETITION: Those categories of persons (either from within or outside of the District) that have been authorized by the Personnel Commission or its designated representative to participate in the District's selection process.

FISCAL YEAR: July 1st of one year through June 30th of the following year.

FULL-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is equal to or greater than eighty-seven and a half percent (87.5%) of the normally assigned time of the majority of employees in the classified service of the District.

GOVERNING BOARD: The Board of Education of the Conejo Valley Unified School District (see "Board of Education" and/or "Appointing Authority or Power").

GRIEVANCE: An employee complaint alleging violation of a written rule or policy agreed to between the District and the employee's exclusive bargaining representative, not including appeals of disciplinary actions or requests for classification study or salary review.

GROUP: A number of classes related in duties and responsibilities as set forth in the list of classes promulgated by the Personnel Commission.

HEARING: Formal review in the presence of the parties involved, of evidence in connection with an action affecting an employee, concerning which the employee has filed an appeal.

HEARING OFFICER: A person employed by the Personnel Commission to hear and make recommendations on appeal within matters of commission authority.

HIRE DATE: Date of original or most recent employment with the District.

ILLNESS: Any pronounced deviation from a normal, healthy state that makes it disadvantageous to the District or detrimental to the employee to be at work.

ILLNESS LEAVE: Paid or unpaid leave given to an employee because of personal illness or injury.

INCUMBENT: An employee assigned to a position and currently serving in or on leave from that position.

INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS LEAVE: Absence because of injury or illness which arose out of and in the course of employment with the District.

INTERVIEW: Part of the selection process, usually the final portion of an examination, for the purpose of evaluating the education, experience, and personal qualifications of the candidate(s); also known as an "oral interview." This term also applies to a meeting between an eligible and the appointing power, or its designated representative, to discuss appointment to a specific position vacancy within the District.

INVESTIGATION: A fact-finding procedure related to an appeal or complaint.

INVOLUNTARY LEAVE: An approved absence from duty, with or without pay, for a prescribed period of time from class, but not necessarily from a specific position within the class.

JOB AUDIT OR JOB ANALYSIS: A personnel job evaluation technique by which a designee of the Personnel Commission uses various combinations of job evaluation questionnaires, personal interviews or direct observations of work, to collect data on the duties, tasks and responsibilities of a position.

JOB FAMILY: A series of progressively higher, or related job classes distinguished by levels of knowledge, skills, and abilities (competencies) and other factors.

LATERAL TRANSFER: The transfer of an employee to a position in a similar or related class with the same salary range.

LAYOFF: Separation from, or a reduction in assignment of, 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.

LEAVE OF ABSENCE: An approved absence from duty, with or without pay, for a prescribed period of time from a class, but not necessarily from a specific position within the class.

LIMITED-TERM: A term used in the Education Code and these rules to designate employment for periods of time not to exceed six (6) calendar months; or employment of a temporary employee to substitute for the authorized absence of a permanent employee.

LIMITED-TERM EMPLOYEE: An employee who is serving as a substitute for a regular employee, or serving in a position established for a limited and specified period of time of six (6) months or less.

LONGEVITY PAY: An additional compensation amount paid to permanent classified employees on the basis of length of service with the district.

LOYALTY OATH: A statement required of each new employee vowing or affirming support of the United States and California Constitutions, required by State law and Board rule.

MERGED LIST (of the eligibility lists): The act of combining two or more eligibility lists for the same class, which were established not more than a year apart, in the rank order of the scores of the eligibles. Even though the eligibility lists have been merged, each list individually expires one (1) year following the date on which they were merged.

MERIT SYSTEM: A personnel system in which in which initial regular employment and promotion are based upon competition in examinations.

MULTIPLE ASSIGNMENT: Service of one incumbent in both a limited-term classified or exempt assignment, in addition to a regular classified assignment.

MILITARY LEAVE: Authorized absence to engage in ordered military duty.

OPEN EXAMINATION: An examination which is not restricted to persons who are current permanent employees of the district.

OVERTIME: Authorized time worked by an employee in excess of 8 hours in a day or 40 hours a calendar week.

PART-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than eighty-seven and a half percent (87.5%) of the normally assigned time of the majority of employees in the classified service.

PERFORMANCE EVALUATION: An official form adopted by the District for the purpose of formally evaluating the work product and conduct of an employee, including any supplemental documents or materials.

PERMANENT EMPLOYEE: In reference to District employment status, an employee who has completed an initial probationary period of one-hundred-thirty (130) days of paid regular service in the classified service (excluding days absent for illness or injury), or two-hundred-sixty (260) days (excluding days absent for illness or injury) for positions designated as executive, administrative, or supervisory; a person who is legally an incumbent of a position, or one who is on an authorized leave of absence.

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

PERSONAL NECESSITY LEAVE: A leave of absence with pay to be used by probationary or permanent employees for a limited duration which may be taken in cases of personal necessity, as specified in California Education Code section 45207, and in accordance with Education Code section 45191, and the Rules and Regulations of the Personnel Commission. Such leave is charged against the employee's earned cumulative sick leave bank, and is limited to a maximum of eight (8) days per school year or as otherwise negotiated and stated in the collective bargaining agreement.

PERSONNEL COMMISSION: (Also referred to as "Commission"): A three member committee established pursuant to the requirements of "The Act," to establish rules and regulations to govern the classified service of the school district, and to oversee the actions of the school board and/or administration in

carrying out the requirements of "The Act" and the Rules and Regulations of the Commission.

PERSONNEL DIRECTOR: (Also referred to as "Director, Classified Personnel".) A position established pursuant to the provisions of Education Code Sections 45240 and 45264, as a representative appointed by the Personnel Commission to administer the Merit System and the Rules and Regulations established by the Personnel Commission.

PERSONNEL COMMISSION STAFF: Those persons appointed by the Personnel Commission to carry out the day-to-day operations of the Personnel Commission.

POSITION: A group of duties and responsibilities assigned by competent authority which requires either full-time or part-time employment of one person on a permanent or limited-term basis.

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.

PRIVILEGE: A benefit that is discretionary (which may or may not be granted), in contrast to a right (which must be granted).

PROBATIONARY PERIOD: A trial period of one hundred and thirty (130) days, or two hundred sixty (260) days for executive, administrative, and supervisory employees, of paid service (excluding days absent while on leave) following appointment from an appropriate eligibility list.

PROFESSIONAL EXPERT: A person employed by the District in a professional capacity for a specific limited term project. Such persons are excluded from the classified service.

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 following appointment from an appropriate promotional list.

PROMOTIONAL LIST: An eligibility list resulting from a promotional examination limited to qualified employees of the District.

PROVISIONAL APPOINTMENT: A temporary appointment of a person to a permanent or limited-term position which is made in the absence of an appropriate eligibility list for a period of time not to exceed ninety (90) consecutive days or 126 working days in any one fiscal year except when no one is available on an appropriate eligibility list for a part-time position.

PROVISIONAL EMPLOYEE: A person employed under a provisional appointment.

REALLOCATE OR REALLOCATION: Movement of an entire class from one salary range or hourly rate to another salary range or hourly rate on the basis of either internal or external alignment or a change in the salary-setting basis for the class.

RECLASSIFY OR RECLASSIFICATION: The reassignment of a position, whether filled or vacant from one class to another, whether new or existing, because of significant change in class title, minimum qualifications, duties or responsibilities.

REEMPLOYMENT: Return to employment of a former regular employee who has been laid off. Also applies to former employees of the District who are returned to employment for a limited period of time following their retirement(s).

REEMPLOYMENT LIST: A list of names, in rank order of seniority, of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, abolishment or reclassification of positions, exhaustion of illness or accident leave privileges, or other reasons specified in the Rules and Regulations of the Personnel Commission, and who are eligible for reemployment without examination in their former class or classes within a period of thirty-nine (39) months following the date of layoff.

REGULAR APPOINTMENT: An appointment made from an eligibility list to fill a regular full-time or part-time position vacancy.

REGULAR EMPLOYEE: An employee who holds either probationary or permanent employment status in a regular classified position with the District.

REHIRE DATE: The date of most recent regular employment with the District.

REINSTATEMENT: A reappointment of a former employee, within a period of 39 months after his/her last day of paid service and without further competitive examination, to a position in the person's former classification as a permanent or limited-term employee, or as a permanent or limited-term employee in a related lower class or a lower class in which the employee formerly had permanent status. Reappointment of a person as a permanent employee requires the District to restore all rights, benefits and burdens of a permanent employee in the class to which he/she is reappointed. Also, refers to a return to work after appeal from disciplinary action when so ordered by the Personnel Commission.

RESIGNATION: Submission of a voluntary statement in writing or on an official employment separation form requesting to end employment with the District.

RESPONSIBILITY DIFFERENTIAL: A wage or salary differential paid to incumbents of some positions in a class based upon variations in responsibility measurable by a quantitative criterion.

RESTORATION: The reinstatement or reemployment of an employee with all of the rights, benefits, and burdens held prior to the break in service.

RIGHT: A benefit which is bestowed by law or rule and must be granted to the person.

RULE OF THREE: The scope of choice available to the appointing authority or power in making a selection from an eligibility 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.

SALARY RANGE: A series of consecutive salary steps that compromise the rates of pay for a class. A salary range usually consists of five (5) steps.

SALARY RATE: That amount of money authorized to be paid on an hourly, daily, weekly, monthly, or annual basis for a particular classification, assignment or contract.

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

SALARY STEP: A specific rate in a salary range. One of the consecutive rates that comprise a salary range, and is paid on a hourly or monthly basis.

SALARY STEP ADVANCEMENT: Movement to a higher step on the salary range for the class as a result of having served the required number of months in that class during the preceding twelve months until the maximum step has been achieved.

SALARY STUDY OR SURVEY: The collection of current wage and salary data for the purpose of determining the prevailing wage for certain types of work. The data is usually secured from other public agencies and from private sector businesses in the labor market area. The term also includes the written report containing the data collected.

SELECTIVE CERTIFICATION: The submission of names in the top three ranks that are eligible for hire provided they possess one or more of the following requirements determined to be necessary for successful performance of a position; the ability to speak, read, or write a non-English language; a specific gender that is a bona fide occupational qualification; a valid driver's license; or other specialized licenses, certifications, knowledge, or ability that cannot reasonably be acquired during the probationary period.

SENIOR MANAGEMENT: Positions designated by the Board of Education, which meet the requirements of Section 45108.5 of the Education Code.

SENIORITY: Status secured by length of service in a classification for determining the order of layoff when positions within a classification are eliminated.

SEPARATION: The ending of all status as an employee with the District including resignation, dismissal, layoff, or retirement.

SERIES: A number of classes closely related into an occupational hierarchy and arranged in a list in order to indicate levels in a group. The occupational hierarchies or series established by the Personnel Commission are also related horizontally.

SUSPENSION: An enforced absence of an employee without pay for disciplinary purposes, or pending the outcome of an investigation of charges that have been filed against the employee.

TASK: The smallest unit of work assigned to an employee.

TEMPORARY EMPLOYEE: See also Limited-Term Employee. An employee hired into a position assignment that does not lead to acquiring permanent status in a regular position.

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

UNCLASSIFIED SERVICE: All positions which (by law) are not a part of either the classified service or the certificated service of the District.

UNSATISFACTORY SERVICE: The performance of assigned duties and responsibilities in inadequate manner or in a manner that is considered detrimental to the good of the service, or conduct off duty with a nexus of being detrimental to the good of the service to the District.

VETERAN: Any person who has served in the United States armed forces in time of war, or national emergency declared by the President of the United States of America, and who has been discharged or released under conditions other than dishonorable, proof of which shall be submitted to the Commission at the time of the examination.

VETERANS' CREDIT: Five or ten additional points added to the final passing score of an open examination of persons designated as United States veterans for service in the armed forces during time of war or a national emergency as declared by the President of the United States and discharged or release under conditions other than dishonorable; official military service documentation must be submitted

WAIVER: The voluntary relinquishment by an eligible of a right to be considered for appointment from an employment list to one or more position

locations, or for a specified or unlimited period of time not to exceed the limited duration of the employment 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.

Y-RATE: A frozen salary rate above the established range for a class.

ARTICLE II: RULE MAKING AUTHORITY AND DEFINITIONS

2.1 STATUTORY AUTHORITY OF RULES

← 4.1

The Rules and Regulations contained herein are established pursuant to the authority of the Personnel Commission as granted under the California Education Code, Chapter 5, Part 25, Division 3, commencing with section 45260.

2.1.1 The Rules and Regulations shall not apply to bargaining unit members if the subject matter is within the scope of representation, as defined by California Government Code section 3543.2, and is included in a written negotiated collective bargaining agreement between the Conejo Valley Unified School District's Board of Education and the unit.

2.1.2 The Rules shall be binding upon the Board of Education, but shall not restrict the authority of the Board herein and pursuant to other sections of the Education Code.

← 4.6

REFERENCE: Education Code 45241 and 45260
Government Code 3543.2

2.2 SUBJECT OF RULES

← 4.2

The Rules shall provide for the procedures to be followed as they pertain to classified service regarding such matters as applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without compensation, and any other matters deemed necessary by the Commission to insure the efficiency of the classified service and the selection and retention of employees upon a basis of merit and fitness.

REFERENCE: Education Code 45260

2.3 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 interpreted and applied with consideration of their intent. However, specific and applicable provisions of the 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 Personnel Director, subject to appeal to the Personnel Commission. The Commission shall consider responsible comment to amend rules which prove to be in need of clarification. However, unless otherwise provided in accordance with the law, no rule amendment or new rule shall have retroactive application.

REFERENCE: Education Code Section 45260

2.4 ESTABLISHMENT, AMENDMENT, AND ABOLISHMENT OF RULES

← 4.5

All proposals, from any source to establish, amend, or abolish these rules in whole or in part, shall be placed on the Order of Business for action by the Personnel Commission.

2.4.1 No rule or amendment shall be adopted by the Commission without the exclusive bargaining representative and the Board or its designee having been given at least fourteen (14) calendar days to review and comment on the impact of the proposed change. The scheduling of the 1st reading shall constitute as notice, so long as the 2nd reading and adoption shall not occur earlier than fourteen calendar days apart.

2.4.2 Insofar as possible, interested parties shall submit their reactions to proposals in writing to the director on or before the stipulated agenda deadline date for transmittal to the commission. Such parties shall also have the right to make presentations orally before the commission at the appropriate commission meeting.

2.4.3 No rule amendment or new rule shall have a retroactive date of effect and application.

REFERENCE: Education Code 45260

2.5 GENERIC TERMINOLOGY

As used in these rules, the masculine gender includes the feminine gender. Singular terms shall be construed to include the plural, and the plural terms, shall be construed to include the singular.

REFERENCE: Education Code 73-74, 45260

2.6 SEVERABILITY OF RULES (JUDICIAL REVIEW)

← 4.1

If a judicial review or a change in law causes any portion of these rules or application thereof to become invalid or unenforceable, such finding or amendment shall not affect the validity or the enforceability of the other rules and regulations.

REFERENCE: Education Code 45260

2.7 DISTRIBUTION OF RULES AND REGULATIONS

← 4.3

A copy of the Rules shall be accessible electronically to the Personnel Commissioners, the Board of Education members, the District's certificated and classified administrators and supervisors, exclusive representative(s) of the classified employees and classified employees.

2.7.1 If one of the parties listed in 1.7 is unable to electronically retrieve a copy of the Rules, the said party will make a request to the Director for a printed copy to be provided upon request.

2.7.2 A copy of Article 6 of Chapter 5 of Part 25 of the California Education Code (commencing with Section 45240) shall also be available for distribution as noted in Section 1.7 and 1.7.2 above.

REFERENCE: Education Code 45260

2.8 VIOLATIONS OF PERSONNEL COMMISSION RULES AND REGULATIONS

New addition

Any person who willfully or through culpable negligence violates any of the provisions of the Education Code Article 6 is guilty of a misdemeanor. Such acts include the following:

2.8.1 Willfully, independently, or in cooperation with another person, defeat, deceive, or obstruct any person with respect to his/her right of examination, application, or employment under this article or Commission rule.

2.8.2 Willfully and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article or Commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.

2.8.3 Willfully 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 this article or Commission rule.

REFERENCE: Education Code 45317

2.9 DEFINITIONS OF TERMS

Article II - New additions underlined

Unless otherwise required by context and/or prevailing law, words used in these rules and regulations 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 to the "Merit System" for classified employees in certain school districts that have adopted the Merit System. It shall include all of the provisions of Article 6, Chapter 5, Part 25, as well as the provisions of Chapter 1 and Articles 1 to 4 of Chapter 5 in Part 25.

ADMINISTRATIVE CLASS: A job class whereby the incumbents assigned to it are exempt from overtime provisions based on State and federal law.

ADMINISTRATIVE LEAVE: An enforced absence of an employee with pay pending the outcome of an investigation of charges that have been filed against the employee.

ALLOCATE OR ALLOCATION: The official placing of a position in a given job class assigned to a particular range on the salary schedule.

ANNIVERSARY DATE: The day on which an employee completes the prescribed amount of service with the District, based on initial hire date into a

regular classified or certificated services, adjusted for breaks in service, for purposes of earning longevity pay increments, or advancement on the salary schedule for management, supervisory and confidential employees; synonymous with "Hire Date" when an employee has not had a break in service in the course of his/her employment.

APPEAL: A protest by an employee relative to an actual or potentially detrimental administrative action.

APPLICANT: A person who has filed an official employment application to participate or compete in the District's employment selection process.

APPOINTING AUTHORITY OR POWER: The Board of Education or its designees, or the Personnel Commission or its designee, when referring to Commission employees and positions.

APPOINTMENT: The official act of the appointing authority in approving the employment of a person in a specific position, subject to official approval by the Governing Board.

ARMED FORCES: For the purpose of military leave of absence, the United States Air Force, Army, Navy, Marine Corps, Coast Guard, Revenue Marine Service, Army Nurse Corps, and Navy Nurse Corps. For the purpose of veteran's credit in an open examination, the United States Air Force, Army, Navy, Marine Corps, and Coast Guard.

ASSIGNMENT: Placement of an appointee in a funded position.

ASSIGNMENT BASIS: The number of working days in a year and work hours per day for which employment is authorized for a specific position.

BEREAVEMENT LEAVE: A paid leave of absence granted to an employee upon the death of a member of his/her immediate family member or any relative residing in his/her household.

BOARD OF EDUCATION or BOARD: The governing body of the Conejo Valley Unified School District, comprised of five (5) elected representatives.

BREAK IN SERVICE: Interruption of an individual's employment relationship with the District.

BUMPING RIGHTS: The right of an employee, under certain conditions, to displace another employee with less seniority in the class.

CANDIDATE: A person who has participated or competed in one or more portions of the competitive selection process.

CAUSE: The grounds for discipline identified within these Rules as being subject to disciplinary action or offenses enumerated in the law.

CERTIFICATED SERVICE: Those persons and positions required by law to possess credentials issued by the State Department of Education for the State of California.

CERTIFICATION: The submission of names by the Personnel Director, of candidates from an appropriate eligibility list, approved or ratified by the Personnel Commission, or from some other source of eligibility, to the appointing power or to the department head authorized to make selections subject to the approval of the appointing power.

CHANGE IN LOCATION: The reassignment of an employee from one position to another position in the same class, but in a different administrative unit.

CHANGE OF SERVICE ASSIGNMENT: An employee's change from the certificated to the classified service of the District, or vice versa.

CLASS or JOB CLASS: A group of positions with similar duties and responsibilities, to which the same title, entrance qualifications, and tests of fitness apply.

CLASS SPECIFICATION (Sometimes referred to as a "Class or Job Description"): A written statement of duties and responsibilities of the position(s) in the class; illustrated by examples of typical tasks, job competencies, skills and abilities, and qualification requirements for employment in the class, as adopted by the Personnel Commission.

CLASS TITLE: A descriptive title prescribed to a class, which best captures the duties assigned to the class.

CLASSIFICATION: An act by the Personnel Commission to classify the duties of position(s) to a certain new or existing class within classified services.

CLASSIFIED SERVICE: All employees and positions within the jurisdiction of the Board of Education or of the Personnel Commission, except those exempt from classified service pursuant to California Education Code section 45256(b).

COMMISSION: Synonymous with Personnel Commission.

CONFIDENTIAL EMPLOYEE OR POSITION: A designation assigned to a position and the employee that occupies it, who, in the course of his/her duties, has access to, or possesses information relating to the employer's collective bargaining matters which, if divulged, could adversely affect the interest of the district. Employees designated as "confidential" are precluded from participating in or belonging to any organization which represents classified employees per the Government Code.

CONTINUOUS EXAMINATION(S): A procedure or procedures authorized by the Personnel Commission for the frequent testing of applicants in certain specified classes (or classifications).

DAY: The period of time between any midnight and the midnight following.

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class which is allocated to a lower maximum salary rate. A demotion may be voluntary, or for reasonable cause designated by rule of the Personnel Commission as detrimental to the efficiency of the service, or for any other good and sufficient cause.

DIFFERENTIAL or DIFFERENTIAL PAY: A salary allowance in addition to the basic salary rate or schedule, based upon additional skills, responsibilities, or specifically scheduled working hours. It also relates to the size of the interval(s) between steps on a salary range and/or the salary rates (ranges) of related classes.

DISCHARGE or DISMISSAL: Separation from the classified service for cause in accordance with the Rules and Regulations of the Personnel Commission. Requires action by the Board of Education.

DISTRICT: The Conejo Valley Unified School District.

DUAL CERTIFICATION: A procedure authorized by the Personnel Commission which provides for simultaneous certification, under certain specific conditions, from an open eligibility list and a promotional eligibility list in accordance with the examination scores attained by the candidates.

DUTIES STATEMENT: A listing of the specific duties assigned to an individual position. It is sometimes referred to as a "position description," which is based on the class specification, but individualized to the specific position(s) in class.

ELIGIBILITY LIST: A rank ordered list of the names of persons who have qualified for possible employment through one of the District's competitive examination processes.

ELIGIBLE: (As an adjective) Legally qualified to be appointed to a position. (As a noun) A person whose name appears on an appropriate eligibility list.

EMERGENCY APPOINTMENT: The assignment of an individual to a regular classified position for a period of time, not to exceed fifteen (15) working days, in order to prevent the stoppage of public business when persons on an eligibility list are not immediately available.

EMPLOYMENT LIST (sometimes known as "Certification List": A list of names from which certifications(s) may be made. The term includes eligibility lists, reemployment lists, as well as lists of individuals who wish to be transferred, demoted, reinstated or reemployed after resignation, or those who wish to be reinstated to a former class after voluntary demotion or reduction to limited-term status.

EMPLOYMENT STATUS: The condition of an employee's appointment indicating the degree of permanency with the District.

EXCLUSIVE REPRESENTATIVE: The labor organization certified or recognized by Public Employee Relations Board, as the sole representative of the approved unit of employees.

EXECUTIVE SECRETARY: A position approved by the Personnel Commission and exempt from specific provisions of these Rules in accordance with Education Code Section 45272.

EXEMPT CLASSIFIED SERVICE: Refers to those positions and employees exempt from the regular classified service as provided in Education Code Sections 45256b, 45257 and 45258.

FIELD OF COMPETITION: Those categories of persons (either from within or outside of the District) that have been authorized by the Personnel Commission or its designated representative to participate in the District's selection process.

FISCAL YEAR: July 1st of one year through June 30th of the following year.

FULL-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is equal to or greater than eighty-seven and a half percent (87.5%) of the normally assigned time of the majority of employees in the classified service of the District.

GOVERNING BOARD: The Board of Education of the Conejo Valley Unified School District (see "Board of Education" and/or "Appointing Authority or Power").

GRIEVANCE: An employee complaint alleging violation of a written rule or policy agreed to between the District and the employee's exclusive bargaining representative, not including appeals of disciplinary actions or requests for classification study or salary review.

GROUP: A number of classes related in duties and responsibilities as set forth in the list of classes promulgated by the Personnel Commission.

HEARING: Formal review in the presence of the parties involved, of evidence in connection with an action affecting an employee, concerning which the employee has filed an appeal.

HEARING OFFICER: A person employed by the Personnel Commission to hear and make recommendations on appeal within matters of commission authority.

HIRE DATE: Date of original or most recent employment with the District.

ILLNESS: Any pronounced deviation from a normal, healthy state that makes it disadvantageous to the District or detrimental to the employee to be at work.

ILLNESS LEAVE: Paid or unpaid leave given to an employee because of personal illness or injury.

INCUMBENT: An employee assigned to a position and currently serving in or on leave from that position.

INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS LEAVE: Absence because of injury or illness which arose out of and in the course of employment with the District.

INTERVIEW: Part of the selection process, usually the final portion of an examination, for the purpose of evaluating the education, experience, and personal qualifications of the candidate(s); also known as an "oral interview." This term also applies to a meeting between an eligible and the appointing power, or its designated representative, to discuss appointment to a specific position vacancy within the District.

INVESTIGATION: A fact-finding procedure related to an appeal or complaint.

INVOLUNTARY LEAVE: An approved absence from duty, with or without pay, for a prescribed period of time from class, but not necessarily from a specific position within the class.

JOB AUDIT OR JOB ANALYSIS: A personnel job evaluation technique by which a designee of the Personnel Commission uses various combinations of job evaluation questionnaires, personal interviews or direct observations of work, to collect data on the duties, tasks and responsibilities of a position.

JOB FAMILY: A series of progressively higher, or related job classes distinguished by levels of knowledge, skills, and abilities (competencies) and other factors.

LATERAL TRANSFER: The transfer of an employee to a position in a similar or related class with the same salary range.

LAYOFF: Separation from, or a reduction in assignment of, 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.

LEAVE OF ABSENCE: An approved absence from duty, with or without pay, for a prescribed period of time from a class, but not necessarily from a specific position within the class.

LIMITED-TERM: A term used in the Education Code and these rules to designate employment for periods of time not to exceed six (6) calendar months; or employment of a temporary employee to substitute for the authorized absence of a permanent employee.

LIMITED-TERM EMPLOYEE: An employee who is serving as a substitute for a regular employee, or serving in a position established for a limited and specified period of time of six (6) months or less.

LONGEVITY PAY: An additional compensation amount paid to permanent classified employees on the basis of length of service with the district.

LOYALTY OATH: A statement required of each new employee vowing or affirming support of the United States and California Constitutions, required by State law and Board rule.

MERGED LIST (of the eligibility lists): The act of combining two or more eligibility lists for the same class, which were established not more than a year apart, in the rank order of the scores of the eligibles. Even though the eligibility lists have been merged, each list individually expires one (1) year following the date on which they were merged.

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MULTIPLE ASSIGNMENT: Service of one incumbent in both a limited-term classified or exempt assignment, in addition to a regular classified assignment.

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OPEN EXAMINATION: An examination which is not restricted to persons who are current permanent employees of the district.

OVERTIME: Authorized time worked by an employee in excess of 8 hours in a day or 40 hours a calendar week.

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PRIVILEGE: A benefit that is discretionary (which may or may not be granted), in contrast to a right (which must be granted).

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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 following appointment from an appropriate promotional list.

PROMOTIONAL LIST: An eligibility list resulting from a promotional examination limited to qualified employees of the District.

PROVISIONAL APPOINTMENT: A temporary appointment of a person to a permanent or limited-term position which is made in the absence of an appropriate eligibility list for a period of time not to exceed ninety (90) consecutive days or 126 working days in any one fiscal year except when no one is available on an appropriate eligibility list for a part-time position.

PROVISIONAL EMPLOYEE: A person employed under a provisional appointment.

REALLOCATE OR REALLOCATION: Movement of an entire class from one salary range or hourly rate to another salary range or hourly rate on the basis of either internal or external alignment or a change in the salary-setting basis for the class.

RECLASSIFY OR RECLASSIFICATION: The reassignment of a position, whether filled or vacant from one class to another, whether new or existing, because of significant change in class title, minimum qualifications, duties or responsibilities.

REEMPLOYMENT: Return to employment of a former regular employee who has been laid off. Also applies to former employees of the District who are returned to employment for a limited period of time following their retirement(s).

REEMPLOYMENT LIST: A list of names, in rank order of seniority, of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, abolishment or reclassification of positions, exhaustion of illness or accident leave privileges, or other reasons specified in the Rules and Regulations of the Personnel Commission, and who are eligible for

reemployment without examination in their former class or classes within a period of thirty-nine (39) months following the date of layoff.

REGULAR APPOINTMENT: An appointment made from an eligibility list to fill a regular full-time or part-time position vacancy.

REGULAR EMPLOYEE: An employee who holds either probationary or permanent employment status in a regular classified position with the District.

REHIRE DATE: The date of most recent regular employment with the District.

REINSTATEMENT: A reappointment of a former employee, within a period of 39 months after his/her last day of paid service and without further competitive examination, to a position in the person's former classification as a permanent or limited-term employee, or as a permanent or limited-term employee in a related lower class or a lower class in which the employee formerly had permanent status. Reappointment of a person as a permanent employee requires the District to restore all rights, benefits and burdens of a permanent employee in the class to which he/she is reappointed. Also, refers to a return to work after appeal from disciplinary action when so ordered by the Personnel Commission.

RESIGNATION: Submission of a voluntary statement in writing or on an official employment separation form requesting to end employment with the District.

RESPONSIBILITY DIFFERENTIAL: A wage or salary differential paid to incumbents of some positions in a class based upon variations in responsibility measurable by a quantitative criterion.

RESTORATION: The reinstatement or reemployment of an employee with all of the rights, benefits, and burdens held prior to the break in service.

RIGHT: A benefit which is bestowed by law or rule and must be granted to the person.

RULE OF THREE: The scope of choice available to the appointing authority or power in making a selection from an eligibility 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.

SALARY RANGE: A series of consecutive salary steps that comprise the rates of pay for a class. A salary range usually consists of five (5) steps.

SALARY RATE: That amount of money authorized to be paid on an hourly, daily, weekly, monthly, or annual basis for a particular classification, assignment or contract.

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

SALARY STEP: A specific rate in a salary range. One of the consecutive rates that comprise a salary range, and is paid on a hourly or monthly basis.

SALARY STEP ADVANCEMENT: Movement to a higher step on the salary range for the class as a result of having served the required number of months in that class during the preceding twelve months until the maximum step has been achieved.

SALARY STUDY OR SURVEY: The collection of current wage and salary data for the purpose of determining the prevailing wage for certain types of work. The data is usually secured from other public agencies and from private sector businesses in the labor market area. The term also includes the written report containing the data collected.

SELECTIVE CERTIFICATION: The submission of names in the top three ranks that are eligible for hire provided they possess one or more of the following requirements determined to be necessary for successful performance of a position; the ability to speak, read, or write a non-English language; a specific gender that is a bona fide occupational qualification; a valid driver's license; or other specialized licenses, certifications, knowledge, or ability that cannot reasonably be acquired during the probationary period.

SENIOR MANAGEMENT: Positions designated by the Board of Education, which meet the requirements of Section 45108.5 of the Education Code.

SENIORITY: Status secured by length of service in a classification for determining the order of layoff when positions within a classification are eliminated.

SEPARATION: The ending of all status as an employee with the District including resignation, dismissal, layoff, or retirement.

SERIES: A number of classes closely related into an occupational hierarchy and arranged in a list in order to indicate levels in a group. The occupational hierarchies or series established by the Personnel Commission are also related horizontally.

SUSPENSION: An enforced absence of an employee without pay for disciplinary purposes, or pending the outcome of an investigation of charges that have been filed against the employee.

TASK: The smallest unit of work assigned to an employee.

TEMPORARY EMPLOYEE: See also Limited-Term Employee. An employee hired into a position assignment that does not lead to acquiring permanent status in a regular position.

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

UNCLASSIFIED SERVICE: All positions which (by law) are not a part of either the classified service or the certificated service of the District.

UNSATISFACTORY SERVICE: The performance of assigned duties and responsibilities in inadequate manner or in a manner that is considered detrimental to the good of the service, or conduct off duty with a nexus of being detrimental to the good of the service to the District.

VETERAN: Any person who has served in the United States armed forces in time of war, or national emergency declared by the President of the United States of America, and who has been discharged or released under conditions other than dishonorable, proof of which shall be submitted to the Commission at the time of the examination.

VETERANS' CREDIT: Five or ten additional points added to the final passing score of an open examination of persons designated as United States veterans for service in the armed forces during time of war or a national emergency as declared by the President of the United States and discharged or release under conditions other than dishonorable; official military service documentation must be submitted

WAIVER: The voluntary relinquishment by an eligible of a right to be considered for appointment from an employment list to one or more position locations, or for a specified or unlimited period of time not to exceed the limited duration of the employment 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.

Y-RATE: A frozen salary rate above the established range for a class.

ARTICLE III

PERSONNEL COMMISSION **STAFF AND GENERAL PROVISIONS**

3.1 ORGANIZATION OF THE COMMISSION

3.1.1 COMPOSITION OF THE PERSONNEL COMMISSION: The Personnel Commission shall be comprised of a body of three (3) persons, as follows: ← 3.1
← 3.3

- A. One member appointed by the governing board of the district.
- B. One member appointed by the classified employees of the district; as used in this section, "classified employees" shall mean an organization of classified employees which represents the greatest number of classified employees of the district as determined by the board exercising its authority under Section 7110 of the Education Code. If there is no such organization existing within the district the board shall, by written rule, prescribe the method by which the recommendation is to be made by its classified employees.
- C. One member appointed by the appointees of the governing board and the classified employees.

3.1.2 QUALIFICATIONS FOR MEMBERSHIP: Members of the Commission shall be registered voters, territorial boundaries of the Conejo Valley Unified School District, and shall be "known adherents of the principle of the merit system." For purposes of this Rule the following definitions shall apply: ← 3.2

- A. "Known adherents to the principle of the merit system," with respect to a candidate for new appointment, shall mean a person who by nature of his/her prior public or private service has given evidence that he/she supports the concept of employment, continuance in employment, in service promotional opportunities, and other related matters on the basis of merit and fitness.
- B. With respect to a candidate for reappointment, "known adherent of the merit system" shall mean a Commissioner who has clearly demonstrated through meeting attendance and actions that he/she does, in fact, support the merit system and its operation.
- C. No member of the governing board of any school district or county board of education shall be eligible for appointment, reappointment, or continuance as a member of the Commission nor shall a Commissioner be an employee of the District during his or her terms of service.

3.1.3 APPOINTMENT PROCEDURES: On or about September 1st of each year, the Director of Classified Personnel shall notify the Board of Education and the recognized classified employee organizations(s) of the name and home address of the commissioner whose term will be expiring, and whether or not that commissioner will accept reappointment for another three-year term. The ← 3.4

notification will also provide the name of the appointing authority, and the procedures to be followed in filling the upcoming vacancy.

3.1.3.1 BOARD OF EDUCATION APPOINTEE: The governing board shall publicly announce the name of the person it intends to appoint or reappoint, if the vacancy is its appointee, by September 30, if a vacancy should exist on December 1.

- A. At a board meeting to be held after 30 days and within 45 days of the date the Board publicly announced its candidate, the Board shall hold a public hearing provide the public and employees and employee organizations the opportunity to express their views on the qualifications of those person recommended by the Board for appointment.
- B. Following the public hearing, the Board may appoint its initial nominee or may make a substitute appointment or recommendation without further notification or public hearing.

3.1.3.2 CLASSIFIED EMPLOYEES' APPOINTEE: By September 20th, the classified employee organization having authority to nominate the classified employees' appointee to the Commission, shall publicly submit the name of the person it wishes to appoint to the Commission.

- A. The name of the classified employees' intended appointment must be submitted to the Board of Education for approval at a Board meeting held on or before the 30th of September (of the year in which the classified employees' appointment is to be made), or 30 days before the date on which the vacancy shall occur, whichever is greater notice.
- B. The Board of Education shall appoint the classified employees' nominee unless the classified employees voluntarily withdraw their original nominee and submit the name of a new nominee. In the latter case, the Board of Education shall approve the appointment of the new nominee.
- C. In the event that the classified employees of the District are represented by one or more recognized employee organizations, the employee organization representing the largest number of the District's classified staff on September 1st of the year in which the classified employee's appointment is to be made, shall be authorized to submit the recommended appointment to the Board of Education for action as required by law and these rules and regulations.

D. In the event that a vacancy is created on the Personnel Commission because of the classified employees' failure to submit a recommendation, the Board of Education, upon the recommendation of the Personnel Director, may make an emergency appointment to insure the continuance of the functions of the Personnel Commission. The interim appointment shall terminate on the date the notification of permanent appointment is received by the appointee and in no event shall be valid for more than sixty (60) days.

3.1.3.3 COMMISSIONERS' JOINT APPOINTEE: By September 30th, the appointee of the Board of Education and the appointee of the classified employees (or the appointee of the Executive Officer of the State Personnel Board if that is the situation) shall publicly announce the name of the person they intend to appoint or reappoint. At a Personnel Commission meeting to be held after 30 and within 45 days of the date the Commission publicly announced its candidate, the Commission shall hold a public hearing to provide the public, employees, employee organizations, and members of the Board of Education the opportunity to express their views on the qualifications of the person recommended by the Commission for appointment. The Commission at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

3.1.4 TERM(S) OF OFFICE: The term of each Commissioner is three years and expires at noon, December 1, upon completion of the third year. Appointments shall be made in such a way as to assure that the term of one Commissioner expires each year. ← 3.5

3.1.5 ELECTION OF OFFICERS:

- A. The officers of the Personnel Commission shall be designated as Chair and Vice Chair.
- B. At its first meeting in December of each year, the Personnel Commission shall elect one of its members to serve as Chair for a period of one year. A Chair may serve more than one term.
- C. At the same time and in the same manner, the Personnel Commission shall elect one of its members to serve as Vice-Chair.
- D. The Chair shall be the presiding officer at all regular and special meetings of the Commission. In the event of the absence of the Chair, the Vice-Chair shall preside.

3.1.6 EMERGENCY APPOINTMENT OF COMMISSIONERS: In the event of a 3.6
vacancy on the commission, the board at the request of the director shall
declare that an emergency exists and shall make an interim appointment to
fill a vacancy to insure the continuance of the functions of the commission.

- A. Appointment to vacancies occurring subsequent to the initial appointment shall be made by the original appointing authority, either for a new full term or to fill an unexpired term.
- B. If there is no personnel director, the board may, nevertheless, make an emergency interim appointment.
- C. An interim appointee must meet the requirements of Education Code Section 45244 and be free of the restrictions contained therein and the appointment shall be valid for not more than 60 days.
- D. An interim appointment shall terminate immediately on the date the notification of permanent appointment is received by the appointee. Notification shall be made upon selection of the appointing authority of a new appointee.

REFERENCES: Education Code 45244, 45248, 45260 and 45261

3.1.7 EVENTS CAUSING VACANCY OR INVOLUNTARY REMOVAL BEFORE EXPIRATION OF TERM: Personnel Commissioners shall be expected to attend all regular and special meetings of the Personnel Commission. If a member is unable to attend a scheduled meeting, the member shall contact the Personnel Director to inform the Commission of the expected absence. A member of the Personnel Commission shall be deemed to have vacated the seat of the Commission before the expiration of the prescribed term in case of any of the following events: New addition

- A. The death of the Commissioner
- B. An adjudication pursuant to a *quo warranto* proceeding, 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 the duties of the office for the remainder of the term.
- C. The Commissioner's resignation.
- D. The Commissioner's removal from office by a court of competent jurisdiction.
- E. The Commissioner's ceasing to meet all the legal requirements to continue to be a Commissioner as outlined in Rule 2.1.2.

- F. The Commissioner's ceasing to discharge the duties of the office for a period of three consecutive months, except when prevented by sickness.
- G. The Commissioner's unexcused absence exceeding four (4) total regular meetings in a fiscal year.
- H. The Commissioner's conviction of a felony or of any offense involving a violation of the official duties of a Commissioner as required by these rules and/or the law. A Commissioner shall be deemed to have been convicted under this rule when trial court judgment is entered. For the purposes of this section, "trial court judgment" means a judgment by the trial court either sentencing the commissioner or otherwise upholding and implementing the plea, including nolo contendere, verdict or finding.
- I. The decision of a competent tribunal declaring void the Commissioner's appointment.
- J. The Commissioner's commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, or inebriate. In this event, the office shall not be deemed vacant until the order of commitment has become final.

REFERENCES: Government Code Section 1060 et seq., 1750, 1770, 2000, 2001, 2100, 2752
Penal Code Sections 1026, 1268 et seq.

3.1.8 REMOVAL OF COMMISSIONER FOR CAUSE BY COMMISSION: Unless one of the causes for vacating a Commissioner's position is ordered by a court of competent jurisdiction, the Commission may only declare a position vacant pursuant to rule 2.1.7 and only by majority vote of the Commission. New Addition

- A. Such action must be taken at a regular or special meeting of the Commission, and the proposed declaration of vacancy must be listed as an action item on the official published agenda for said meeting.
- B. A copy of the agenda must be delivered in the usual and prescribed manner required by these rules to the Commissioner being subjected to possible removal, except in cases of a decedent.
- C. The Commission shall solicit input from the Superintendent and the employee organization(s), if any, prior to the final vote. Only a majority vote by the Commission will effect a valid vacancy.
- D. If the majority of the Commissioners vote to declare a seat vacant, the Commission shall direct the Director, Classified Personnel to so inform the removed Commissioner in writing. The Personnel Director shall initiate the necessary legal steps to fill the vacancy as mandated by the Education Code and by these rules and regulations.

REFERENCES: Government Code Section 1060 et seq., 1750, 1770, 2000, 2001, 2100, 2752
 Penal Code Sections 1026, 1268 et seq.
 Welfare and Institutions Code Sections 5008, 6200 et seq.
 Education Code Sections 45244, 45245, 45246, and 45247

3.1.9 COMMISSIONERS' CODE OF PROFESSIONAL CONDUCT: All personnel commissioners shall be provided an opportunity to affirm and accept the Commissioners' Code of Professional Conduct. New Addition

- A. In the Order of Business of the meeting in which a new commissioner is sworn-in (usually the December meeting), the personnel director shall place on the agenda a recommendation that the Commission accept the Resolution of the Personnel Commissioners Code of Professional Conduct (Resolution). The Commission Chair will ask for a motion that the Resolution be accepted. If seconded, the new commission member will be given the opportunity to sign a copy of the Resolution.
- B. The signed Resolution shall be made a part of the personnel commissioner's individual service file maintained by the Commission Recording Secretary. If the Resolution is not signed by a dissenting commissioner, the unsigned Resolution shall be made part of the commissioner's service file and annotated as "unsigned." The dissenting commissioner may attach written comments.

C. Resolution of the Personnel Commissioners' Code of Professional Conduct

Whereas, the Personnel Commission shall base all actions and decisions on merit, fairness and efficiency regardless of outside influence, and

Whereas, Commissioners shall publicly champion and vocally encourage others to embrace the principles of merit in all decisions and actions related to Classified Employment, and

Whereas, Commissioners shall act and vote independently and objectively regardless of their source of appointment, and

Whereas, the Commission is to provide counsel and direction to their Director at the policy level rather than become involved in the day-to-day operations of the staff, and

Whereas, Commissioners understand and recognize that the power and decision-making authority over the Personnel Commission and its staff or over actions that impact the Classified Service lies only with the full Commission and not with an individual opinion or one Commissioner, and

Whereas, Commission members are expected to attend and participate in all Commission meetings and become fully informed of the issues being considered at those meetings, and

Whereas, Commission members who receive expressions of concern regarding issues that impact the Classified Service should share that information with the entire Commission, and

Whereas, Commissioners shall direct individuals who privately contact them about specific Commission issues to address their Director, and then the full Commission, and

Whereas, Commission members should avail themselves of opportunities to inform and educate themselves about current Human Resources practices and employment law by individual study and/or through participation in programs providing related information, and

Whereas, the Commission shall encourage regular and impartial performance evaluations of all Classified employees, and

Whereas, the Commission shall encourage training programs for all Classified employees, and

Whereas, the Commission shall ensure a continuous review of positions in the Classified Service and recognize that classification designations are based on assigned duties not attributes of individual incumbents, and

Whereas, Commissioners shall not publicly engage in personal attacks on Commission staff or attempt to discipline any employee other than the Director of their staff, and

Whereas, Commission members shall recognize that the Chair of the Commission is the official voice of the Personnel Commission and that members have the responsibility when meeting privately with others to differentiate their views from those of the Commission as a whole, and

Whereas, Commissioners shall respect the confidentiality of all privileged information, including that discussed in closed session, and

Whereas, Commissioners shall comply with the accepted Rules of Order and the Brown Act in the conduct of their meetings, and shall enforce the accepted Rules of Order for attendees at their meetings, and

Whereas, Commissioners shall support and ensure that all candidates for classified employment are provided with equal employment opportunity and that selection procedures are based on merit and fitness, and

Whereas, the Commission shall recognize the value of diversity in the workplace and encourage recruitment outreach to members of underrepresented groups, and

Whereas, the Commission shall adjudicate disciplinary and examination appeals on the basis of relevant substantial evidence and not on personal, prejudicial, or extraneous information, feelings, or beliefs, and

Whereas, the Commission shall abide by related provisions of the California State Education Code and federal, state and local legislation and regulations;

Therefore, be it resolved that Personnel Commissioners, agree to and support this Code of Conduct.

3.2 COMMISSION EMPLOYEES

3.9

- 3.2.1 STATUS OF COMMISSION EMPLOYEES: The Commission shall select, appoint and supervise the persons hired into positions allocated in its annual budget and performing the day-to-day responsibilities and functions of the Personnel Commission. The persons so employed shall be appointed from eligibility lists established pursuant to Commission rules pertaining to filling vacancies in regular classified service, be a part of the District's classified service and subject to all of the rules, procedures, rights, benefits and burdens pertinent to the classified service, including representation by the appropriate exclusive representative, if any, except as the Commission may specifically direct. 3.14
- 3.2.2 GENERAL DUTIES OF THE COMMISSION'S DIRECTOR: 3.15
- A. The Director, Classified Personnel shall perform all of the functions imposed upon this position by law and these rules and regulations, and as further prescribed by the Personnel Commission. He/she shall act as Secretary to the Personnel Commission, and shall issue and receive all notifications on its behalf. He/she shall direct and supervise the employees of the Commission, and conduct administrative transactions consistent with the law as well as the proper functioning of the office and staff of the Personnel Commission.
 - B. By mutual interest and agreement between the Board and its Superintendent and the Commission, the Director, Classified Personnel shall also perform all Board related functions of administering the classified personnel management program, and shall serve as the advisor to the Superintendent and the Board of Education on classified personnel matters.
 - C. The Director will abstain from advising the Personnel Commission in its deliberation of disciplinary hearing appeals, or any related Commission investigation, if the Director is a party to investigation or disciplinary charges brought against an employee of the District.
 - D. The Director will administer these Rules and Regulations, and resolve application of rules, where two or more of these rules or regulations appear to be in conflict with each other or contrary to enacted State or federal law, or when there is no specific rule to guide resolution of an employment matter. The decision of the Director shall be subject to appeal to the Personnel Commission.

REFERENCES: Education Code Sections 45260 - 45261, 45266, and 45212

3.3 ANNUAL BUDGET OF THE COMMISSION

3.3.1 COMMISSION BUDGET - The Commission's Director (Director, Classified Personnel) shall prepare and submit to the Commission a proposed annual operating budget for the next ensuing fiscal year in accord with established timelines and statutory provisions of the Education Code. ←3.8

- A. The budget shall be prepared for a public hearing by the Commission to be held not later than May 30th of each year.
- B. Prior to the public hearing on its budget, the Personnel Commission, or its staff on its behalf, shall forward a copy of its proposed budget to the Board of Education indicating the time, date, and place of the public hearing, and shall invite the Board and District Administration representatives to attend the meeting and to present their views regarding the proposed budget of the ensuing fiscal year. The Commission shall fully consider the views of the Board prior to adoption of its proposed budget.
- C. Following its adoption of a budget for the ensuing year, the Commission shall then forward its adopted budget to the Ventura County Superintendent of Schools for action.
- D. In the event that the Personnel Commission adopts a budget not in accord with financial parameters stipulated by the Board or its Superintendent, it is incumbent upon both parties to address their positions and objections to the Ventura County Superintendent of Schools.
- E. The Commission's budget final approval is subject to review and approval by the Ventura County Superintendent of Schools. Budget adoption may be subject to a Public Hearing held by the County.

3.4 MISCELLENEOUS PROVISIONS

3.4.1 COMPENSATION OF COMMISSION MEMBERS: The members of the Personnel Commission shall receive compensation at a rate of fifty dollars (\$50) per meeting; not to exceed two-hundred fifty dollars (\$250) per month. The members of the Commission have also been approved (by the Board of Education) to participate in the district-paid health, life, dental and eye-care programs. New addition

- 3.4.2 ANNUAL REPORT: The Commission's Director shall prepare an annual report of the Commission's activities. When approved by the Commission, the annual report shall be submitted to the Board of Education. The report shall be prepared for Commission approval as soon as possible after the close of each fiscal year, but no later than the Commission's regular scheduled meeting in November. The report shall cover the Personnel Commission's activities for the preceding fiscal year. ←3.11
- 3.4.3 LEGAL COUNSEL FOR THE PERSONNEL COMMISSION: The legal counsel for the Board of Education shall also aid and represent the Personnel Commission in all legal matters. If counsel does not respond to a written request by the Commission for aid or representation within fifteen (15) working days of receipt of a written request, the counsel is deemed to have refused to assist or represent the Commission in that matter. If legal counsel knows, or has reason to know, that at the time the request is made, a conflict of interest may exist between the interests of the Commission and the interest of the Board, legal counsel may not represent the Commission. In such circumstances, the Commission may employ its own legal counsel and the reasonable cost therefore shall constitute a legal charge against the District's general funds (whether or not the money-costs for such legal services appear in the Commission's budget). ←3.13

REFERENCES: Education Code Sections 45252,45260, 45266, 45212

ARTICLE IV: MEETINGS OF THE COMMISSION

4.2 MEETINGS OF THE COMMISSION

- 4.2.1 RULES OF ORDER: The Commission meetings shall be conducted in accord with the provisions of the Ralph M. Brown Act, pursuant to California Government Code 54950, and discussion and decision making process shall abide by parliamentary procedures as defined in Robert's Rules of Order. New addition
- 4.2.2 MEETINGS OPEN TO THE PUBLIC: All regular and special meetings of the Commission shall be open to the public, and all persons shall be permitted to attend the procession of the meeting with the exception of times when the Commission adjourns into closed session per Rule 3.2.5. This rule shall not be construed as authorizing employees to be absent from duty for attendance at Personnel Commission meetings, unless they have specific business before the Commission. ← 5.3
- 4.2.2.1 REGULAR MEETINGS: Subject to cancellation or proper change, the Commission shall set its annual calendar for each fiscal year, establishing time and location of the meetings. Whenever the regularly scheduled meeting date happens to fall on a holiday, the Commission shall take action (at a prior regular meeting) to designate some other day for its meeting. ← 5.4
- 4.2.2.2 ADJOURNED REGULAR MEETINGS: The Commission may adjourn any regular, or previously adjourned meeting to a time and place specified in the order of adjournment. A notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned, the reconvened meeting is a regular meeting for all intents and purposes. When an order of adjournment of any meeting fails to state the hour at which the reconvened meeting is to be held, it shall be held at the hour normally designated for regular Commission meetings. New addition
- 4.2.2.3 SPECIAL MEETINGS: Special meetings may be called at any time by the Commission Chairperson or by the written request of any member of the Personnel Commission. Written notice for any such meeting shall be delivered electronically or by mail to each member of the Commission. A written notice of such meeting shall also be provided to any of the following persons or organizations if they have filed ← 5.5

written requests to be notified of the dates and times of the Commission meetings: each local newspaper of general distribution, radio or television stations, as well as representatives of any recognized employee organization or group. Such notice must be delivered personally or by mail at least seventy-two (72) hours before the time of such meeting as specified in the notice. A copy of the notice shall also be posted on the Commission's official bulletin board. The meeting notice shall specify the time and place of the special meeting as well as the business to be transacted, and no other business shall be considered at that meeting.

- 4.2.2.4 EMERGENCY MEETINGS: When a majority of the Commission determines at its discretion, that an emergency situation exists, the Commission may hold an emergency meeting. At least one hour prior to the meeting, telephonic notice shall be provided to all media outlets, which have requested notice of any special meetings called pursuant to California Government Code section 54956. In the event telephone services are not functioning, the Commission shall notify the media outlets of the fact of the holding of the emergency meeting, the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible. The Commission shall not meet in closed session during an emergency meeting. For purposes of this section, "emergency situation" means a crippling disaster, work stoppage or other activity, which severely impairs public health, safety or both. New addition

REFERENCES: Government Code Sections 2549.1, 54955.1, 54952.2, 54954, 54955, 54956.5

- 4.2.3 ORDER OF BUSINESS / AGENDA: The Personnel Commission's Order of Business, by means of an "Agenda" shall be posted at least 72 hours before a regular meeting in a prominent place in the District Office and on the Personnel Commission's Web site. The Order of Business shall contain a brief general description of each item of business to be transacted or discussed at the meeting. A Notice shall be posted at least 24 hours in advance of special or emergency meetings in a prominent place in the District Office. New addition
- A. When practicable, supporting data for agenda items will be furnished prior to the meeting date.
 - B. The Commission's Director may submit addenda to the agenda in writing prior to a regular meeting. The Commission may act upon the addenda.

C. District personnel, representatives of recognized employee organizations, representatives of the Board of Education, District administrators, or other interested parties may submit items to be placed on a Commission agenda by submitting the items to the Director of Classified Human Resources not less than seven (7) calendar days prior to the scheduled Commission meeting at which the item is to be considered.

4.2.4 QUORUM AND MAJORITY: Commissioners are expected to vote on all matters presented for action. Meeting minutes shall reflect each commissioner's vote ("yes" or "no") on an action. In the case of an abstention or recusal, the general reason shall be recorded in the meeting minutes. ← 5.2

A. Quorum: Two (2) members of the Commission shall constitute a quorum for any regular or special meeting of the Personnel Commission. The affirmative vote of at least two (2) members of the Commission is required to carry any motion or action.

B. An abstention vote shall not be counted for or against the motion, or a commissioner may abstain from voting.

C. A "tie" vote shall have the same effect as a failed motion.

D. A Commissioner may recuse him/herself from a vote in the case of conflict of interest, personal involvement in the issue (e.g., issues involving a friend or relative), or absence from a prior meeting for the approval of its minutes. For a recusal, the commissioner shall be present (to differentiate from absence and to approve the subsequent minutes), but shall not participate in the discussion or voting on the action. In the event of two commissioners having recused themselves, a motion may carry or fail with the single vote of the remaining commissioner without the motion being seconded. In the event of an absent commissioner and a recusal, the motion shall be carried over to a future meeting.

4.2.5 ADJOURNMENT TO CLOSED SESSION AND CLOSED SESSION PROCEEDINGS: The Commission may conduct business in closed session without access to the public during a regular or special meeting with proper notification on the meeting agenda, subject to limitations of law as to the nature of business to be conducted in closed session. 5.6

4.2.5.1 CLOSED SESSION MATTERS: The following are legally authorized exceptions to the open meeting requirement: New addition

- A. Appointment, employment, dismissal, or evaluation of employees.
- B. Consideration of complaints or charges brought against employees.
- C. Consideration of matters affecting public security.
- D. Consideration of legal matters pertaining to litigation, coming within the purview of the attorney/client relationship.
- E. Providing testimony in private before a grand jury, either as individuals or as a body.
- F. Discussions relative to negotiations, conciliation, mediation, or other matters affecting classified employee labor relations as provided for in the Government Code. A meeting on this item may be held only if the Commission has a representative involved in the negotiating process. If the Commission has no representative and is not conducting negotiations itself, it cannot hold a closed session relative to discussing matters within the scope of negotiations.

4.2.5.2 IDENTIFY BASIS FOR CLOSED SESSION: The Commission agenda shall reflect the general reason(s) for the closed session and may cite the statutory or other legal authority under which the session is/was being held. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the Commission may consider only those matters covered in its statement of reasons. In the case of a special, adjourned, or continued meeting, the statement of reasons shall be made as part of the written meeting notice for such special, adjourned, or continued meeting. In giving the general reason or reasons for holding a closed session, the Commission is neither required nor authorized to give names or any other information which might constitute an invasion of privacy, or otherwise unnecessarily divulge protected facts and information for which the closed session is being held.

New
addition

- 4.2.5.3 TWENTY-FOUR HOUR NOTICE REQUIREMENT: As a condition of holding a closed session on specific complaints or charges, brought against an employee by another person or employee, the affected employee shall be given a written notice regarding the matter and his/her right to have a public hearing rather than a closed session; which notice shall be delivered to the employee personally or by mail at least twenty-four (24) hours before the time scheduled to hold the regular or special Commission meeting. If notice is not given as prescribed, any disciplinary or other action taken relative to the employee shall be null and void. During the examination of a witness, the Commission may exclude from the public or closed meeting other witnesses in the matter being investigated. Following the public hearing or closed session, the Commission may deliberate on the matter and reach its decision in a closed session. New addition
- 4.2.5.4 REPORT FROM CLOSED SESSION: The Commission shall publicly report, in the public portion of the meeting in which the closed session is being held, or at its next public meeting, any action taken by the Commission in the closed session; and the vote or abstention of every member present thereon, with respect to the following: New addition
- A. Approval given to legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation, as a result of a consultation under Government Code Section 54956.9.
 - B. Approval given to its legal counsel of a settlement of pending litigation as defined in Government Code Section 54956.9 at any stage prior to or during a judicial or quasi-judicial proceeding after settlement is final.
 - C. Pursuant to Government Code Section 54956.95, disposition reached as to claims for payment of tort liability losses, public liability losses or workers' compensation liability as soon as reached.
 - D. Consideration of action taken to appoint, employ, evaluate performance of, dismiss, accept the dismissal of, or otherwise affect the employment status of a public employee, pursuant to Government Code Section 54957.
- 4.2.5.5 VIOLATION OF CLOSED SESSION CONFIDENTIALITY: A violation of the confidentiality of a closed session by a member of the Personnel Commission constitutes a

misdemeanor under the provisions of Government Code section 1222 and 1770 (h). Repeated violation of the confidentiality of a closed session by a commissioner may be considered grounds for removal from office.

- 4.2.6 MEETING MINUTES: The Director of Classified Personnel, in his/her capacity as Secretary to the Personnel Commission, shall record in the minutes the time and place of each Personnel Commission meeting, the names of the commissioners present, all official acts of the Commission, and the votes of the commissioners. When requested by a Commissioner, the Director of Classified Personnel shall record that Commissioner's approval or dissent and any expressed reasons therefore. New addition
- A. The minutes of each meeting shall be reduced to written form and presented to the Commission for correction and/or approval at the next regularly scheduled meeting of the Commission.
 - B. The minutes of each Commission meeting or a true copy thereof shall be open and available for public inspection.
 - C. The minutes shall be made available via electronic transmission on the District website; paper copies shall be furnished to designated representatives of all employee organizations representing the District's classified employees, the Commission members, the Board of Education, the Superintendent of Schools, and others (who have indicated their interest in such matters) upon request or in cases where electronic transmission is unavailable.

REFERENCES: Education Code Section 45260

4.2.7 GENERAL MEETING PROVISIONS

- 4.2.7.1 MEETINGS SHALL BE RECORDED: The meeting procession with the exception of closed session as specified in Rule 4.2.5, shall be digitally recorded. New addition
- 4.2.7.2 PRESENTATIONS TO THE COMMISSION: 5.7
- A. Any person in attendance wishing to address the Commission on items within its jurisdiction, shall complete a speaker card and present it to Commission Chairperson or Commission staff at the start of the meeting.

- B. Any person addressing the Commission shall be recognized by the Commission Chairperson, and identify themselves by giving their name, and the topic or topics of their concern.
- C. A speaker will be permitted up to five (5) minutes to address each item on the agenda and non-agenda items at the proper time of the Commission's Order of Business. Non-agenda items may include any matter of interest to the public which is within the subject matter jurisdiction of the Personnel Commission. The time limit may be extended or reduced at the discretion of the Commission Chairperson (in the event that it appears important or necessary to do so).
- D. The Commission Chairperson may permit questions from the public relative to subject matter of agenda items, but as a general rule of order, no member of the audience may speak while the meeting is in order without recognition of the Commission Chairperson.
- E. The Personnel Commission may briefly respond to statements made or questions posed by non-agenda speakers, refer the matter to staff for information, and/or ask that the matter be returned at a future meeting.
- F. Remarks or discussion in public meetings on subjects scheduled for consideration in closed session are out of order.
- G. While the right to speak includes the right to criticize the policies, procedures, programs, services, and acts/omissions of the Personnel Commission, it should not be used to disrupt public meetings by excessively loud address and boisterous conduct or to defame or slander anyone.
- H. Defamatory allegations against any officer or employee of the Personnel Commission or District and public disclosures of private facts in violation of the right of privacy of any employee, regardless of whether or not the person is identified in the presentation by name or by any other reference which tends to identify the person, are out of order. Charges, complaints, or allegations against an officer or employee of the Personnel Commission shall be processed under the provisions of Personnel Commission Article 33.

4.2.7.3 COMMUNICATIONS: Communications and requests shall, when practicable (in the opinion of the Commission), be in writing. Communications and requests shall be acknowledged and replied to, noting official Commission action whenever it is appropriate to do so. 5.7

A. Individuals or groups who wish to present proposals for action by the Commission shall present their requests to the Director, Classified Personnel (Commission's Director) for placement on the Commission agenda. Although the Personnel Commission may, on occasion, designate one of its members to investigate a specific subject or matter, it shall be the policy of the Commission to take up or consider proposals at open (public) meetings.

B. Individuals or groups who seek interviews with particular commissioners regarding matters which may later be placed before the Personnel Commission for consideration shall be referred to the Commission Office. Such individuals or groups will be asked to put the matter(s) in writing so that they may properly be placed on a Commission agenda.

4.2.7.3 STANDARDS OF DECORUM: Persons engaging in any of the following conduct shall be ruled out of order. New addition

A. Profanity, obscenity, abusive or other offensive language.

B. Physical violence and/or threats of physical violence directed towards any person or property.

C. Remarks that reflect adversely upon the political, religious, ethnic, or economic views, character, or motives of any person.

4.2.7.4 WITHDRAWAL OF RIGHT TO ADDRESS THE PERSONNEL COMMISSION: Any person who engages in conduct which he/she knows or should know is in violation of any provision of this Rule may be denied the opportunity to speak to the Personnel Commission pursuant to the following procedures:

- A. Notice of this rule must be communicated to the person;
- B. Following such notice, any person whose conduct continues to violate any provisions of this Rule may be directed by the Chair to cease such conduct;
- C. Following such direction, any person whose conduct continues to violate any provision of this Rule may be denied the opportunity to address the Personnel Commission for the remainder of the meeting.
- D. Before suspending a person's right to address the Personnel Commission, the Commission shall make a finding that the person is in violation of Personnel Commission Rule 4.2.7, which the person knew or should have known, and that the conduct was intentional. Such a finding shall be made by a vote of the Personnel Commission.

REFERENCES: Education Code Sections 25146, 49072, 54957, 54957.1, 54957.2, 54957.6, and 54957.7,

Government Code Sections 1222, 1770, 2542, 2542.2, and 2549.1