



PERSONNEL COMMISSION

PLEASE POST

MEETING AGENDA

Testing Room
Personnel Commission Office
999 Atlantic Avenue, Third Floor
Long Beach, California 90813

May 23, 2013
THURSDAY
8:15 A.M.

1. CALL TO ORDER

2. ROLL

Linda Vaughan, Chairperson
Stacey Lewis, Vice-Chairperson
Terry Ulaszewski, Member

Present _____
Present _____
Present _____

3. PRELIMINARY

3.1 Pledge of Allegiance to the Flag

3.2 Introduction of Guests

4. HEARING OF PUBLIC TESTIMONY AND QUESTIONS
FROM THE FLOOR ON ITEMS NOT LISTED ON AGENDA

5. REPORT FROM THE EXECUTIVE OFFICER

6. HEARINGS

None

7. MINUTES

7.1 Approval of Minutes for May 9, 2013

Action

8. ITEMS FOR DISCUSSION AND/OR ACTION

8.1 Classification/Restructure Recommendations per
Education Code 45246

None

8.2 Meeting Dates for Personnel Commission 2013-2014

Action

8.3 Revisions to the Rules and Regulations of the
Classified Service, Chapter VI (First Reading)

Discussion

9. BULLETINS AND TESTING ACTIONS

9.1 Bulletins – Per Personnel Commission Rule 4.6.B

None

9.2 Eligibility Lists – Per Personnel Commission Rule 5.1.A

Action

10. OTHER ITEMS

10.1 Presentation of Personnel Commission Employee of the Year

11. The next regular meeting of the Personnel Commission will be held on June 6, 2013 at 8:15 a.m. in the Testing Room of the Personnel Commission Office at 999 Atlantic Avenue, Long Beach, California.
12. CLOSED SESSION
13. ADJOURNMENT

ACCESS TO PUBLIC DOCUMENTS

Public records related to the open session agenda, that are distributed to the Personnel Commission members less than 72 hours prior to a regular meeting, may be inspected by the public at the Personnel Commission Office, 999, Atlantic Avenue, Third Floor, Long Beach, CA 90813, during regular business hours (Monday through Thursday, 8:00 a.m. to 4:40p.m.).

Persons requiring accommodation in order to view the agenda or participate in the meeting, may make the request for accommodation to the Executive Officer, Personnel Commission at 562-435-5708 at least 24 hours in advance of the meeting pursuant to Government Code 54954.2 (a) 1.

Personnel Commission
LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Minutes for May 9, 2013

PAGES: 7.1.1 – 7.1.4

Date: May 23, 2013

Reason for
Consideration: Action

Testing Room
Personnel Commission Office
999 Atlantic Avenue, Third Floor
Long Beach, CA 90813

Chairperson Terence Ulaszewski called the meeting of the Personnel Commission to order at 8:15 a.m. and led the Commissioners, staff and audience in the pledge of allegiance.

COMMISSION MEMBERS PRESENT

Terence Ulaszewski, Chairperson
Linda Vaughan, Vice-Chairperson
Stacey Lewis, Member

STAFF MEMBERS PRESENT

Gail McMahon, Ed.D., Executive Officer
Susan Leaming, Personnel Analyst
Marilyn Balmer, Personnel Analyst
Dale Culton, Certification Services Manager
Maria Lynn Braunstein, Associate Personnel Analyst
Mary Cates, Human Resources Supervisor
Adriana Araujo-Honorio, Staff Secretary
Susan Brister, Human Resources Technician
Esther Martinez, Human Resources Assistant

PRELIMINARY

Guests: Trinity Newton, Intern.

HEARING OF PUBLIC TESTIMONY AND
QUESTIONS FROM THE FLOOR ON
ITEMS NOT LISTED ON THE AGENDA

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QUESTIONS FROM THE FLOOR ON
ITEMS NOT LISTED ON THE AGENDA

None

REPORT FROM THE EXECUTIVE OFFICER

REPORT FROM THE EXECUTIVE OFFICER

Gail McMahon, Executive Officer, informed the Commission the pre-hearing conference scheduled for May 14th has been rescheduled at the request of the CSEA Labor representative due to unforeseen circumstances.

Ms. McMahon reported the District received the resignation of Carri Matsumoto, Executive Director, Facilities Planning and Development, as she has accepted employment at another district. Staff is working on recruiting and filling this vacancy along with the Administrative Coordinator-Facilities Planning and Development and Facilities Project Manager.

Susan Leaming, Personnel Analyst, reported both sessions of CPR and First Aid certification scheduled for May 15th are full. The employees on the waitlist will be invited to attend a future session tentatively scheduled for October. Ms. Leaming also reported she is nearly done with the writing phase of the Student Services Job Family Study and hopes to distribute the revised class specifications to the study participants for review and feedback in the next week.

Marilyn Balmer, Personnel Analyst, reported the performance examination for Plumber went smoothly. Ms. Balmer mentioned Instructional Aide – Interpreter Deaf/Hard of Hearing will soon be opened continuously to increase the candidate pool because the recent recruitment yielded 1 candidate. Ms. Balmer also read a letter to the Commission from Intern Mary Rachi whose internship ended on May 8th. Ms. Rachi's letter stated she appreciated the opportunity to learn about several aspects of Human Resources.

Dale Culton, Certification Services Manager, reported he, Ms. McMahon and Ms. Leaming met with 4 employees in the Audits Branch last week in anticipation of the Board of Education approving the abolishment of 4 positions on May 7th.

Mary Cates, Human Resources Supervisor, reported "Letters of Reassurance" have been sent to employees on less than a 12 month calendar, LTE's (Limited Term Employees), substitutes and those in exempt status. She also reported she expects to have Special Education and Nutrition Services summer school selections by May 17th.

MINUTES

MINUTES

The Commission approved the minutes of the April 25, 2013 Personnel Commission meeting. It was moved by Vice-Chairperson Vaughan to approve the minutes. Member Lewis seconded the motion. The motion was carried and approved.

BULLETINS

BULLETINS

Personnel Commission Rule 4.6.B.1, states that the Personnel Commission Executive Officer shall be responsible for issuing job announcement bulletins to publicize recruitment and examination processes. Vice-Chairperson Vaughan moved to ratify the bulletins. The motion was seconded by Commissioner Lewis and the bulletins were ratified.

TITLE

TYPE

NUMBER

Nutrition Services Worker

Dual

13-0087-5068

School Safety Communications
Operator

Dual

13-0082-5013

ELIGIBILITY LISTS

ELIGIBILITY LISTS

Personnel Commission Rule 5.1.A, states that the Personnel Commission Executive Officer shall be responsible for establishing eligibility lists as a result of examination processes authorized by these rules. Vice-Chairperson Vaughan moved for approval. The motion was seconded by Commissioner Lewis. The eligibility lists were approved.

**Instructional Aide – Deaf/Hard
of Hearing**

List Valid: 04/29/13 -04/29/14

Total applications received: 47

No. Passed: 11 No. Failed: 4

Dual

13-0072-3271

Total invited to exam: 29

No. Withdrew: 14 No. Screened Out: 18

**Instructional Aide Interpreter –
Deaf/Hard of Hearing**

List Valid: 04/26/13 -04/26/14

Total applications received: 5

No. Passed: 1 No. Failed: 0

Dual

13-0071-3272

Total invited to exam: 3

No. Withdrew: 2 No. Screened Out: 2

Instructional Aide – Special

List Valid: 05/06/13 -05/06/14

Total applications received: 109

No. Passed: 22 No. Failed: 14

Open/Continuous

13-0074-0448

Total invited to exam: 71

No. Withdrew: 35 No. Screened Out: 38

Instructional Assistant

Intensive Behavioral Treatment

List Valid: 04/30/13 -04/30/14

Total applications received: 118

No. Passed: 15 No. Failed: 19

Open/Continuous

13-0064-5035

Total invited to exam: 49

No. Withdrew: 15 No. Screened Out: 69

ADOPTION OF RESOLUTION
CLASSIFIED EMPLOYEE WEEK

ADOPTION OF RESOLUTION
CLASSIFIED EMPLOYEE WEEK

It was moved by Vice-Chairperson Vaughan and seconded by Commissioner Lewis. The Personnel Commission acted to unanimously adopt the Resolution honoring Classified Employees during Classified Employee Week.

RESOLUTION
CLASSIFIED SCHOOL EMPLOYEE WEEK

WHEREAS, classified school employees provide valuable services to the schools and students of the merit system districts of California; and

WHEREAS, classified school employees contribute to and participate in the establishment and promotion of a positive instructional environment; and

WHEREAS, classified school employees play a vital role in providing for the welfare and safety of all students and employees in the Long Beach Unified School District; and

WHEREAS, classified school employees employed by our school district strive for excellence in all areas relative to the performance of their responsibilities; and

WHEREAS, the Chapter II of the California School Employees Association, the Confidential And Supervising Secretary Association, and the non-represented supervisory and management classified employees have actively participated in and encouraged the furtherance and improvement of the services rendered by classified employees to the district and students; and

WHEREAS, the Personnel Commission endorses the criteria for defining an exemplary classified employee as one who supports the educational mission of the School District by contributing to the classroom support and/or business operations of

the District, is committed to being a team player and a positive role model for others, and strives for excellence in personal performance; and

WHEREAS, the Personnel Commission heartily endorses all District activities relative to classified employee recognition; now therefore, be it

RESOLVED, that this Personnel Commission acknowledges and honors the contribution of the classified school employees and their respective leadership to quality education in the Long Beach Unified School District, and recognizes the week of May 19-25, 2013 as CLASSIFIED SCHOOL EMPLOYEES WEEK.

Terence Ulaszewski

Terence Ulaszewski
Chairperson

Linda Vaughan

Linda Vaughan
Vice-Chairperson

Stacey Lewis

Stacey Lewis
Member

ANNUAL ELECTION OF
PERSONNEL COMMISSION OFFICERS

ANNUAL ELECTION OF
PERSONNEL COMMISSION OFFICERS

Personnel Commission Rule 2.1.A states that “the Commission shall elect one of its members as Chairperson and another as Vice-chairperson at the first meeting of each May.” In accordance with this rule, the Commission elected Linda Vaughan to serve as Chairperson and Stacey Lewis as Vice-Chairperson.

OTHER ITEMS

OTHER ITEMS

Commissioner Lewis asked how the postponement of the pre-hearing conference may affect the date of the hearing. Executive Officer McMahon stated she anticipates the hearing will take place by the end of June.

NEXT MEETING

NEXT MEETING

The next regular meeting of the Personnel Commission will be held on Thursday, May 23, 2013, at 8:15 a.m. at 999 Atlantic Avenue, Third Floor, Long Beach, California.

ADJOURNMENT

ADJOURNMENT

There being no further business, at 8:35 a.m. Chairperson Ulaszewski adjourned the meeting.

Respectfully submitted,

Signature on file

Gail McMahon, Ed.D.
Executive Officer

GM/mb

Personnel Commission
LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Meeting Dates of the Personnel Commission
2013 - 2014

PAGE: 8.2.1

Date: May 23, 2013

Reason for
Consideration: Action

Staff submits the following dates for the 2013 - 2014 Personnel Commission meetings for approval. All meeting dates are Thursdays at 8:15 a.m. and will be held at the Personnel Commission Office.

**Option 1
2013**

July 4 (Holiday)
July 18

August 1
August 15
August 29

September 12
September 26

October 10
October 24

November 7
November 21

December 5
December 19

2014

January 2
January 16
January 30

February 13
February 27

March 13
March 27

April 10
April 24

May 8
May 22

June 5
June 19

**Option 2
2013**

July 11
July 25

August 8
August 22

September 5
September 19

October 3
October 17
October 31

November 14
November 28 (Holiday)

December 12
December 26

2014

January 9
January 23

February 6
February 20

March 6
March 20

April 3
April 17

May 1
May 15
May 29

June 12
June 26

Please note: The Personnel Commission Office is scheduled to move to the Monroe site the week of November 25 – November 28. The Personnel Commission Office is scheduled to reopen at the new site on Monday, December 2, 2013. Computers will be disassembled on November 21 and moved on November 22.

Personnel Commission
LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Revisions to the Rules and
Regulations of the Classified Service,
Chapter VI (First Reading)

PAGES: 8.3.1- 8.3.23

Date: May 23, 2013

Reason for
Consideration: Discussion

One of the specific requirements of Education Code 45260 is that "The Commission shall prescribe, amend and interpret, subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness." In accordance with the Personnel Commission Rules, staff submits the attached revisions, for the first reading and consideration of the Commission.

PAGE

REVISION OF RULES AND REGULATIONS

Chapter VI (First Reading)

2

CHAPTER VI CERTIFICATION AND APPOINTMENT

6.1 ORDER OF PRECEDENCE IN CERTIFICATION ~~TOIN~~ FILLING VACANCIES

~~EDUCATION CODE 45261 SUBJECT OF RULES. The rules shall provide for the procedures...regarding...eligibility...appointments...~~

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~~EDUCATION CODE 45272 VACANCIES IN CLASSIFIED SERVICE; EXEMPTIONS; PROMOTIONAL APPLICANTS.~~

(a) All vacancies in the classified service shall be filled pursuant to this article and the rules of the commission, from applicants on eligibility lists which, whenever practicable, as determined by the commission, shall be made up from promotional examinations, or appointments may be made by means of transfer, demotion, reinstatement, and reemployment in accordance with the rules of the commission. All applicants for promotional examinations shall have the required amount of service in classes designated by the commission or meet the minimum qualifications of education, training, experience, and length of service, which shall be determined by the commission to be appropriate for the class for which they have applied. Any promotional applicant who has served the required amount of time in a designated class or who meets the minimum qualifications for admission to a promotional examination shall be admitted to the examination. The commission shall place applicants on the eligibility lists in the order of their relative merit as determined by competitive examinations. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position.

(b) Upon the request of a majority of the members of the governing board of a district, the commission may exempt one or more secretarial positions from the requirements of this section. Exemptions authorized under this subdivision shall be limited to executive secretarial positions reporting directly to members of the governing board, the district superintendent, or not more than four principal deputies of the district superintendent, or all of these positions.

~~Any person employed in an exempt executive secretarial position shall continue to be afforded all of the rights, benefits, and burdens of any other classified employee serving in the regular service of the district, except he or she shall not attain permanent status in an executive secretarial position. Positions of executive secretary shall be filled from an unranked list of eligible employees who have been found to be qualified for the positions as specified by the district superintendent and determined by the personnel commission. Any person whose services in an executive secretarial position are discontinued for a cause other than a cause for disciplinary action specified in this code or in a rule of the commission shall have the right to return to a position in a classification he or she previously occupied or, if that classification no longer exists, in a similar classification, as determined by the commission.~~

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Nothing contained in this section shall authorize the selection of eligible candidates in circumvention of the affirmative action programs of any school district.

~~EDUCATION CODE 45270 PERSONS UNDER PROBATIONARY CLASSIFICATION.~~ All persons who have been continuously employed by a school district for less than six months immediately preceding the date on which the procedure set forth in this article (commencing with Section 45240) is adopted (April 30, 1977) shall be deemed to hold their positions under probationary classification.

~~EDUCATION CODE 45283 AREA ELIGIBILITY LISTS.~~ In any school district that has geographical boundaries encompassing more than 200 square miles and that divides the area it serves into smaller areas for assignment of classified personnel, the personnel commission may establish area eligibility lists in those areas where the district eligibility list is exhausted. Appointments to positions within the area shall be made from the first three ranks of persons on the area eligibility list, as determined by the commission, who are ready and willing to accept the position. The life of the new area eligibility list shall be not less than one year. The life of the list may be extended for up to an additional period of two years at the discretion of the commission. Seniority for the purpose specified in Section 45308 shall continue to be district wide.

~~EDUCATION CODE 45293 QUESTIONS TO BE ASKED CANDIDATES; DISCRIMINATION PROHIBITED.~~ No questions relating to political or religious opinions or affiliations, race, color, national origin or ancestry, sex, or marital status shall be asked of any applicant, or any candidate whose name has been certified for appointment, nor shall any discrimination be exercised therefor.

A. ORDER OF LISTS. Except as provided in Rule 6.9, eligibles shall be certified from eligibility lists for the classes in which vacancies occur who are ready and willing to accept the appointment in the following order until each list is exhausted:

1. Class reemployment list.
2. Class promotional list or from either open competitive or promotional lists when the examinations have been held simultaneously under dual certification procedures.
3. Class open list.
4. Eligibles who possess the qualifications required for the vacant position and standing highest on the most appropriate eligibility list in the following order:
 - a. Appropriate reemployment list.
 - b. Appropriate promotional list.

Comment [GD1]: Delete education codes provisions and use provisions as references.

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- c. Appropriate open list.

Reference: California Education Code 45272

B. AVAILABILITY OF ELIGIBLES

1. An eligible on a list for an administrative, executive, professional, or technical class shall be considered "ready and willing" if he/she is:
 - a. Willing and able to report for a job interview within 14 working days from the date the availability letter is mailed or the telephone contact made, and is
 - b. Willing and able to report for work within one month from the date he/she is selected for the job, and is
 - c. Willing and able to report for fingerprint processing within two (2) working days from the date of notification, unless an alternative time frame is requested by the eligible and set by the district, and is
 - d. Willing and able to promptly submit and complete all required employment processing and documents within ten working days from the date of notification, unless an alternative time frame is requested by the eligible and set by the district.
2. An eligible on any list for any other class shall be considered "ready and willing" if he/she is:
 - a. Willing and able, by the third working day from the date of notification ~~after the availability letter is sent,~~ to appear for an interview within the next two working days, or
 - ~~b. Willing and able, by the second working day from the date of notification after an availability telegram/overnight mailgram is sent, to appear for an interview within the next two working days, or~~
 - ~~c. Willing and able, the day after an availability telephone contact is made, to appear for an interview within the next two working days.~~
 - b.d. Willing and able to report for work within 14 days from the date he/she is selected for and has obtained the required clearances ~~or cleared~~ to start the job.
 - c.e. Willing and able to report for fingerprint processing within two (2) working days from the date of notification, unless an alternative time frame is requested by the eligible and set by the district.

Comment [GD2]: Clarifies all lists such as reemployment, promotional, dual certification and open lists.

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Comment [GD3]: Delete language; candidates are normally contacted by telephone or e-mail in most instances, never by telegram and rarely by regular mail for an interview.

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d.f. Willing and able to promptly submit and complete all required employment processing and documents within ten working days from the date of notification, unless an alternative time frame is requested by the eligible and set by the district.

3. Setting a start date:

a. A selected eligible new to the district, who otherwise meets the requirements of this rule, and who has met all of the documentation/physical requirements/other requirements, shall be given a probationary assignment start date within his/her assigned calendar effective the first available date following election by the Board of Education, or as otherwise authorized or required by the district.

b. A selected ~~Promotional~~-promotional eligible, who otherwise meets the requirements of this rule, shall be given a promotional assignment start date not later than the first working day that is two weeks from the date the offer is made and accepted, or two weeks from the date all documentation/ physical requirements/other requirements are completely met, whichever is the latter, or as otherwise authorized or required by the district.

c. A selected transfer eligible, who otherwise meets the requirements of this rule, shall be given a transfer assignment start date not later than the first working day that is ~~two~~three weeks from the date the offer is made and accepted, or ~~two~~three weeks from the date all documentation/ physical requirements/other requirements are met, whichever is the latter, or as otherwise authorized or required by the district.

Comment [GD4]: Changed date to align with two week start date for promotional eligible.

Comment [GD5]: Changed date to align with two week start date for promotional eligible.

d. A selected eligible from any other list, who otherwise meets the requirements of this rule, shall be given a start date not later than the first working day that is two weeks from the date the offer is made and accepted, or two weeks from the date all documentation/physical requirements/other requirements are met, whichever is the latter, or as otherwise authorized or required by the district.

Comment [GD6]: Covers reemployment lists and or reinstatement eligible candidates.

C. ELIGIBLES

1. Number of eligible candidates to be certified.

~~Except as provided in Rule 6.6 and Paragraph D below, The Personnel Commission~~ staff shall certify the names of the first three ranks of eligibles on an ~~the~~ eligibility list as well as all applicants for transfer or change of location who have been determined to be available, ~~in accordance with Paragraph B above.~~

2. Number [of eligible candidates](#) to be interviewed.

When there are three (3) or fewer than three (3) District promotional candidates within the first three (3) ranks on an eligibility list, each District promotional candidate will be interviewed. When there are more than three (3) District promotional candidates within the first three (3) ranks on an eligibility list, the person responsible for filling the position will select at least three (3) District promotional candidates to be interviewed.

3. When a manager is interviewing concurrently to fill more than one vacant position in the same classification, a single interview of a candidate shall fulfill the requirements of interviewing for all such positions.
4. A manager shall not be required to interview a candidate again if that manager has interviewed that candidate for another vacant position in the same classification within the previous sixty (60) calendar days.

D. **SELECTIVE CERTIFICATION DURING HIRING FREEZE.** When a freeze in classified hiring is imposed by the district because of financial difficulties, or prospective financial difficulties, for at least a three month or longer duration, the district may elect to request up to the first three ranks only of promotional eligible [candidates](#) be certified from an existing eligibility list, regardless of the fact the bulletin for the exam announced that it would result in a dual certified list. Selection and appointment from the first three ranks of such certified eligible [candidates](#) remains at the discretion of the board of education only until the freeze is terminated, at which time the original status of the list shall be restored in accordance with the rules.

E. **DESIGNATION OF ADMINISTRATIVE, EXECUTIVE, PROFESSIONAL, OR TECHNICAL CLASSES.** Classes will be designated by the [Commission](#) as administrative, executive, professional, or technical based on one or more of the following criteria:

1. Classes requiring specialized skills customarily acquired by means of a combination of specialized formal training and experience.
2. Classes requiring the application of principles or theories customarily acquired by means of a specialized course of study in an institution of higher education.
3. Classes whose work is predominately intellectual in nature and the required knowledges are customarily acquired by means of a minimum of bachelor's degree.
4. Classes whose primary duties and responsibilities consist of the administration or management of major organizational units.

Recognizing that other state and federal laws require definitions of these categories within contexts other than certification and duty statement development, the Personnel Commission intends that the designation of individual classes as administrative, executive, professional or technical classes is for clarification and descriptive purposes only of Education Code Section 45272 and this rule only, and does not necessarily establish any precedent in defining these kinds of classes.

Comment [GD7]: Eliminated Education Code reference as it does not apply and clarified purpose of the language.

6.2 WITHHOLDING NAMES FROM ELIGIBILITY LISTS AND FROM CERTIFICATION (REFUSAL OF APPOINTMENT)

A. **WAIVER OF OFFER OF APPOINTMENT.** A person on a reemployment or eligibility list may decline two offers of permanent appointments without affecting his status on the list, provided an acceptable written explanation is submitted for declining the appointments. A third refusal results in removing placing the eligible's name on the eligibility inactive list.

Comment [GD8]: We do not currently require written explanations

Failure to respond within three days to a communication involving a possible permanent appointment may result in withholding certification of an eligible, until he has submitted an acceptable written explanation of his failure to respond. Failure to appear for a scheduled interview shall be considered an individual waiver.

Comment [GD9]: We do not require written explanations.

No act of omission with respect to An offer of limited term employment will affect adversely the right of any person on a reemployment or an eligibility list to certification to a permanent position.

Comment [GD10]: Removal of language as it is not needed.

Any position which may continue for more than six months is deemed to be a permanent position under this rule.

B. **VOLUNTARY WITHDRAWAL OF NAME FROM ACTIVE LIST.** An eligible may at any time have his name temporarily withdrawn from the eligibility list and placed upon an inactive list upon giving in writing reasons satisfactory to the Commission, and his name may be restored to the eligibility list at the discretion of the Commission upon written application of the eligible during the period of his eligibility.

~~6.3 REDUCTION IN ELIGIBILITY~~

~~This section is abolished and replaced by Rule 5.8 INCLUSION OF ELIGIBLE CANDIDATES IN MULTIPLE ELIGIBILITY LISTS~~

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Comment [GD11]: 5.8 was abolished as we no longer include candidates in multiple eligibility lists.

6.34 RETURN OF EMPLOYEE TO ANOTHER CLASS

Upon recommendation of a division or department level administrator, and with the approval of the Commission, a regular employee who formerly had permanent status in a classification that is higher than that to which currently assigned may be reinstated to an existing vacant position of

his/her former higher class by the governing board within 39 months after his/her last day of paid service in that class, without competitive examination, unless the previous status in the classification was lost through separation from service or demotion as a result of misconduct or inefficiency. No such appointment shall be made if a reemployment list exists for the class in which the vacancy exists.

Voluntary request for reduction in class in line of promotion, especially if the employee has not had prior regular service in a specific lower classification, must be supported by a written statement giving the reasons for the request.

6.45 DUAL CERTIFICATION PROCEDURE

~~EDUCATION CODE 45284- CONDITIONS FOR CERTIFICATION FOR EMPLOYMENT FROM OPEN COMPETITIVE ELIGIBILITY LISTS BEFORE EXHAUSTION OF PROMOTIONAL LIST. When an open competitive examination and a promotional examination for a particular class are held at the same time, the commission may prior to the examination authorize certification for employment of candidates from the open competitive eligibility list before the promotional eligibility list has been exhausted if the candidate on the open list has a higher score before adjustment for preferential credits than the score of the highest available candidate on the promotional list after seniority credits have been added.~~

A. A.—When dual certification has been authorized by the commission as provided in Education Code Section 45284, eligibles on the open competitive list whose final scores in the examination, without preferential credits, exceeds the comparable final score of the highest available eligible on the promotional list, plus seniority credit not exceeding 5 points for 20 years of service (i.e. .25 point for each year of service), shall be certified for appointment before the promotional eligibility list is exhausted. Certification from the eligibility list shall be from the first three ranks who are willing and ready to accept the position.

Reference: California Education Code 45284

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6.56 SPECIAL CERTIFICATION NEEDS

~~EDUCATION CODE 45277- APPOINTMENT FROM ELIGIBILITY LISTS WHERE ANOTHER LANGUAGE OR DRIVER'S LICENSE IS REQUIRED; PROVISIONAL APPOINTMENTS. Appointments may be made from other than the first three ranks of applicants on the eligibility list when the ability to speak, read, or write a language in addition to English or possession of a valid driver's license is a requirement of the position to be filled. The recruitment bulletin announcing the examination shall indicate the special requirements which may be necessary for filling one or more of the positions in the class. Where such a position is to be filled, using the authority of this section, the appointment shall be made from among the highest three ranks of applicants on the appropriate eligibility list who meet the special requirements and who are ready and willing to accept the position.~~

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If there are insufficient applicants who meet the special requirements, an employee who meets the special requirements may receive provisional appointments which may accumulate to a total of 90 working days. Successive provisional appointments of 90 working days or less each may be made in the absence of an appropriate eligibility list containing applicants who meet the special requirement if the personnel commission finds that the requirements of subdivisions (a) and (b) of Section 45288 have been met. These appointments may continue for the period of the provisional appointment, but may not be additionally extended if certification can later be made from an appropriate eligibility list.

A. A.—The appointing authority shall notify the ~~Executive Officer~~ Personnel Director of ~~any~~ the special certification needs such as when another language or driver's license is needed provided in Education Code 45277 and 45281. Upon ~~his~~ approval, the personnel staff shall certify the three ranks of eligibles with the highest standing on the eligibility list and all candidates for transfer or change of location, who possess such qualifications and who have been determined to be available in accordance with Rule 6.1.B, and where bilingual skill is the requirement, have satisfactorily demonstrated the required language proficiency. When only one or two eligibles who possess the special qualifications can be certified from the eligibility list, the personnel staff shall be authorized to also certify eligibles with the highest standing on the eligibility list who do not possess the special qualifications in order to fulfill the requirements of the rule of three. When no available eligible possesses the special qualification, the available eligibles shall be certified in accordance with Rule 6.1.C.

Reference: [California Education Code 45277](#)

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Comment [GD12]: Only those that
meet the special needs should be
certified.

Comment [GD13]: When no eligible
candidate exists for the special
needs a recruitment should be
initiated and/or provisional
assignment made until the needs can
be met through recruitment.

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6.67 FILING OF ADDRESS AND NOTIFICATION OF CHANGE OF ADDRESS

Every person who has been placed upon any eligibility list, or who has been placed upon any reemployment list, shall promptly and in writing file with the ~~Ce~~ommission his correct mailing address and place of residence, and this shall be the place to which the ~~Ce~~ommission or ~~staff~~ Personnel Director shall direct all notices. ~~deemed necessary and proper in carrying out the provisions of the Act and of these rules. It is hereby required that whenever such person shall make or have any change in his mailing address or place of residence, he shall promptly notify the office of the commission, stating the list or lists upon which his name appears, together with his new mailing address and place of residence.~~

Failure or neglect on the part of any such person to file such information with regard to this address or with regard to any change thereof, may, at the discretion of the ~~Ce~~ommission, operate as a waiver of his order of certification and/or appointment from any such list, or lists.

Comment [GD14]: Redundant

6.78 EMPLOYMENT BY ACTION OF BOARD OF EDUCATION

~~EDUCATION CODE 45169 EMPLOYMENT SALARY DATA PROVIDED~~
~~EMPLOYEES. Upon initial employment and upon each change in classification thereafter, each classified employee shall be furnished two copies of his class specification, salary data, assignment or work location, together with duty hours and the~~

~~prescribed workweek. The salary data shall include the annual, monthly or pay period, daily, hourly, overtime and differential rate of compensation, whichever are applicable. One copy shall be retained by the employee and the other copy shall be signed and dated by the employee and returned to his supervisor.~~

~~The provisions of this section shall not apply to short term, limited term, or provisional employees, as those terms are defined in this chapter.~~

~~This section shall apply to districts that have adopted the merit system in the same manner effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.~~

A. APPOINTMENT BY BOARD. Employment of personnel shall be from eligibility lists by action of the Board of Education.

B. REPORT OF APPOINTMENT FROM CERTIFICATION. Whenever an eligible is elected ~~or appointed~~, it shall be the duty of the Board of Education, through its proper agent, to make immediate report in writing to the Personnel Director of said appointment or election.

6.89 EMPLOYMENT OF RETIRED CLASSIFIED EMPLOYEE

~~EDUCATION CODE 45134 AGE LIMITS:~~

~~(a) Notwithstanding any other provisions of law, no minimum or maximum age limits shall be established for the employment or continuance in employment of persons a part of the classified service.~~

~~(b) Any person possessing all of the minimum qualifications for any employment shall be eligible for appointment to that employment, and no rule or policy, either written or unwritten, heretofore or hereafter adopted, shall prohibit the employment or continued employment, solely because of the age of any such person in any school employment who is otherwise qualified therefor.~~

~~(c) No person shall be employed in school employment while he or she is receiving a retirement allowance under any retirement system by reason of prior school employment, except that a person may be hired:~~

~~——— (1) Pursuant to Article 5 (commencing with Section 21150) of Chapter 8 of Part 3 of Division 5 of Title 2 of the Government Code.~~

~~——— (2) As an aide in one of the following circumstances:~~

~~(A) An aide is needed in a class with a high pupil teacher ratio.~~

~~(B) An aide is needed to provide one on one instruction in remedial classes or for underprivileged students.~~

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~~A person working as an aide pursuant to this subdivision shall not receive service credits for purposes of the State Teachers' Retirement System.~~

~~(d) The provisions of subdivision (c) shall be inapplicable to persons who were employed in the classified service of any school district as of September 18, 1959, and who are still in the employ of the same district on the effective date of this subdivision (1-1-87), and the rights of such persons shall be fixed and determined as of September 18, 1959; and no such person shall be deprived of any right to any retirement allowance or eligibility for any such allowance to which he would have been entitled as of that date. Any such person who, by reason of any provisions of law to the contrary, has been deprived of any right to retirement allowance or eligibility for such an allowance, shall upon the filing of application therefore, be reinstated to such rights as he would have had had this subdivision been in effect on September 18, 1959.~~

~~(e) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.~~

~~EDUCATION CODE 45135 EMPLOYMENT OF RETIRED CLASSIFIED EMPLOYEE.~~

~~Notwithstanding the provisions of subdivision (c) of Section 45134, a retired classified school employee may be employed by a school district, but only in accordance with the provisions of Article 5 (commencing with Section 21150) of Chapter 8 of Part 3 of Division 5 of Title 2 of the Government Code.~~

~~This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.~~

~~GOVERNMENT CODE 21151 A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system, as follows:~~

~~(a) As a member of any board, commission or advisory committee, upon appointment by the Governor, the Speaker of the Assembly, the President pro Tempore of the Senate, director of a state department, or the governing board of the contracting agency. However, the appointment shall not be deemed employment within the meaning of Division 4 (commencing with Section 3201) and Division 4.5 (commencing with Section 6100) of the Labor Code, and shall not provide a basis for the payment of workers' compensation to a retired state employee or to his or her dependents.~~

~~(b) As a school crossing guard.~~

~~(c) As a juror or election officer.~~

~~(d) As an elective officer on and after September 15, 1961. However, all rights and immunities which may have accrued under Section 21158 as it read prior to that section's repeal during the 1969 Regular Session of the Legislature are hereby preserved.~~

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~~(e) As an appointive member of the governing body of a contracting agency. However, the compensation for that office shall not exceed one hundred dollars (\$100) per month.~~

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~~(f) Upon appointment by the Legislature, or either house, or a legislative committee to a position deemed by the appointing power to be temporary in nature.~~

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~~(g) Upon appointment by the governing body of a contracting agency to a position deemed by the governing body to be of a limited duration and requiring specialized skills. The appointment shall be only to fill a temporary vacancy until a permanent appointment can be made by the governing body.~~

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~~GOVERNMENT CODE 21158. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system upon appointment by a school employer or by the Trustees of the California State University either during an emergency to prevent stoppage of public business or because the retired employee has skills needed in performing specialized work of limited duration, if that service does not exceed, in any fiscal year, a total of 960 hours for all employers. The retired person's rate of pay for this employment shall not be less than the minimum, nor exceed that paid by the employer to other employees performing comparable duties.~~

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A. LIMITATION ON EMPLOYMENT. No person may be employed in school employment while he or she is receiving a retirement allowance under any retirement system by reason of prior school employment, except as permitted by Education Code 45134 or appropriate sections of the Government Code. ~~However, the Board of Education may employ a retired member of the Public Employees Retirement System without reinstatement from retirement, for not to exceed 120 eight hour working days or 960 hours during a calendar year, either during an actual emergency to prevent the stoppage of public business or because the retired employee has skills needed in performing work of limited duration.~~ Before employment actions are taken, both the prospective employee and the employer's staff representative should review carefully the retirement status of the prospective employee and applicable Government Code sections which describe lawful post PERS retirement in order to avoid the monetary penalties prescribed for unlawful post PERS retirement employment which may be applicable to each of the parties. ~~(See Government Code section 21150, 21155, 21157, 21158.)~~

Comment [GD15]: Eliminated as a result of new PERS guidelines.

B. CLASSIFICATION. Employment under the provisions of this section may be in any classification for which the retired employee meets the qualifications established for the classification and shall be in accordance with the provisions of Education Code Section 45272.

Comment [GD16]: These sections refer only to disability retirements.

C. COMPENSATION. A retired classified employee of the district employed under this section in a classification in which he worked as a district employee or in a lower related classification shall ~~be paid at the same step he was paid at the time of retirement, provided that the salary rate shall not exceed the maximum for the classification to which appointment is made. If employed in some other classification, he shall be paid in accordance with Chapter X.~~

Comment [GD17]: Simplified language to assure language is in alignment with new PERS regulations.

A retired member of the Public Employees Retirement System who was not a district employee at the time of retirement shall be paid the same as a newly hired eligible employee.~~in accordance with Chapter X.~~

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No additional rights or benefits shall be extended with respect to such employment other than compensation as provided above.

- D. NOTIFICATION TO EXECUTIVE OFFICER~~PERSONNEL DIRECTOR~~. When such employment of retired classified employees is required, the appointing authority shall notify the Executive Officer~~Personnel Director~~ in writing naming the retired employee, date of appointment, nature of duties to be performed, and a statement indicating the reasons(s) for said appointment.
- E. PROCESSING FOR EMPLOYMENT. Persons employed for temporary work under this section shall be processed in the same manner as other limited-term employees.

~~6.10 REASSIGNMENT OF REGULAR EMPLOYEE BECAUSE OF ILLNESS OR INJURY~~

~~EDUCATION CODE 45279 REASSIGNMENT OF REGULAR EMPLOYEE BECAUSE OF ILLNESS OR INJURY. A regular employee who is determined by the governing board to be incapable of performing the duties of his class because of illness or injury may, at the discretion of the governing board, be assigned duties which he is capable of performing. The position to which he is assigned shall be subject to classification by the personnel commission, but the employee shall receive no increase in wage or salary because of his assignment to the position unless he is appointed from an eligibility list resulting from a competitive examination. In the event that the position is classified and allocated to a higher wage or salary than that previously attained by the employee, he may be assigned to the position without competitive examination; but shall continue to receive the wage or salary of his former classification. If the position is classified and allocated to a lower wage or salary than that attained by the employee, he shall be paid the wage or salary appropriate to the position.~~

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~~6.11 LIMITED TERM APPOINTMENTS~~

~~EDUCATION CODE 45286 LIMITED TERM EMPLOYEES. Whenever the appointing power shall require the appointment of a person to a position, the duration of which is not to exceed six months, or, in case of an appointment in lieu of an absent employee, is not to exceed the authorized absence of said employee, he shall submit a request in which the probable duration of the appointment is stated. Eligibles shall be certified in accordance with their position on the appropriate employment list and their willingness to accept appointment to such position as limited term employees. Limited term employees shall be subject to such conditions affecting status and tenure during and after such employment as the commission may by rule determine.~~

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~~6.12 PROVISIONAL APPOINTMENTS~~

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~~EDUCATION CODE 45287 PROVISIONAL APPOINTMENTS. When no eligibility list exists for a position in the classified service, an employee may receive provisional appointments which may accumulate to a total of 90 working days. A 90 calendar day interval shall then elapse during which the person will be ineligible to serve in any full time provisional capacity. No person shall be employed in provisional capacities under a given governing board for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part time position, as defined in Section 45256, successive 90 working days provisional appointments may be made to the part time position for a total of more than 126 working days in any one fiscal year.~~

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~~EDUCATION CODE 45288 PROVISIONAL ASSIGNMENT: EXTENSION. The personnel commission may authorize the extension of a provisional employee's assignment for a period not to exceed 36 working days provided the following requirements are met:~~

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~~a. An examination for the class was completed during the first 90 working days of his provisional assignment.~~

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~~b. Evidence satisfactory to the personnel commission is presented indicating:~~

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~~1. That an adequate recruitment effort has been and is being made.~~

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~~2. That extension of the provisional assignment is necessary to carry on vital functions of the district.~~

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~~3. That the position cannot be satisfactorily filled by the use of other employment lists or procedures.~~

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~~EDUCATION CODE 45289 SUCCESSIVE PROVISIONAL APPOINTMENTS. Successive provisional appointments of 90 working days or less each may be made in any class in the absence of an appropriate eligibility list; provided, that continuous examination procedures for the class have been authorized by the commission. Such successive provisional appointments may be made and persons employed in temporary capacities under a given governing board for a total of more than six months in any one year. Such appointments may continue for the length of time for which they were made, but may not be extended if a certification can be made from an appropriate eligibility list. While this section is in effect, it shall supersede any other provisions of this article (commencing with Section 45240) which are in conflict with this section, but only to the extent there is a conflict.~~

6.9 PROVISIONAL APPOINTMENTS

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A. EMPLOYMENT OF PROVISIONAL EMPLOYEES. Persons who receive provisional appointments must meet the qualifications requirements established for the classification in which employed and shall be processed in the same manner as other regular employees.

- B. TERMINATING PROVISIONAL APPOINTMENTS. The service of provisional appointees ~~who fail to qualify on an eligibility list for class after having taken an examination for such position~~, shall be terminated within fifteen calendar days after the date on which an eligibility list has been established for such position, provided this fifteen-day period does not extend beyond their 90-working-day provisional assignment.

6.103 EMERGENCY APPOINTMENTS

~~EDUCATION CODE 45290 EMERGENCY APPOINTMENTS. The appointing power may, to prevent the stoppage of public business when an actual emergency arises and persons on eligibility lists are not immediately available, make appointments for a period not to exceed 15 working days, in accordance with commission rule.~~

- A. ~~A.~~ FIFTEEN DAY LIMIT. In the event it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Board of Education, through its authorized Department Heads may make emergency appointments without reference to eligibility lists for a period not to exceed fifteen working days.

Reference: California Education Code 45290

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- B. NOTIFICATION OF ~~EXECUTIVE OFFICER~~ ~~PERSONNEL DIRECTOR~~. When such emergency appointments are made, the Board of Education ~~or designee~~ shall notify the ~~Executive Officer~~ ~~Personnel Director~~ in writing naming the appointee or appointees, date of appointment, nature of duties performed and giving a statement justifying the emergency nature of such appointments. Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code for provisional appointments. No salary claim beyond the fifteen day emergency shall be paid for services performed under the emergency appointment until such claim shall have been approved by the ~~Ce~~commission.

6.114 SUMMER EMPLOYMENT AND INTERSESSION ASSIGNMENT

~~EDUCATION CODE 45102 ASSIGNMENT AT TIMES OTHER THAN REGULAR ACADEMIC YEAR. For the purposes of this section every classified employee shall be deemed to be employed for 12 months during each school year regardless of the number of months in which he is in normally paid status. Any school district which, in any school year, maintains school sessions at times other than during the regular September-June academic year shall assign for service during such times regular classified employees of the district. When it is necessary to assign classified employees not regularly so assigned to serve between the end of one academic year and the commencement of another, such assignment shall be made on the basis of qualifications for employment in each classification of service which is required. No classified employee whose regular yearly assignment for service excludes all, or any part of, the period between the end of the academic year in June to the beginning of the next academic year in September, shall be required to perform services during such period. A classified employee shall, for services performed as herein provided, receive, on a pro rata basis, not less than the~~

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~~compensation and benefits which are applicable to that classification during the regular academic year.~~

~~This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.~~

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- A. APPOINTMENTS. Vacancies due to summer vacation, intersession, -or recess and other short-term summer or intersession positions shall be filled, so far as practicable by those regularly employed, but on a less than 12-month basis, provided:
1. Applicants must meet the qualifications requirements established for the class to which appointment is to be made and be available for assignment during the summer recess and/or intersession recess(es) as specified on the application.
 2. Appointments shall be made from appropriate special lists of those eligible employees who make specific application each year by the third Friday in March, unless this date falls during spring recess, in which case the deadline will be the second Friday in March.
 3. In the case of appointment to a class in which the employee is regularly assigned, the order of appointment shall be on the basis of seniority in that class. In the case of appointments in other classes, the order of appointment shall be on the basis of seniority in the district. Permanent employees trained in a specific type of task within a classification in past years may be reemployed for identical service, regardless of their places on summer employment eligibility lists.
- B. YEAR DEFINED. Full year, for the purposes of this rule, shall be defined as the lapse of a calendar year during which the employee has continuous status as a permanent employee, regardless of the number of days actually worked.
- C. SUMMER EMPLOYMENT ELIGIBILITY LISTS. No person whose last fully resolved service rating is less than satisfactory shall be placed on the list for summer/intersession employment. However, if summer assignments continue to remain vacant after all other applicants have been assigned summer employment, employees who have completed their Improvement Plan and Strategy for Assistance shall be eligible.
- D. PHYSICAL EXAMINATION. Applicants for positions involving manual labor may be required to submit to qualifying tests based on the requirements of the positions.
- E. MINIMUM ASSIGNMENTS. Appointments to one or more positions in which the combined service equals a minimum of ten working days satisfies the claim of any eligible person whose name has been reached for appointment.
- F. COMPENSATION. A regular employee with less than a 12-month assignment who is employed pursuant to this section shall be compensated as follows:

1. If the summer employment is in a class at the same or at a lower salary level, the employee shall receive his current regular rate, but in no event shall he receive more than the maximum step of the range for the class in which the summer assignment is made. If the summer assignment is to a lower class at a range which does not include his regular rate, the employee shall be placed at the rate in the range for the lower class which is next lower than his regular rate.
2. If the summer assignment is in a higher class, the employee shall receive the rate in the salary range for the higher class that is next above the rate received in the employee's regular class.
3. During such summer employment the employee shall receive other rights and benefits as provided by Education Code 45102.

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6.125 HEALTH EXAMINATIONS

~~EDUCATION CODE 49406 EXAMINATION FOR TUBERCULOSIS.~~

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~~(a) Except as provided in subdivisions (h), no person shall be initially employed by a school district in a certificated or classified position unless the person has submitted to an examination within the past 60 days to determine that he or she is free of active tuberculosis by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code. This examination shall consist of an approved intradermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs.~~

~~The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.~~

~~The district superintendent or his or her designee may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intradermal tuberculin test be followed by an X-ray of the lungs.~~

~~(b) Thereafter, employees who are skin test negative shall be required to undergo the foregoing examination at least once each four years or more often if directed by the governing board upon recommendation of the local health officer for so long as the employee remains skin test negative. Once an employee has a documented positive skin test which has been followed by an X-ray, the foregoing examination is no longer required and a referral shall be made within 30 days of completion of the examination to the local health officer to determine the need for follow-up care.~~

~~(c) After the examination, each employee shall cause to be on file with the district superintendent of schools a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis. The~~

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county board of education may require, by rule, that all their certificates be filed in the office of the county superintendent of schools or shall require their files be maintained in the office of the county superintendent of schools if a majority of the governing boards of the districts within the county so petition the county board of education, except that in either case a district or districts with a common board having an average daily attendance of 60,000 or more may elect to maintain the files for its employees in that district. "Certificate," as used in this section, means a certificate signed by the examining physician and surgeon or a notice from a public health agency or unit of the American Lung Association which indicates freedom from active tuberculosis. The latter, regardless of form, will constitute evidence of compliance with this section. Nothing in the section shall prevent the governing board, upon recommendation of the local health officer, from establishing a rule requiring a more extensive or more frequent physical examination than required by this section, but the rule shall provide for reimbursement on the same basis as required in this section.

(d) This examination is a condition of initial employment and the expense incident thereto shall be borne by the applicant unless otherwise provided by rules of the governing board. However, the board may, if an applicant is accepted for employment, reimburse that person in a like manner prescribed in this section for employees.

(e) The governing board of each district shall reimburse the employee for the cost, if any, of this examination. The board may provide for the examination required by this section or may establish a reasonable fee for the examination that is reimbursable to employees of the district complying with the provisions of this section.

(f) At the discretion of the governing board, this section shall not apply to those employees not requiring certification qualifications who are employed for any period of time less than a school year whose functions do not require frequent or prolonged contact with pupils.

The governing board may, however, require an examination described in subdivision (2) and may, as a contract condition, require the examination of persons employed under contract, other than those persons specified in subdivision (a), if the board believes the presence of these persons in and around school premises would constitute a health hazard to pupils.

(g) If the governing board of a school district determines by resolution, after hearing, that the health of pupils in the district would not be jeopardized thereby, this section shall not apply to any employee of the district who files an affidavit stating that he or she adheres to the faith or teachings of any well recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his or her knowledge and belief he or she is free from active tuberculosis. If at any time there should be probable cause to believe that the affiant is afflicted with active tuberculosis, he or she may be excluded from service until the governing board of the employing district is satisfied that he or she is not so afflicted.

(h) A person who transfers his or her employment from one school or school district to another shall be deemed to meet the requirements of subdivision (a) if that person can produce a certificate which shows that he or she was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him or her that it has a certificate on file which contains that showing.

A person who transfers his or her employment from a private or parochial elementary school, secondary school, or nursery school to a school or school district subject to this section shall be deemed to meet the requirements of subdivision (a) if that person can produce a certificate as provided for in Section 3450 of the Health and Safety Code which shows that he or she was examined within the past four year and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him or her that it has a certificate on file which contains that showing.

(i) Any governing board or county superintendent of schools providing for the transportation of pupils under contract authorized by Section 39800, 39801, or any other provision of law shall require as a condition of the contract the examination for active tuberculosis, as provided by subdivision (a), of all drivers transporting these pupils, provided that private contracted drivers who transport these pupils on an infrequent basis, not to exceed once a month, shall be excluded from this requirement.

- A. WHEN REQUIRED. Except when physical qualifications are rated competitively, no health examination shall be required of any candidate prior to the establishment of an eligibility list. In the case of limited term employment in the absence of an eligibility list, a health examination may be required.
- B. ORIGINAL APPOINTMENT SUBJECT TO EXAMINATION. The right of appointment from an eligibility list is subject to passing the qualifying health examination in case of original appointments. Health examinations may be given by the School Physician or by a physician designated by the Board of Education.

B. C.—RIGHT OF BOARD OF EDUCATION TO ORDER HEALTH EXAMINATION. Nothing in these rules shall be construed as preventing the Board of Education from ordering a health examination of any employee to determine his physical or mental fitness to continue occupancy of his position.

[Reference: California Education Code 49406](#)

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6.136 OATH OF ALLEGIANCE

~~GOVERNMENT CODE 3100—DECLARATION; PUBLIC EMPLOYEES AS
DISASTER SERVICE WORKERS. It is hereby declared that the protection of the health
and safety and preservation of the lives and property of the people of the state from the
effects of natural, manmade, or war caused emergencies which result in conditions of
disaster or in extreme peril to life, property, and resources is a paramount state~~

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importance requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of the police power of the state in protection of its citizens and resources, all public employees are hereby declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law.

~~GOVERNMENT CODE 3102 REQUIREMENT OF TAKING OATH OR AFFIRMATION; TEMPORARY OR SUCCESSIVE EMPLOYMENTS.~~ All disaster service workers shall, before they enter upon the duties of their employment, take and subscribe to the oath or affirmation required by this chapter. In the case of intermittent, temporary, emergency or successive employments, then in the discretion of the employing agency, an oath taken and subscribed as required by this chapter shall be effective for the purposes of this chapter for all successive periods of employment which commence within one calendar year from the date of such subscription.

~~GOVERNMENT CODE 3103 FORM OF OATH OR AFFIRMATION.~~ The oath or affirmation required by this chapter is the oath or affirmation set forth in Section 3 of Article XX of the Constitution of California.

~~GOVERNMENT CODE 3105 FILING.~~ The oath or affirmation of any disaster service worker of the state shall be filed as prescribed by State Personnel Board rule within 30 days of the date on which it is taken and subscribed.

~~The oath or affirmation of any disaster service worker of any county shall be filed in the office of the county clerk of the county except that where election precinct officers take and subscribe to such oath or affirmation which is an integral part of a claim for compensation, such oath and claim for compensation may be filed in either the office of the county auditor or in the office of the clerk of the board of supervisors of the county. The oath or affirmation of any disaster service worker of any city shall be filed in the office of the city clerk of the city.~~

~~The oath or affirmation of any disaster service worker of any other agency or district shall be filed with such officer or employee of the agency or district as may be designated by such agency or district.~~

~~STATE CONSTITUTION 3 OATH OF OFFICE~~

~~Section 3. Member of the Legislature, and all public officers and employees, executive, legislative, and judicial, except such inferior officers and employees as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:~~

~~“I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I~~

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take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

“And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means except as follows:

(If no affiliations, write in the words “No Exceptions”)

and that during such time as I hold the office of _____
(name of office)

I will not advocate nor become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means.”

And no other oath, declaration, or test, shall be required as a qualification for any public office or employment.

“Public officer and employee” includes every officer and employee of the State, including the University of California, every county, city, city and county, district, and authority, including any department, division, bureau, board, commission, agency, or instrumentality of any of the foregoing.

A. A.—All new employees of the District shall, before the first day of service, sign the prescribed oath or affirmation of allegiance to the Constitution of the United States and the Constitution of the State of California.

Reference: California Government Code 3102

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6.17 BILINGUAL OFFICE EMPLOYEES

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~~EDUCATION CODE 45400. The Legislature hereby finds that when a public school that provides instruction in kindergarten or any of grades 1 through 12 has a substantial number of pupils who, together with their parents or guardians, speak a single primary language other than English, and does not have in its employ one or more bilingual employees fluent in both English and the primary language of such pupils and their parents or guardians, a serious educational disadvantage results for the pupils. Effective communication between the school authorities and both the affected pupils and their parents and guardians is absolutely essential to an effective educational program. It is, therefore, the intent of the Legislature in enacting this article to remove some of the barriers that face pupils, who, together with their parents or guardians, speak a single primary language other than English, and to provide them, through more effective communication, with the most beneficial education possible from the public elementary schools, junior high schools, and high schools of this state.~~

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~~EDUCATION CODE 45401. When at least 15 percent of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 through 12 speak a single primary language other than English, the governing board of the school district in which such school is located shall hire a bilingual person for the administrative office of each such school, as soon as a position is available as provided by Section 45403, to serve as a bilingual community liaison person or a paraprofessional, clerical, or other qualified employee of each such school, in accordance with the provisions of Chapter 5 (commencing with Section 45100) of this part, who is fluent in both English and in the primary language spoken by such pupils and their parents or guardians.~~

~~EDUCATION CODE 45402. The bilingual person employed pursuant to this article shall have as a principal function the communication with parents or guardians of such students in the primary language of the parents or guardians.~~

~~The governing board of the school district may make additional, reasonable assignments of duties for such bilingual employees.~~

~~EDUCATION CODE 45403. This article shall not be construed as requiring school districts to replace existing classified personnel or to employ additional classified personnel. However, in any case in which additional classified positions are added to the administrative staff of a school which does not already employ a person as described in Section 45401, or if a vacancy is to be filled in a classified position in the administrative staff of such a school, the provisions of Section 45401 shall be adhered to in filling such position.~~

6.18 — ~~EDUCATION CODE 44063 RETENTION OF RIGHTS AND BENEFITS UPON CHANGE FROM CERTIFICATED TO CLASSIFIED POSITION. If an employee of a school district, including a district having the merit system as outlined in Article 6 (commencing with Section 45240) of Chapter 5, employed in a position requiring certification qualifications is assigned to a position in the classified service of the same district, the employee shall retain all sickness and injury, sabbatical leave, and other rights and benefits. All seniority and tenure rights accumulated by the employee at the time of assignment to the position in the classified service shall be secured to the employee during the period of time he or she occupies a position in the classified service. The employee's return to certificated service at any time shall be treated as if there had not been an interruption in his or her certificated service.~~

~~EDUCATION CODE 44064 EMPLOYEE OF SCHOOL DISTRICT; RETENTION OF RIGHTS AND BENEFITS UPON CHANGE FROM CLASSIFIED TO CERTIFICATED POSITIONS. If an employee of a school district, including a district having the merit system as outlined in Article 6 (commencing with Section 45250) of Chapter 5, employed in a position in the classified service is assigned to a position in the same district requiring certification qualifications, the employee shall retain all sick leave, vacation, and other rights and benefits accumulated by the employee at the time he or she is assigned to a position requiring certification qualifications. All seniority and~~

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permanency rights shall be secured to the employed during the period of time he or she occupies a position in the certificated service. The employee's return to the classified service at any time shall be treated as if there had not been an interruption in his or her classified service.

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Personnel Commission
LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Eligibility Lists

PAGES: 9.2.1

Date: May 23, 2013

Reason for
Consideration: Restricted Action

Personnel Commission Rule 5.1.A, states that the Executive Officer shall be responsible for establishing eligibility lists as a result of examination processes authorized by these rules. All such eligibility lists shall then be certified at the first reasonable opportunity at a Commission meeting following the protest and review period. Accordingly staff submits the following eligibility lists for consideration of the Commission:

Administrative Secretary

List Valid: 05/13/13 – 5/13/14

Total applications received: 34

No. Passed: 8 No. Failed: 12

Dual

13-0073-3339

Total invited to exam: 21

No. Withdrew: 1 No. Screened Out: 13

Instructional Aide – Special

List Valid: 05/16/13 -05/16/14

Total applications received: 106

No. Passed: 23 No. Failed: 15

Open/Continuous

13-0084-0448

Total invited to exam: 76

No. Withdrew: 38 No. Screened Out: 30

Intermediate Nutrition Services Worker

List Valid: 05/14/13 -05/14/14

Total applications received: 270

No. Passed: 103 No. Failed: 29

Dual

13-0056-5058

Total invited to exam: 175

No. Withdrew: 43 No. Screened Out: 95

**Intermediate Payroll Accounting
Technician**

List Valid: 05/14/13 -05/14/14

Total applications received: 113

No. Passed: 21 No. Failed: 20

Dual

13-0069-0756

Total invited to exam: 70

No. Withdrew: 29 No. Screened Out: 43

Plumber

List Valid: 05/10/13 -05/10/14

Total applications received: 63

No. Passed: 5 No. Failed: 23

Dual

13-0080-0242

Total invited to exam: 42

No. Withdrew: 14 No. Screened Out: 21

EXTEND ELIGIBILITY LISTS

**Student Evaluation Technician –
BI Spanish**

Extended list expiration date: 05/04/14

Total candidates on list: 8

No. of Candidates Extended: 5

Dual

12-0041-0483

Extend list period: 1 year

No. of waivers or removals: 2

CERTIFIED TO BE CORRECT: Gail McMahon DATE: May 16, 2013

PERSONNEL COMMISSION EMPLOYEE RECOGNITION PROGRAM

The Program:

Each year Personnel Commission employees have an opportunity to be recognized by the Personnel Commission for their commitment to excellence, exemplary service and for developing innovative and creative processes, programs or projects.

Nomination and Selection Process:

- ◆ Nominations are sought each year from Commission staff by the Personnel Commission Executive Officer
- ◆ Personnel Commission Executive Officer selects nominee and presents him/her to the Personnel Commission
- ◆ Selected recipient is announced at a Commission meeting

Selection Criteria:

- ◆ Commitment to the District's and Commission's mission of improving student achievement
- ◆ Adherence to the Baldrige principles of providing quality service, pursuing excellence in job performance and seeking continued improvement in all areas
- ◆ Creation, development or implementation of innovative ideas or creative programs which benefit the goals of the Commission, its staff and our School District in general
- ◆ Consistent job performance, including exceptional productivity and attendance

The Award:

- ◆ Each year an employee receives recognition by receiving an individual award plaque
- ◆ The recipient's name is added to the permanent Personnel Commission Special Award plaque which will be prominently displayed in the Personnel Commission Office
- ◆ Personal satisfaction comes from knowing that the employee's peers and colleagues recognize the excellence of his or her contributions to the goal of supporting student achievement