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## **CHAPTER 3**

### **POSITION CLASSIFICATION PLAN**

#### **3.1 THE CLASSIFIED SERVICE**

##### **3.1.1 POSITIONS INCLUDED**

- A. All positions, including those provided for persons with mental handicaps, established by the governing board, which are not exempt from the classified service by law, shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the Classified Service.
- B. No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established in the law shall be employed outside the classified service.

(References: Ed. Code 45105, 45256, 45258 and 45259)

##### **3.1.2 EXEMPTION FROM THE CLASSIFIED SERVICES**

Positions required by law to have certification qualifications, part-time playground positions, full-time students employed part-time, apprentices, part-time students employed in any college work-study program or certain work experience education programs, and other exemptions as defined in Education Code Sections 45103.1 & 45256, professional experts employed on a temporary basis through personal services contracts for a specific project by the governing board or by the Personnel Commission, when so designated by the Commission, and, under certain conditions, community representatives employed in an advisory or consulting capacity, shall be exempt from the classified service.

(References: Ed. Code 45103.1, 45256, 45257, 45258, 45259 and 45263)

### **3.1.3 “PART-TIME” DEFINED**

A part-time position, for the purpose indicated in the exemption rule, is one for which the assigned time, when computed on a weekly basis is less than 87 ½ percent of the normally assigned time of the majority of employees in the classified service.

(Reference: Ed. Code 45256)

### **3.1.4 EFFECT OF EXEMPTION**

Any position or employees lawfully exempted from the classified service shall be excluded from the benefits and burdens imposed by these rules, except as provided by law or the Board of Education.

(Reference: Ed. Code 45256)

### **3.1.5 PROFESSIONAL EXPERT ASSIGNMENTS**

Deleted and replaced by Rule 7.4 effective 6/7/05.

### **3.1.6 RESTRICTED POSITIONS AND EMPLOYEES**

- A. Positions created under the provisions of Education Code Sections 45105 and 45259, which restrict employment to persons in low income groups, from impoverished areas, or any other criteria which precludes employment through the normal competitive process, shall be designated as “Restricted” positions.
  
- B. Persons employed by the District in “Restricted” positions are governed by the rules of the Personnel Commission and shall enjoy all of the rights, benefits and burdens accorded other classified employees, except: 1) they may not attain permanent status, 2) they shall not be accorded seniority credits for purposes of layoff, 3) they may not be given provisional appointments concurrent with status in a “Restricted” position, and 4) they are not eligible to compete in promotional examinations in the classified service until such time as they comply with the provisions of Personnel Commission rule 3.1.6 D.

- C. Appointments to “Restricted” positions shall be filled from appropriate eligibility lists. Applicants must meet the qualifications of education and experience established for the “Restricted” classifications. Separate eligibility lists by designated geographic areas may be established for “Restricted” classes. Eligibles on a specific geographic list may be required to reside in that geographic area both at the time of the examination and appointment and may be required to reside within that geographic area while employed in that “Restricted” position. For purposes of Rule 5.1 of these Rules, each eligibility list established under this rule will be treated as an eligibility list for a separate classification.
- D. After completion of six months of paid, satisfactory service in a “Restricted” position, a person working in such a position may take such regular examination for the class (unrestricted) as is required for all other persons. If the incumbent of a “Restricted” position qualifies in such an examination, regardless of his ranking or place on the eligibility list, he shall be accorded the full rights, benefits and burdens of any other classified employee serving in the regular classified service. In such case, his seniority for purposes of layoff or promotion shall be computed from the original date of employment in the “Restricted” position and shall continue even though the incumbent continues to serve in a “Restricted” position. A probationary period shall not be required unless he qualifies for a classification on a higher salary schedule.

(References: Ed. Code. 45105 and 45259)

### **3.2.1 GENERAL CLASSIFICATION RULES**

- 3.2.1 The Personnel Commission shall establish and maintain a classification plan for all positions in the classified service. Classifications will be placed in groups or a class structure according to their general occupational nature and, within groups, shall be listed in series by specific occupation. The plan shall indicate the classifications in each series which are usually filled by open competitive examinations and those which are usually filled by promotional examinations. However, the Personnel Commission shall decide, when it orders an examination to be given, whether the examination shall be open, promotional, or a combination thereof. Each classification shall be assigned an applicable salary rate or range.

(References: Ed. Code 45256 and 45261)

### **3.2.2 CLASS SPECIFICATIONS**

For each classification, the Personnel Commission shall establish and maintain a classification specification which shall include:

- A. The official class title.
- B. A definition of the classification, indicating the type of duties and responsibilities and placement within the organizational scheme.
- C. A statement of typical duties to be performed by persons holding positions allocated to that classification.
- D. A statement of the minimum qualifications for service in the classification. The minimum qualifications may include education, experience, knowledge, skills, abilities, personal and physical traits, and characteristics.
- E. A statement of distinguishing characteristics which differentiates the classification from other related or similar classifications.
- F. License or other special requirements for employment or service in the classification.
- G. Any additional qualification considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of his qualification, even though such additional qualifications are not a prerequisite to consideration for employment.
- H. The minimum qualifications shall never require a teaching, administrative or other credential, nor shall they require work experience which would restrict competition to such credential holders. Nor shall any title be assigned which would restrict competition to only those persons having such credentials.

(References: Ed. Code Sections 45256, 45261 and 45275)

### **3.2.3 INTERPRETATION OF CLASS SPECIFICATION**

The class specifications and their various parts are declared to have the following force and effect:

- A. The definition and typical duties are descriptive and explanatory only and not restrictive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position. The use of a particular expression or illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission.
- B. In determining the class to which any position shall be allocated, the specification for each class is considered as a whole. Consideration is given, not to isolated clauses, phrases or words, apart from their context and from illustrative information in other parts of the specification, but to the general duties, qualification requirements as affording a picture of the positions that the class includes.
- C. Each class specification is construed in its proper relationship to other specifications, particularly those of classes in the same series and group of classes, in such manner as to maintain a proper gradation in the series in which the class is located and proper differentiation within the group of classes.
- D. Qualifications commonly required of the incumbents of all or many offices or positions, such as good physical condition, citizenship (see Labor Code section 1940 et seq. for exceptions), honesty, sobriety, and industry even though not specifically mentioned in the specifications, are implied in the qualification requirements.
- E. The statement of qualification requirements, when considered with other parts of the specification is to be used as a guide in the announcement and preparation of tests and in the evaluation of the qualification of candidates seeking appointment to positions allocated to the class, but does not require a particular form or content of test or testing procedure.

(References: Ed. Code Sections 45256, 45261 and 45276)

#### **3.2.4 ALLOCATION OF POSITIONS TO CLASSES**

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

(References: Ed. Code Sections 45256, 45261 and 45276)

#### **3.2.5 ASSIGNMENT OF DUTIES**

The Board of Education shall prescribe the duties and responsibilities for all positions in the classified service, except for those of the Personnel Commission staff. Whenever the duties being performed are found to be inconsistent with the duties officially assigned to the position, the Personnel Director shall report the facts to the responsible administrator so that appropriate action may be taken.

(References: Ed. Code Sections 45256, 45261 and 45276)

#### **3.2.6 CHANGES IN DUTIES OF POSITIONS**

Any substantial changes in the duties of existing positions shall be promptly reported in writing by the appointing authority to the Personnel Director, who shall determine whether the positions should be allocated to different classes.

### **3.2.7 WORKING OUT OF CLASSIFICATION**

An employee is not expected to be required to work out of classification in a higher classification; but when he is required to do so, the fact shall be reported to the Personnel Director who shall investigate and determine 1) at what classification level the employee is being required to work, 2) the length of time the employee has been performing the higher classification duties, and 3) how long the employee will be required to perform the duties of the higher classification.

- A. Classified employees shall not be required to perform duties of a higher level classification for any period of time which exceeds five (5) eight (8) hour working days within a fifteen (15) calendar day period except as authorized herein. An employee may be required to perform duties of a higher level, inconsistent with those assigned to the position, for a period of more than five (5) working days provided that his salary is adjusted upward for the entire period he is required to work out of classification and in such an amount as will reasonably reflect the duties required to be performed.
- B. In the case of a classified employee required to work out of classification in the absence of the regular incumbent of the position, the employee who is working out of classification shall not have his salary adjusted higher than the salary of the absent employee that he is temporarily replacing.

Supervisors desiring to work one or more of their employees in an out-of-class basis shall first obtain budget approval if the absent employee is on a paid leave.

- C. Supervisors, department heads, and principals who require employees to work out of classification at a higher level for more than five (5) working days in a fifteen (15) calendar day period shall file an evaluation form on the employee's performance during the entire period the employee was required to perform work in the higher classification. This evaluation form must be submitted to the Personnel Director within five

working days after the employee has completed his temporary assignment.

- D. A memo must be submitted to the Personnel Director the first working day following the employee's completion of working out of classification stating 1) the date the employee first started working in the higher classification and 2) the date the assignment was completed.

(References: Ed. Code Section 45110, 45256 and 45276)

### **3.2.8 REVIEW OF POSITIONS**

The Personnel Director shall periodically review the duties and responsibilities of positions as necessary to determine their proper classification. If the Director finds that a position or positions should be reclassified, he shall advise the administration of his findings. If the administration verifies the duties of the position or if the duties are not revised to fit within the current classification, the Director shall report his findings and recommendations to the Commission. He shall also report his findings in cases where his review indicated that no change in classification is necessary.

(References: Ed. Code 45256, 45261 and 45276)

### **3.2.9 CREATION OF NEW POSITIONS**

When the Board creates a new position, it shall submit to the Personnel Director, in writing, the duties to be performed by the position. The Personnel Director shall present recommendations to the Commission which shall:

- A. Classify the position and determine whether the position should be allocated to an existing class or to a new class. Set the minimum educational and work experience requirements.
- B. Designate the proper salary placement of a new class, if one is established.
- C. Notify the Board of its action.

(References: Ed. Code 45256, 45261 and 45276)

### **3.2.10 POSITIONS REQUIRING MULTIPLE LANGUAGES**

- A. The Board of Education may, with the approval of the Commission, designate positions within a class which require the holder of the position to speak, read, and write a language in addition to English or possess some other bonafide occupational qualification (BFOQ).
- B. The Board must clearly set forth valid reasons for placing language or other requirements on a position.
- C. An announcement calling for an examination for a class with position(s) containing a BFOQ will contain appropriate information and will indicate that successful candidates possessing the additional requirements, will be given preference over other successful candidates, as authorized in Rule 5.2.13, but only as to those specific positions.
- D. When a vacancy occurs in a position which has an approved BFOQ, the Board will notify the Commission that the need for special requirement continues to be a part of the position.
- E. If a request from the Board to designate a position with special requirements is challenged, the Commission shall cause a proper investigation to be made and shall consider the findings and all other pertinent data presented by any concerned and responsible source prior to taking action on the request.

(References: Ed. Code 45256, 45261, 45276 and 45277)

## **3.3 RECLASSIFICATION**

### **3.3.1 REQUESTS FOR STUDY**

Requests for classification study of existing positions shall be presented to the Personnel Director together with a statement of the reasons for requesting study. Requests for study may be initiated by the administration, with the approval of the Superintendent, or by employees or employee organizations.

(References: Ed. Code 45256, 45260, 45261 and 45285)

### **3.3.2 EFFECTIVE DATE OF RECLASSIFICATION**

Reclassification of a position shall become effective on the date prescribed by the Commission and shall not have retroactive effect. Effective dates may be set sufficiently in the future to allow time for examinations to be completed, but for not more than three months.

(References: Ed. Code 45256, 45260, 45261 and 45285)

### **3.3.3 EFFECT OF CLASSIFICATION CHANGES ON INCUMBENTS**

- A. 1) When all positions in a class are reclassified to a class with a higher salary range, incumbents of the positions who have been in the class for three or more years will be granted status in the higher class without further competitive examination provided the last two performance reports of the incumbent on file in the office of the Personnel Commission have each been satisfactory.
- 2) Incumbents of the position who have been in the class less than three years and whose last two performance reports on file in the office of the Personnel Commission are each satisfactory, will be granted status in the higher class provided that their names must have appeared on an appropriate eligibility list established as a result of a qualifying examination in which the incumbent achieves a passing score. An incumbent who does not pass the qualifying examination may be transferred, demoted, or laid off.
- B. 1) When a portion of the positions within a class is reclassified to a class with a higher salary range, an incumbent who has a continuous employment record of three or more years in one or more of the positions being reclassified, or in a position or positions having essentially the same duties and responsibilities as determined by the Personnel Commission, may be granted status in the higher class provided that the last two performance reports on file in the office of the Personnel Commission have each been satisfactory.
- 2) An incumbent who has a continuous employment record of less than three years in one or more of the positions being reclassified, must receive an appointment from an appropriate eligibility list for the higher class in order to remain an incumbent of one of the reclassified positions.
- C. 1) The basis for the reclassification of a position must be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and

responsibilities. Determination as to gradual accretion will be recommended by the Personnel Director (Director of Classified Personnel) and approved by the Personnel Commission and will be based on the following guideline factors:

1. Changes in duties and responsibilities.
  2. Periods of time over which such changes occurred.
  3. Organization changes affecting the position.
  4. Evidence of the employees performance of the added duties and responsibilities.
- D. An employee who has been reclassified with his position shall be ineligible for subsequent reclassification to a higher class with his position for a period of at least three years from the previous reclassification.
- E. When a position or group of positions is reclassified to a class with an equal or lower wage or salary range, an incumbent shall have the following rights:
1. The right to displace the employee in the same class with the lowest seniority in the class, provided that the incumbent has greater seniority in the class.
  2. The right to displace the employee with the least seniority in any equal or lower class in which the incumbent formerly served, provided that he had greater seniority in that class.
  3. The right to be demoted or to transfer, without examination, to the class to which his position is reclassified.
- F. The provisions of P.C. Rules 3.3.2 and 3.3.3 notwithstanding, whenever additional qualifications are added to a position which do not require that the position be reclassified to a higher salary level, the incumbent in the position may elect to remain in the position without being required to meet the new additional qualifications.
- G. The employee who chooses to transfer, demote, or exercise displacing rights shall not lose any rights afforded under P.C. Rule 3.3.4.

(References: Ed. Code 45256, 45260, 45261, 45272, 45276, 45285, 45298, 45300, 45305, 45307 and 45308)

### **3.3.4 REEMPLOYMENT LIST FOR DISPLACED INCUMBENTS**

- A. Any displacement of a regular employee resulting from a reclassification of a position, or class of positions shall be considered a layoff for lack of work and an appropriate reemployment list will be established in accordance with these rules.
- B. This rule shall be followed in all instances of reclassification whether it results in upgrading, downgrading, lateral class movement, or displacement of incumbents.

(References: Ed. Code 45256, 45260, 45261, 45272, 45276, 45285, 45298, 45300, 45305, 45307 and 45308)

### **3.3.5 SALARY PLACEMENT AFTER RECLASSIFICATION**

- A. When an employee is reclassified to another classification with a higher salary range, the employee shall be placed on the same step as he/she was on, e.g., if the employee was on Step E at the time of reclassification, he/she shall be placed on Step E of the new classification.
- B. The effective date of the reclassification shall also become the new salary anniversary date for each employee reclassified to a classification with a higher salary range.

### **3.3.6 RECLASSIFICATION SENIORITY DATA**

- A. Employees whose positions are reclassified and who are not eligible to be reclassified with their position will:
  - 1. Have their employment status changed to provisional in the new classification.
  - 2. Be required to take a qualifying examination; receive a passing score on the eligibility list to be eligible for appointment to the reclassified position.
  - 3. Begin to earn seniority in the reclassified position on the date they are appointed to the reclassified position from the eligibility list or the day they begin work in the reclassified position after appointment from the eligibility list whichever is the latest.

4. An employee who successfully completes the testing for his/her reclassified position, is appointed to the position, and accepts the appointment shall be considered in a permanent status.