

CHAPTER 60

IN-SERVICE STATUS AND TRANSACTIONS

60.100 **PROBATIONARY PERIOD**

- 60.100.1 Duration of Probation
- 60.100.2 Rights of Probationary Employees

60.200 **CHANGES IN POSITION AND CLASS**

- 60.200.1 Transfer
- 60.200.2 Demotions
- 60.200.3 Restorations

60.300 **REASSIGNMENT OF REGULAR EMPLOYEES HANDICAPPED
BECAUSE OF ILLNESS OR INJURY**

- 60.300.1 General Policy
- 60.300.2 Reassignments
- 60.300.3 Effect of Refusal by Employee

60.500 **PAID LEAVES OF ABSENCE**

- 60.500.1 Vacation
- 60.500.2 Interruption of Vacation to Begin Another
Type of Paid Leave
- 60.500.3 Paid Sick Leave
- 60.500.4 Additional Sick Leave
- 60.500.5 Termination of Sick Leave
- 60.500.6 Industrial Accident and Industrial Illness
Leave
- 60.500.7 Bereavement Leave
- 60.500.8 Personal Necessity Leave
- 60.500.9 Jury Duty and Witness Leave
- 60.500.10 Absence for Examination and/or Interview
- 60.500.11 Leave of Absence for Study
- 60.500.12 Leave of Absence for Retraining

60.501 **LEAVES OF ABSENCE WITHOUT PAY**

- 60.501.1 Leave to Serve in an Exempt, Temporary,
or Limited Term Position
- 60.501.2 Application for a Leave of Absence

CHAPTER 60

IN-SERVICE STATUS AND TRANSACTIONS

60.100 PROBATIONARY PERIOD

60.100.1 DURATION OF PROBATION

- A. A new employee appointed from an eligibility list shall serve a probationary period of (6) six months of service, from his anniversary date, in one class before attaining permanency in the classified service. An employee who has been promoted shall serve a probationary period of (6) six months of paid service from his anniversary date in the higher class before attaining permanency in the class. Credit toward completion of probation shall be granted only for service in regular positions in the class after appointment from the eligibility list.
- B. For those classes designated by the Commission as executive or administrative, the probationary period shall be (1) one year of paid service.
- C. In determining fulfillment of the (6) six month or (1) one year probationary period, the employee must have served a minimum of seventy-five (75%) of the number of days in which he could have served in that assignment.

60.100.2 RIGHTS OF PROBATIONARY EMPLOYEES

- A. A new employee who resigns in good standing during his initial probationary period shall, upon request, have his name restored in proper rank to the eligibility list. Such action shall not extend the life of the eligibility list or the period of eligibility of the employee.
- B. A new employee who is suspended or dismissed during his initial probationary period shall be notified in writing of the action taken and the charges against him. He shall not have the right of appeal.
- C. An employee who has permanent status in the classified service, and who has been promoted to a higher class, may be demoted during the probationary period to his former class. He shall be notified in writing of the action and the charges against him, but shall have the right of appeal provided in Rule 60.800.3 B.

60.100 PROBATIONARY PERIOD (Continued)

60.100.2 RIGHTS OF PROBATIONARY EMPLOYEES (Cont.)

- D. A permanent employee who is suspended, dismissed or demoted during a probationary period retains full rights of appeal.
- E. Should the work for which a probationary employee has been appointed prove temporary instead of permanent as certified, and should he be laid off without fault or delinquency on his part before his probationary period is completed, his name shall be restored to the eligibility list and the time he has served shall be credited to him on his probationary period.

(References: Ed. Code 45260, 45261, 45301 & 45305)

60.200 CHANGES IN POSITION AND CLASS

60.200.1 TRANSFER

(This section applies only to classified employees not covered by a collective bargaining agreement. See current negotiated agreement for the policy and procedures for represented employees.)

A. General

- 1. A transfer is a change of position within the same classification or, if approved by the Personnel Commission, a related class at the same salary level. A transfer request may be initiated by a permanent employee or by the District.

B. Employee-Initiated Transfer Procedures:

- 1. An employee may request a transfer from his current position to any vacant position in the same class and such request shall be in writing and kept on file in the personnel office for one year.
- 2. In cases of vacancy which the District seeks to fill through voluntary transfer or hiring of new employees, the Personnel Department will send notices of such vacancies to all appropriate work locations for posting at least 15 working days prior to the final date for filing applications.
- 3. Whenever transfer requests exist

CHANGES IN POSITION AND CLASS (Continued)60.200.1 TRANSFER (Cont.)

for the filling of a particular vacancy, and no re-employment list exists, the immediate supervisor of the vacant position will interview each of the transfer candidates. If after such interviews, the immediate supervisor determines that none of the transfer candidates is qualified for the position, the Personnel Director shall certify, for the supervisor's consideration, the top three (3) names from the appropriate eligibility list, one of which shall be selected to fill the position.

C. District - Initiated Transfers

1. The District may, for the good of the service, transfer employees on a temporary or permanent basis to a position within the same class or, if approved by the Commission, to a related class at the same salary level. Reasons for any such transfer shall be discussed with the employee by his immediate supervisor.
2. Before transferring an employee to a position in a related class at the same salary level, the immediate supervisor shall submit a written request for approval by the Personnel Commission, indicating the circumstances or changes in duties that necessitate the transfer. The Personnel Commission shall determine whether or not the classes are related, based on similarity of:
 - a. Duties
 - b. Minimum Qualifications -employ standards
 - c. Examination Content
 - d. Suggested Qualifications for Successful Performance. AKA's
 - e. Promotional Field
 - f. Occupational Service

The extent to which two classes must be related depends upon outside factors. In general, more latitude in approving transfers is allowed:

CHANGES IN POSITION AND CLASS (Continued)60.200.1 TRANSFER (Cont.)C. District - Initiated Transfers (cont.)

- a. As the employee's length of service with the school district increases.
- b. When the request for transfer is based on layoff, re-classification or health.
- c. When there is no eligibility list for the class to which transfer is requested.
- d. When the employee's education and experience show he meets the requirements of the new class.

D. Status Attained by Transfer

1. A permanent employee who transfers to a position in a class in which he has not previously completed a probationary period shall be considered probationary in that class for a period of 130 days of paid service. At anytime during this probationary period, he may be returned (transferred) to his former class without right of appeal, unless such action results in layoff, demotion, or reduction in assigned time. In the latter cases, the employee will have the same appeal rights as a permanent employee who is demoted or dismissed.

E. Salary and Benefits upon Transfer

1. Since a transfer may occur only within the same classification or to a position in a related classification at the same salary rate.
2. Upon transfer, an employee shall retain his anniversary date for receiving salary increments, his accumulated sick leave and vacation credits.

F. Seniority Rights upon Transfer

1. Transfer shall have the following effect on seniority.
 - a. No effect upon seniority where both positions are within the same class.
 - b. Where the transfer is to a position in another class, the employee shall

60.200 **CHANGES IN POSITION AND CLASS (Continued)**

60.200.1 **TRANSFER (Cont.)**

F. **Seniority Rights upon Transfer (cont.)**

not receive seniority credit in the new class for service in other classes. However, he shall retain his seniority in the former class and his total seniority in the classified service.

(References: Ed.Code 45260, 45261, 45306 and 45312)

60.200.2 **DEMOTIONS**

- A. A permanent employee may, when a vacancy exists, request a voluntary demotion to a class with a lower maximum salary rate. Such requests require the approval of the head of the department to which he is to be assigned.
- B. Voluntary demotion is a privilege available to a probationary employee only in cases when he would otherwise be laid off for lack of work or lack of funds.
- C. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent rules and procedures.

(References: Ed.Code 45260, 45261, 45302, 45303, 45304, 45305, 45306, 45307, and 45312)

60.200.3 **RESTORATIONS**

- A. A former permanent employee who resigned in good standing may be reinstated in a vacant position in his former class and status within 39 months of the last date of paid service. Also, he may be reinstated in a vacant position in a lower related class, if qualified, or in limited-term status in the same or lower class. Such actions are discretionary with the appointing authority.
- B. An employee who has taken a voluntary demotion may be restored to a vacant position in his previous class, as determined by the Commission, within 39 months.
- C. Restorations are discretionary with the

60.200 CHANGES IN POSITION AND CLASS (Continued)

60.200.3 RESTORATIONS (Cont.)

appointing authority, except in cases where demotion was taken in lieu of layoff. An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, or abolishment or reclassification of his position, has the right to be re-employed, in accordance with his seniority, to a vacant position in his former class within 39 months after demotion. Intervening reassignments to other classes shall not abrogate that right. The Commission may extend re-employment rights up to 24 months upon request of the employee.

D. Reinstatement or re-employment of a former employee shall have the following effects:

1. Restoration to the former step in the current salary range for the class, or, if re-employed in a lower class, to the rate closest to that of the step to which he would be assigned if he were restored in his former class.
2. If restored to permanent status, restoration of accumulated sick leave and seniority as of the date of separation.
3. Restoration of former anniversary date, but without step advancement credit for the off-duty period.
4. Restoration of all rights, benefits, and burdens of a permanent employee in the class to which restored.

(References: Ed. Code 45260, 45261 and 45309)

60.300 REASSIGNMENT OF REGULAR EMPLOYEES HANDICAPPED BECAUSE OF ILLNESS OR INJURY

60.300.1 GENERAL POLICY

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.

(References: Ed. Code 45260, 45261 and 45279)

60.300 **REASSIGNMENT OF REGULAR EMPLOYEES HANDICAPPED BECAUSE OF ILLNESS OR INJURY (Continued)**

60.300.2 **REASSIGNMENTS**

- A. The position to which an employee described in 60.300.1 is assigned shall be subject to classification by the Personnel Commission but such employee shall receive no increase in a wage or salary because of his assignment to the position unless he is appointed from an eligibility list resulting from a competitive examination.

- B. 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.

- C. 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.

(References: Ed. Code 45260, 45261 and 45279)

60.500 PAID LEAVES OF ABSENCES (Continued)

60.500.1 VACATION (Cont.)

district, all employees, except those listed as executive, administrative or supervisory, shall earn 2.00 working days of vacation per month of service (24 days per year maximum). Those serving less than full time proportionate.

5. For classes of positions designated as exempt positions (see P.C. Rule 70.100.4), i.e. executive, administrative or supervisory, vacation time shall be earned at the rate of 24 days per fiscal year (1 5/6 days per calendar month of service). Those serving less than full time proportionate.
6. The maximum number of unused vacation days (including both earned and unearned) which can be carried beyond December 31 of any calendar year is as follows:
 - a. Employees who earn vacation under the provisions of paragraphs 1 through 3 of this rule shall not accumulate vacation credits of more than twenty (20) days as of December 31 of any calendar year.
 - b. Employees who earn vacation under the provisions of paragraphs 4 and 5 of this rule shall not accumulate vacation credits of more than twenty-three (23) days as of December 31 of any calendar year.
 - c. Employees who earn vacation under the provisions of paragraph 6 of this rule shall not accumulate vacation credits of more than twenty-seven (27) days as of December 31 of any calendar year.
 - d. Upon written approval of the Superintendent or his authorized representative, vacation credits may be carried over and accumulated to a total not to exceed the number of vacation credits which an employee can earn in two (2) years.

PAID LEAVES OF ABSENCES (Continued)60.500.1 VACATION (Cont.)

C. SCHEDULING OF VACATIONS

1. Vacations shall not be taken in increments of less than one-half (1/2) of a day.
2. To insure the school district of continued service to the community, vacations shall be taken only with the approval of the department head.
3. Vacation schedules shall be prepared by the department head and submitted to the Classified Personnel Office according to the following schedule:
 - a. A schedule of vacations which will commence during the months of June, July, August, or September, shall be prepared and submitted no later than May 1 of each year.
 - b. A schedule of vacations which will commence during the months of October, November, December, or January, shall be prepared and submitted no later than September 1, of each year.
 - c. A schedule of vacations which will commence during the months of February, March, April or May, shall be prepared and submitted no later than January 1, of each year.

Effort shall be made to enable vacations to be taken at times convenient to the employee, consistent with the needs of the service and the workload of the department.

4. Vacations shall be taken on the dates prescribed in the vacation schedule, unless prevented from doing so because of the needs of the district or having received prior approval as provided for in P.C. Rule 60.500.1 B6.

Failure to comply with this provision will result in loss of accumulated

PAID LEAVES OF ABSENCES (Continued)60.500.1 VACATION (Cont.)

vacation over-and-above the maximums provided for in paragraphs (a) through (d) of P.C. Rule 60.500.1 B6.

5. Those employees who are prevented from taking vacations because of the needs of the district (as determined by the department head), shall be allowed to carry all of their accumulated vacation beyond the December 31 deadline.
6. Changes in the vacation schedules may be made subsequent to the May 1, September 1, and January 1 deadlines, with the approval of the department head and the Classified Personnel Director.

D. VESTED RIGHTS IN VACATION TIME

1. Earned vacation shall not become a vested right until an employee has completed an initial 6 months of employment. Therefore, a new probationary employee whose employment is terminated prior to completing the initial 6 months of employment shall not be entitled to receive cash payment for accumulated vacation, except as provided in paragraph 2 below.
2. A new probationary employee who is laid off because of a lack of work or lack of funds shall receive cash payment for any accumulated vacation even though he has not completed 6 months of initial employment.
3. Upon separation from the classified service, any regular classified employee (probationary or permanent) who has served a full 6 or more months shall be entitled to receive a cash payment for any accumulated vacation at the rate of pay applicable to his last regular assignment.
4. Regular employees who have completed an initial 6 months of employment may be permitted to use unearned vacation days not to exceed the number of vacation

60.500 PAID LEAVES OF ABSENCES (Continued)

60.500.1 VACATION (Cont.)

D. VESTED RIGHTS IN VACATION TIME (Cont.)

days that he can earn in 4 months.

5. If an employee is terminated and had been granted vacation which was not yet earned at the time of termination of his services, the district shall deduct the amount owing from his severance check.

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

F. The rate at which vacation is paid shall be the employee's current rate. A permanent employee whose vacation is earned and begun under a given status shall suffer no loss of earned vacation salary by reason of subsequent changes in conditions of employment for that year only.

(References: Ed. Code 45190, 45197, 45260 and 45261)

60.500.2 INTERRUPTION OF VACATION TO BEGIN ANOTHER TYPE OF PAID LEAVE

(This section applies to permanent classified employees not covered by a collective bargaining agreement. See current negotiated agreement for policy and procedures for represented employees.)

A. All permanent classified employees with five or more years of service may interrupt their vacation or terminate their vacation to begin another type of paid leave without a return to active service provided the following provisions are met:

1. The employee whenever possible shall give his immediate supervisor notice that a break in vacation leave is necessary.

PAID LEAVES OF ABSENCES (Continued)**60.500.2 INTERRUPTION OF VACATION TO BEGIN ANOTHER TYPE OF PAID LEAVE (Cont.)**

2. The employee shall be required to sign on a prescribed form, a statement giving the reasons that an interruption or termination of vacation leave is necessary. Subject to final approval of such interruption or termination of vacation leave by the Personnel Director, the administrator or supervisor shall take whatever steps are necessary to be assured that adequate and reasonable problems existed which required the interruption or termination of vacation for another type of paid leave.
3. This rule (60.500.2) shall not apply to limited term, provisional, or probationary employees unless such employees have permanent status in other classifications.

(References: Ed. Code 45200, 45260 and 45261)

60.500.3 PAID SICK LEAVE

(This section applies only to classified employees not covered by a collective bargaining agreement. See current negotiated agreement for the policy and procedure for represented employees.)

- A. Sick leave is the authorized absence of an employee because of illness or injury or exposure to contagious disease.
- B. Every regular classified employee shall earn and accumulate paid sick leave at the rate of one (1) day per month of service. Unused sick leave is cumulative without limit. Regular employees who are on leave to serve in a provisional or a limited-term assignment within the district, or who serve in limited-term assignments during periods when they are not regularly assigned, shall earn sick leave during such limited-term or provisional assignments.
- C. At the beginning of each fiscal year, the sick leave "bank" of the employee shall be increased by the number of days of paid sick

60.500 PAID LEAVES OF ABSENCES (Continued)

60.500.3 PAID SICK LEAVE (Cont.)

leave which would normally be earned in the ensuing fiscal year. An employee's sick leave "bank" shall be adjusted if a change of assignment alters the amount of sick leave earnable.

- D. Sick leave may be taken at any time, provided that employees who have not completed an initial six (6) months of employment with the district may use only a maximum of six (6) days paid sick leave.

"Initial six months of employment" shall be defined as the first six calendar months of employment with the district. However, unpaid time off during the normal summer recess period shall not be included within this meaning. Such unpaid time off shall be added to the six (6) calendar months and thereby extend such period.

- E. Pay for any day of sick leave shall be the same pay the employee would have received if the employee had worked that day.
- F. In order to receive compensation while absent on sick leave, the employee must notify the immediate supervisor or the Personnel Office of the required absence within the first working hour of the first day absent, unless conditions make notification impossible. The burden of proof of impossible conditions shall be upon the employee.
- G. At least one day prior to the expected return to work, the employee shall notify the immediate supervisor or the Personnel Office in order that any substitute employee may be terminated. If the employee fails to notify the immediate supervisor or the Personnel Office and both the employee and the substitute report, the substitute is entitled to the assignment, and the employee shall not receive pay for that day.
- H. An employee may be required to present a doctor's statement stating the nature of the illness or injury and the date the employee is able to return to work.
- (References: Ed Code 45191, 45260, 45261)

60.500.4 **ADDITIONAL SICK LEAVE**

(This section applies only to classified employees not covered by a collective bargaining agreement. See current negotiated agreement for the policy and procedures for represented employees.)

- A. After exhaustion of paid sick leave, an employee who is ill or injured shall use accumulated compensating time, vacation or other available paid leave prior to using the provisions of paragraph B of Rule 60.500.4.

- B.
 - 1. When a permanent employee is absent from his duties on account of illness or accident for a period of five (5) months or less and has used up all paid leave, such as sick leave, compensating time, vacation and all other available paid leave; he shall receive the difference between the salary rate earned by the substitute filling his position and the salary rate he would normally receive while on the job.

 - 2. This differential shall be paid the employee on illness leave for a period not to exceed five (5) months including the time the employee receives other forms of earned paid leave.

 - 3. New probationary employees will not be eligible for this differential.

 - 4. For the purposes of this rule and Education Code 45196 the amount paid to the substitute employee during any month shall be less than the salary due the employee absent from his duties; except that the Board of Education may adopt and publish a salary schedule for substitute employees which may be at any step on the salary range and thus be the same salary rate as the absent employee.

- C. After exhaustion of all paid leave, a permanent employee may be placed on additional leave upon request and with the approval of the Board. The employee shall not again become eligible for paid leave because of the commencement of a new fiscal year until he has rendered service.

References: Ed. Code 45191, 45196, 45260, 45261

60.500 **PAID LEAVES OF ABSENCES (Continued)**

60.500.5 **TERMINATION OF SICK LEAVE**

(This section applies only to classified employees not covered by a collective bargaining agreement. See current negotiated agreement for the policy and procedures for represented employees.)

- A. An employee who has been placed on paid or unpaid sick leave may return to duty at any time during the leave, provided that he is able to resume the assigned duties and, if the leave has been for more than 20 working days, provided that he has notified the district of his return at least three working days in advance.
- B. After exhaustion of paid sick leave, an employee who is ill or injured shall use all accumulated vacation and compensatory time prior to being placed on a leave of absence.
- C. If at the conclusion of all sick leave and additional leave, paid or unpaid granted under this rule, the employee is still unable to assume the duties of his position, he will be placed on a re-employment list for a period of 39 months in the same manner as if he were laid off for lack of work or lack of funds.

(References: 45191, 45195, 45196, 45260, and 45261)

60.500.6 **INDUSTRIAL ACCIDENT AND INDUSTRIAL ILLNESS LEAVE**

(This section applies only to classified employees not covered by a collective bargaining agreement. See current negotiated agreement for the policy and procedures for represented employees.)

- A. Leaves resulting from an industrial accident or industrial illness shall be granted in accordance with the provisions of Education Code Sections 44043 and 45192 and this rule.
- B. An employee in the classified service who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under provisions of the Workmen's Compensation Insurance Law shall be granted paid industrial accident leave for each such accident or illness while receiving temporary disability benefits from workmen's

PAID LEAVES OF ABSENCES (Continued)60.500.6. INDUSTRIAL ACCIDENT AND INDUSTRIAL ILLNESS LEAVE

compensation provided that:

1. Allowable leave shall be for a maximum of 60 days during the period the employee would normally otherwise have been performing his/her duties.
 2. This industrial accident and illness leave shall be governed by the same rules and regulations which govern workmen's compensation indemnity, and shall be awarded only if workmen's compensation is awarded.
 3. The employee must remain in the state under this leave unless otherwise authorized by the governing board of the school district.
- C. Paid industrial accident or illness leave shall be granted, as indicated in the employee's assignment, from the first day of absence to and including the last day of absence resulting from each separate industrial illness or industrial injury. A paid industrial accident leave granted under paragraph B.1 above shall be for not more than 60 working days.
- D. Paid industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of the temporary disability allowance made under workmen's compensation. Days absent while on paid industrial accident leave shall not be deducted from the number of days of paid illness leave to which an employee may be entitled.
- E. Allowable leave shall not be cumulative from one fiscal year to the next.
- F. When this leave overlaps into the next fiscal year, the employee shall only be entitled to the amount of the unused leave due him/her for the same illness or injury.
- G. If the employee is still unable to return to duty after exhausting paid industrial accident or illness leave, the employee shall be placed

60.500 PAID LEAVES OF ABSENCES (Continued)

60.500.6 INDUSTRIAL ACCIDENT AND INDUSTRIAL ILLNESS (Cont.)

on paid illness leave if he is eligible therefor. Accumulated illness leave will be reduced only in the amount necessary to provide a full day's wages or salary, as indicated in the employee's assignment, when added to compensation without penalties from the State Compensation Insurance Fund.

- H. After all paid illness leave has been exhausted following a paid industrial accident or illness leave, an employee may choose to receive pay from accrued vacation to the extent necessary to make up the employee's regular salary when receiving a temporary disability allowance without penalties from the State Compensation Insurance Fund.

After the expiration of all paid leave privileges, the appointing authority may place the employee on an industrial accident or illness leave without pay. The total time of all leave benefits provided under this rule, including unpaid industrial accident leave, shall not exceed 36 months for any one industrial accident or industrial illness.

- I. Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in his former class ahead of any employee with a lesser amount of seniority. If no vacancy exists in his former class, he may displace the most recently appointed employee in the class with less seniority. If an employee's former class has ceased to exist, the employee may be reassigned or placed on a suitable re-employment list.
- J. An employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the Education Code and Personnel Commission rules. An employee shall continue to receive seniority credit for all purposes while on such a paid or unpaid leave of absence.

PAID LEAVES OF ABSENCES (Continued)60.500.6 INDUSTRIAL ACCIDENT AND INDUSTRIAL ILLNESS (Cont.)

- K. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness, the employee's name shall be placed on the re-employment list for the class from which he was on leave from a period not to exceed 39 months.
- L. An employee who fails to accept an appropriate assignment after being medically approved therefor shall be removed from the re-employment list. Appropriate assignment is defined as an assignment to the employee's former class, in his former status and time basis, and in assignment areas in which the employee has made himself available. Employee's removed from a re-employment list under this rule may appeal the removal to the Personnel Commission.
- M. While an employee is on any paid leave resulting from an industrial accident or industrial illness, the employee's salary paid by the district shall not, when added to a normal temporary disability allowance award without penalties granted the employee under State Workmen's Compensation Insurance laws, exceed the employee's regular salary. A permanent employee's regular salary is computed on the basis of the number of hours and days in his basic daily assignment. An employee who is not permanent shall have his regular salary computed on the basis of the average number of hours worked each month in which the employee was in paid status during the preceding year.

During all paid leaves resulting from an industrial accident or industrial illness, the employee shall endorse to the district all wage-loss benefit checks received under State Workmen's Compensation Insurance laws. The district shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary, and/or leave benefits and shall deduct normal retirement and other authorized contributions.

Final allowance for permanent industrial disability settlements shall not be subject to remittance to the district under this rule.

60.500 **PAID LEAVES OF ABSENCES (Continued)**

60.500.6 **INDUSTRIAL ACCIDENT AND INDUSTRIAL ILLNESS (Cont.)**

(References: Ed. Code 45192, 45195, 45260, 45261 and 45279)

60.500.7 **BEREAVEMENT LEAVE**

(This section applies only to classified employees not covered by a collective bargaining agreement. See negotiated agreement for the policy and procedures for represented employees.)

1. Classified employees shall be allowed regular pay for not more than three (3) working days when absent due to the death of any member of his immediate family. Bereavement leave pay shall be extended to a maximum of five (5) days when out of state travel is necessary in connection with the bereavement.
2. Member of the immediate family means the spouse, son, son-in-law, daughter, daughter-in-law, father, mother, sister, sister-in-law, brother, brother-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse, or any other person residing in the immediate household of the employee.

(References: Ed. Code 45194, 45260 and 45261)

60.500.8 **PERSONAL NECESSITY LEAVE**

(This section applies only to classified employees not covered by a collective bargaining agreement. See negotiated agreement for the policy and procedures for represented employees.)

1. A classified employee serving in a status which entitles him to illness or injury leave shall, at his election, be placed upon a Personal Necessity Leave and be allowed Personal Necessity Leave pay within the limits and conditions of this rule for any of the following purposes:
 - a. Death of a member of the immediate family of the employee when additional leave is required beyond that provided under P.C. Rule 60.500.7 (Bereavement Leave). Immediate family is defined under P.C. Rule 60.500.7, Paragraph 2.

60.500 PAID LEAVES OF ABSENCES (Continued)

60.500.8 PERSONAL NECESSITY LEAVE (Cont.)

- b. Death of a close, personal friend of the employee.
- c. Appearance in a court or before an administrative tribunal as a litigant, party, or witness under subpoena, or any order made with jurisdiction. The employee must return to work in cases where it is not necessary for him to be absent the entire day.

In any case where the employee receives a fee for services, such fee, exclusive of any mileage allowance, shall be submitted to the Business Office.

- d. The birth of a child, which makes it necessary for the employee, the father of the child, to be absent from his position during his assigned hours of service.
- e. Cases of personal necessity which are 1. serious in nature, 2. involve circumstances which the employee cannot reasonably be expected to disregard, and 3. which cannot be transacted outside of the employee's assigned hours of service. Necessities included in this section are:
 - 1. An accident involving the employee or his property, or the person or property of a member of his immediate family.
 - 2. Illness of a member of the immediate family as defined in P.C. Rule 60.500.7, Paragraph 2.
 - 3. Imminent danger to the home of the employee.
 - 4. Personal business that involves participation in lawful meetings, activities or observances, where the employee conscientiously believes that his participation therein is

60.500

PAID LEAVES OF ABSENCES (Continued)

60.500.8

PERSONAL NECESSITY LEAVE (Cont.)

necessary and cannot reasonably be expected to conduct outside of his assigned hours of service. Furthermore, such leave shall not be used to conduct business which is related to matters of employee/employer relations nor shall it be used for strikes or other work-stoppage activities.

2. The following limits and conditions are placed upon the use of cumulative illness or injury leave for Personal Necessity Leave:

- a. The total number of days allowed in one school year for such leave or leaves shall not exceed six (6) days.
- b. The days allowed shall be deducted from and may not exceed the number of full days' pay for illness or injury leave which the employee has earned.
- c. Personal Necessity Leave shall not be granted during an employee's vacation or leave of absence.

The administrator to whom the employee is directly responsible shall validate the necessity leave or forward to the Personnel Director for final disposition if a question arises. If the reason for the Personal Necessity Leave is of a highly sensitive nature, the employee may prepare a confidential statement to be delivered directly to the Superintendent or Personnel Director for disposition.

- d. Such personal business leave shall be requested at least two working days prior to the commencement of the leave.

(References: Ed. Code 45190, 451291, 45207, 45260 and 45261)

60.500 **PAID LEAVES OF ABSENCES (Continued)**

60.500.9 **JURY DUTY AND WITNESS LEAVE**

(This section applies only to classified employees not covered by a collective bargaining agreement. See negotiated agreement for the policy and procedures for represented employees.)

- A. Leave of absence for jury service shall be granted to any classified employee who has been officially summoned to jury duty in local, state, or federal court. Leave shall be granted for the period of the jury service. The employee shall receive full pay while on leave provided that the jury service fee for such leave is assigned to and the subpoena or court certification is filed with the district. Request for jury service leave should be made by presenting the official court summons to jury service to the Personnel Director.
- B. The jury service fee referred to in A. does not include reimbursement for transportation expenses.
- C. An employee who has received leave of absence under this rule shall make himself available for work during hours when his presence is not required in court.

(References: Ed. Code 44036, 44037, 44040, 45260 and 45261; Labor Code 230)

60.500.10 **ABSENCE FOR EXAMINATION AND/OR INTERVIEW**

Every employee in the classified service shall be permitted to be absent from his duties during working hours in order to take any examination for promotion in the district without deduction of pay or other penalty, provided that he gives two days' notice to his immediate supervisor. The same provisions shall hold true for an employee who is to be interviewed for a transfer, promotion or other interview to be held in connection with his employment.

(References: Ed. Code 45190, 45198, 45260 and 45261)

PAID LEAVES OF ABSENCES (Continued)60.500.11 LEAVE OF ABSENCE FOR STUDY

(This section applies only to classified employees not covered by a collective bargaining agreement. See negotiated agreement for the policy and procedures for represented employees.)

- A. Every regular classified employee who has completed seven consecutive years of service in regular status with the district shall be eligible to apply for a leave of absence for study purposes. The granting of such leave shall be entirely discretionary with the appointing authority. When a study leave has been authorized and taken, an additional seven years of service, after return to duty from the last leave, must be completed before another study leave may be granted.
- B. Study leave can be for any period of time up to, but not to exceed, one year and may be taken in any time increments as approved by the Board of Education, but must be completed within three years after the initial part of the leave was commenced. If the leave is not continuous, the service performed between the leave intervals shall be credited toward future study-leave eligibility.
- C. Any leave granted and taken under this rule shall not constitute a break in service for any purpose, but the leave time shall not count toward eligibility for a future study leave.
- D. To secure a leave of absence under this rule, the applicant must file a request with the Board of Education which contains all the information outlined as follows:
 - 1. Work history with the district (e.g., positions held and length of service in each).
 - 2. Length of leave requested and time period in which the leave will be completed, if granted.
 - 3. The purpose for which the leave is requested. The application must include the complete course of study to be pursued, institution giving the course,

60.500 PAID LEAVES OF ABSENCES (Continued)

60.500.11 LEAVE OF ABSENCE FOR STUDY (Cont.)

costs involved, degree or credits to be granted, and other pertinent data.

4. Service, if any, to be performed by the employee for the district during the leave.
5. The benefits to be derived by the district by the granting of the leave.
6. Willingness by the employee to provide a bond to the district as required by law.
7. Agreement by the employee that he will serve the district for at least two years after termination of the leave.
8. Willingness to provide the district evidence of satisfactory study progress at agreed intervals during the leave. Failure to provide such evidence or to make satisfactory progress may, at the option of the district, result in immediate cancellation of the leave.
9. Agreement by the employee that he will report any employment during the leave to the Personnel Director, who shall determine whether conflict exists with the purpose of the leave.

E. AMOUNT OF COMPENSATION: Those classified employees granted leaves under this rule shall receive compensation amounting to one-half of the salary which he would receive if he were in regular service.

F. METHOD OF COMPENSATION: Compensation may be paid in the same manner as if the employee were working in the Bassett Unified School District. Under this plan of payment, the applicant must furnish the school district with a surety bond in an amount equal to the total compensation to be paid to the employee during said leave of absence; said bond to be conditioned so as to reimburse the school district for the amount of salary paid the employee while on leave in the event that the employee fails to render at least two years' service in the employ of the school district

60.500 PAID LEAVES OF ABSENCES (Continued)

60.500.11 LEAVE OF ABSENCE FOR STUDY (Cont.)

following the employee's completion of the leave.

The other form of compensation which may be used: Salary may be paid to the employee in two equal annual installments, during the first two years of service following the return of the employee from his leave.

G. If the employee provides the required bond or submits a written document, approved by the Board in accordance with Education Code 45384, the employee shall be paid the agreed-upon compensation in the same manner as if he were in active service with the district. If the employee fails to complete two years of service for the district following return from leave, except as provided below, he may be required to refund to the district a prorated portion of any compensation received while on leave.

H. If an employee has provided a bond or written agreement and fails to complete the required two years of service because of his death or physical or mental disability, the bond or conditions of the agreement shall be exonerated in the same manner as if the required service had been performed.

(References: Ed. Code 45381, 45382, 45383, 45384, 45386, 45387, 45260 and 45261)

60.500.12 LEAVE OF ABSENCE FOR RETRAINING

(This section applies only to classified employees not covered by a collective bargaining agreement. See negotiated agreement for the policy and procedures for represented employees.)

In the event that the Board of Education contemplates the abolition of positions in the classified service and creation of new positions because of automation, technological improvements, or for any other reason, it may provide for retraining of displaced employees in accordance with this rule.

PAID LEAVES OF ABSENCES (Continued)60.500.12 LEAVE OF ABSENCE FOR RETRAINING (Cont.)

- A. To be eligible for retraining leave, an employee must:
1. Have served at least three years in the district.
 2. Be serving in a position which the district contemplates abolishing, or
 3. Show that the retraining will clearly benefit the district.
 4. Indicate a willingness to undergo the prescribed training program.
 5. Indicate a willingness to serve the district for at least two years after successful completion of the retraining program.
- B. The Board of Education shall prescribe the retraining program and may provide the program internally or designate the institution or place where the program is to be given.
- C. The employee shall be considered a permanent employee for all purposes during the period of the retraining program and shall receive his normal compensation and benefits. The Board may prescribe duties, if any, to be performed by the employee on behalf of the district during retraining leave.
- D. The Board shall provide for reasonable expenses necessary for the prescribed retraining, but may recover costs from the employee if he fails to complete the prescribed retraining program.
- E. The Board may establish retraining programs for purposes other than outlined in this rule and grant leaves of absence for retraining in the same manner as for study leaves of absence, except that the three-year service requirement shall prevail. Such programs must be endorsed by the Commission and must be available to all qualified employees of the district, except that approval for such leave shall be discretionary with the Board of Education.

60.500 PAID LEAVES OF ABSENCES (Continued)

60.500.12 LEAVE OF ABSENCE FOR RETRAINING (Cont.)

(References: Ed. Code 45381, 45382, 45383, 45384, 45386, 45387, 45260 and 45261)

60.501 LEAVE OF ABSENCE WITHOUT PAY

60.501.1 LEAVE TO SERVE IN AN EXEMPT, TEMPORARY, OR LIMITED TERM POSITION

- A. Any permanent classified employee who accepts an assignment within the District to an exempt, temporary, or limited-term position shall, during such assignment, be considered for status purposes as serving in his regular position, and such assignment shall not be considered separation from service. In such case the employee accrues seniority at the same rate as if he/she had remained in his/her regular position.
- B. The employee may, with the approval of the appointing authority, voluntarily return to his position or a position in the class of his permanent status prior to the completion of service in an exempt, temporary, or limited-term position. Failure to complete the required service, unless approved as specified herein, will constitute abandonment of position and may be grounds for disciplinary action by the appointing authority.

(References: Ed. Code 45260 and 45261)

60.501.2 APPLICATION FOR LEAVE OF ABSENCE

A leave of absence without pay may be granted to a permanent classified employee, upon the written request of the employee and the approval of the Board of Education subject to the following provisions:

1. **Maternity Leave:** A leave of absence for maternity shall be for a period of not more than one year. As soon as pregnancy is known, the employee is required to place a doctor's certificate on file with the Personnel Director certifying the fact that the employee is in good health and able to continue to work. An employee who wishes to continue working during the last three months of pregnancy must submit a doctor's certificate

60.501 LEAVE OF ABSENCE WITHOUT PAY (Continued)

60.501.2 APPLICATION FOR LEAVE OF ABSENCE (Cont.)

to the Personnel Director certifying that the employee is able to perform the duties of the position and clearly stating any restrictions to employment activities and the length of time regular employment may be continued without endangering the health of the employee. Prior to returning from such leave, the employee must file a doctor's certificate with the Personnel Director verifying the employee's good health and ability to resume the duties of the position.

- B. Health Leave: Upon presentation of a doctor's certificate an employee may request a leave of absence for health reasons. If the leave is granted it will be no longer in duration than six (6) calendar months. If, at the expiration of the six calendar months, the employee is still unable to return to the full unrestricted duties of his position, he may be granted an additional six months' leave. If, at the end of this period of time, the employee is still not able to return to his full duties, he will be placed on a re-employment list for a 39 month period.
- C. Military Leave: A leave of absence for military service shall be granted as provided in the Military and Veteran's Code and Education Code.
- D. Personal Leave: A permanent classified employee may, in the sole discretion of the District, be granted an unpaid leave of absence for reasons satisfactory to the District, including but not limited to ill health, home responsibility, personal business, study, Peace Corps service, and travel. If granted, the leave shall be for a period of not less than one semester and not more than one school year. A leave granted under these provisions shall not extend from one school year into another.

60.502 **RETURN FROM LEAVES OF ABSENCE**

60.502.1 **NOTIFICATION OF RETURN**

An employee must give notification of at least thirty-five (35) calendar days prior to the expiration of the leave that he is returning to active service.

(References: Ed. Code 45260 and 45261)

60.502.2 **ASSIGNMENT**

- A. An employee may be assigned to the same position or a vacant position in the same class. Return to the same position requires prior written approval of the immediate supervisor and the Personnel Director before the leave of absence is granted, and only then if the leave of absence is for less than six (6) calendar months or less than one year for a maternity leave. An employee returning from the military service will be placed in his prior position as provided by law.
- B. An employee returning from a leave of absence who has not met the provisions of 60.502.2 A, will be assigned to a vacant position in the class in which he holds status. If no vacant position is available, the employee will be placed on the re-employment list for the class for a period of 39 months. He may return to a vacant position in a class at the same or a lower salary level provided that he is qualified.
- C. If the position or classification has been abolished during the employee's absence, he shall be laid off for lack of work or lack of funds and placed on the re-employment list for the class, effective the date of termination of leave. He may be returned to a vacant position in a class at the same or lower salary level provided he is qualified.

(References: 45190, 45193, 45195, 45198, 45199, 45260 and 45261)

60.502.3 **LIABILITY**

The school district shall be free of any liability pertaining to the employee for the death or injury of the employee of the district when the death or injury occurs while the employee is on a leave

60.502 RETURN FROM LEAVES OF ABSENCE (Continued)

60.502.3 LIABILITY (Cont.)

of absence without pay.

(References: Ed. Code 45260 and 45261)

60.502.4 EMPLOYMENT WHILE ON LEAVE

An employee on a leave of absence shall not accept other gainful employment with another employer (except ordered military service) unless previously approved by the Personnel Commission and the Board of Education.

(References: Ed. Code 45260 and 45261)

60.502.5 LEAVE CANCELLATION AND APPEAL

The Board of Education may for good cause, cancel any leave of absence by giving the absent employee due notification. The employee may appeal the cancellation to the Personnel Commission which shall investigate and hear the appeal. The appeal by the employee will stay the cancellation directive of the Board of Education until action by the Personnel Commission, which shall be final and binding.

(References: Ed. Code 45260, 45261 and 45307)

60.503 TRANSFERRING EMPLOYEE BENEFITS

60.503.1 TRANSFER OF EARNED SICK LEAVE

Classified employees who have been in paid status in any California public school district for a period of one calendar year or more shall have their accumulated earned illness leave transferred with them to the Bassett Unified School District provided that the following criterion are met:

1. The employee terminates his employment in the previous district for the sole purpose of accepting employment with the Bassett Unified School District.
2. The employee accepts within one year of termination of his former employment, employment with the Bassett Unified School District.
3. The employee requests his former district

60.503

TRANSFERRING EMPLOYEE BENEFITS (Continued)

60.503.1 **TRANSFER OF EARNED SICK LEAVE (Cont.)**

to verify length of employment, type of employment, accumulated earned leave of absence for illness or injury, and date of termination of employment with his former district. Requests for verification shall be made on a form prescribed by the Personnel Commission

4. Verification shall be mailed by the former employing district directly to the Personnel Commission office.

(References: Ed. Code 45202, 45260 and 45261)

60.600.1 **LAYOFF AND RE-EMPLOYMENT DEFINITIONS**

- A. For purposes of this rule (layoff) the word "Class" as used in this rule only will be defined as a grouping of classifications as indicated under Rule 10.100, "Group".
- B. For purposes of this rule (layoff) the word "Classification" will be defined as a group of similar duties assigned to a specific job title as indicated under Rule 10.100, "class".

(References: Ed. Code 45260 and 45261)

60.600.2 **PROCEDURE REGARDING LAYOFF**

- A. When classified employees are laid off for lack of work or lack of funds, layoff shall be made in inverse order of seniority in the present classification in which the layoff occurs. The employee who has been employed the shortest time in the present classification, plus higher classifications, shall be considered to have the least seniority and, therefore, shall be laid off first.

- B. The names of permanent and probationary employees thus laid off shall be placed upon the re-employment list for the classification from which they were laid off. Names on the re-employment list shall be in the relative order of seniority.

(References: Ed. Code 45260, 45261, 45298 and 45308)

LAYOFF AND RE-EMPLOYMENT (Continued)**60.600.3 SENIORITY IN CASE OF RECLASSIFICATION**

The word "classification" as used in this rule shall be interpreted to include two or more classifications having the same or equivalent duties and responsibilities when such classifications are the result of a reclassification action separating an existing classification into two or more classifications. Seniority for the purpose of this rule shall be in accordance with 60.600.4, A, 4.

(References: Ed. Code 45260 and 45261)

60.600.4 COMPUTATION OF SENIORITY**A. CREDIT FOR ALL SERVICE COMMENCING ON OR AFTER JULY 1, 1971**

1. a. Credit for service on or after July 1, 1971 shall include all hours in a paid status as a regular employee in the classification, plus higher classifications in the line of promotion, or as a regular employee serving temporarily in a limited-term assignment in the same classification or higher classification, except as provided elsewhere in this rule.
 - b. Credit for service on or after July 1, 1971 shall also include time on military leave, unpaid illness leave, and unpaid leaves resulting from an industrial accident or industrial illness (in accordance with P.C. Rule 60.500.6). Time spent in the armed forces in accordance with P.C. Rule 60.501.2 C, shall also be counted towards seniority.
 - c. No other unpaid time or status in the classification shall be credited toward seniority.
2. Employees who have been laid off shall not accumulate seniority credit while on a re-employment list(s) (except for tie-breaking purposes).

LAYOFF AND RE-EMPLOYMENT (Continued)60.600.4 COMPUTATION OF SENIORITY (Cont.)

3. Time served prior to a break in service shall not be counted towards seniority (except for tie-breaking purposes). A break in service is disregarded and seniority credit granted when an employee is reinstated, re-employed in regular status, or appointed to a regular position from an open or promotional eligibility list within 39 months following a layoff, or while his name remains on a valid re-employment list.

4. When a reclassification results in either the separation of a classification into two or more classifications on the same salary range or the merger of two or more classifications on the same salary range, seniority rights of the regular classified employees who are reclassified with their positions (and whose former classification(s) have been abolished or separated) shall be computed from the date of their earliest entrance into regular service in such classifications.

When a reclassification results in the separation of a position or positions to a higher salary range, seniority of the regular classified employees who are reclassified with their positions shall be computed from the effective date of the reclassification.

5. Problems involving reclassification and/or seniority status shall be resolved by the Personnel Director in accordance with these rules. Appeals from decisions of the Personnel Director may be made to the Personnel Commission.

6. Problems which involve precedent setting or of a policy making nature shall be referred to the Personnel Commission for determination.

B. FORMULA FOR COMBINING SENIORITY CREDITS

1. In order to establish the seniority credits provided in Section A of P.C. Rule 60.600.4, the following formulas will be used:

LAYOFF AND RE-EMPLOYMENT (Continued)**B. FORMULA FOR COMBINING SENIORITY CREDITS**

- a. For employees working four (4) hours or more per day prior to July 1, 1971 the following formula will be used:

$$X + Y = \text{total seniority credit}$$

- b. For employees working less than four (4) hours per day prior to July 1, 1971 the following formula will be used:

$$N + Y = \text{Total seniority credit}$$

(References: Ed.Code 45260, 45261, 45298 and 45208)

2. DEFINITIONS:

- a. X, as used in paragraph (a) of P.C. Rule 60.600.4B1, is equal to 2080 hours.
- b. N, as used in paragraph (b) of P.C. Rule 60,600.4B1, is equal to 1040 hours.
- c. Y, as used in paragraphs (a) and (b) of P.C. Rule 60.600.4B1, is equal to the actual number of paid hours which can be credited to the employee under the provisions of P.C.Rule 60.600.4B.

(References: Ed. Code 45260, 45261, 45298, and 45208)

60.600.5 DISPLACEMENT RIGHTS

Permanent classified employees who are to be laid off may exercise displacement rights in their class or in any class with the same or lower maximum salary in which they hold seniority credit greater than an incumbent. The employee ultimately displaced shall be the one with the least seniority in the class plus equal and higher classes. In determining displacement rights, the following rules shall apply:

- A. To be considered for demotion in lieu of layoff, an employee must notify the office of the Director of Classified Personnel of his request in writing not later than five (5) working days after receiving Notice of Layoff and displacement rights.

LAYOFF AND RE-EMPLOYMENT (Continued)60.600.5 **DISPLACEMENT RIGHTS (Cont.)**

- B. In cases of reclassification, reorganization, or abolishment of position, or in cases where the employee is promoted and subsequently terminated during probation, an incumbent's seniority in the class plus equal and higher classes shall be computed as stated in P. C. Rule 60.600.4.
- C. An employee may displace that employee within his classification who has the least seniority in the class plus equal and higher classes.
- D. When an employee displaces in a classification having full-time and/or part-time positions, he will be placed in a position within that classification which will provide the most hours possible based on his seniority as it relates to the seniority of other employees within such classification.
- E. An employee who has voluntarily accepted a demotion will retain his seniority in the higher class and can count that seniority from the higher class in the lower class but shall not have displacement in the higher class.
- F. Any employee replaced by demotion of another employee who is exercising displacement rights because of layoff, shall have the same option of demotion afforded by this rule as if his position has been abolished or discontinued.
- G. If an employee waives the opportunity to displace within his classification following layoff, he may follow these procedures in any equal or lower classifications in which he holds seniority credit or be placed on a re-employment list.
- H. An employee who is laid off may request demotion to a lower classification in which he had not served in a permanent or probationary status if there is a vacant position in the lower classification and he is qualified to fill it.
- I. Displacement to a lower class shall be considered a voluntary demotion.

60.600 LAYOFF AND RE-EMPLOYMENT (Continued)

60.600.5 DISPLACEMENT RIGHTS (Cont.)

J. Employees have the option of taking retirement in lieu of layoff. Should they elect to do this, they would still be placed on the re-employment list for the classification for which layoff would have occurred for a period of 39 months.

K. If an employee displaces in a position in which he/she held seniority and the position qualifications have changed in the interim, the employee displacing must meet the current qualification.

(References: Ed. Code 45260, 45261, 45298 and 45308)

60.600.6 LAYOFF OF SUBSTITUTE EMPLOYEE WITH PERMANENT STATUS

An employee with permanent status who acquires status in a higher classification while serving as a substitute in lieu of an absent employee, shall be returned to his former position or a position in that classification upon the return of the absent employee and the substitute's name shall be placed on the re-employment list for the higher classification for a period of 39 months, and furthermore, the time served as a substitute in the higher classification shall be considered as having been served in the lower classification for purposes of compensation, sick leave, vacation, and computation of seniority.

(References: Ed. Code 45260 and 45261)

60.600.7 LAYOFF OF EMERGENCY, PROVISIONAL OR LIMITED TERM-EMPLOYEES

No permanent or probationary employee shall be laid off from any position while employees serving under emergency, provisional, or limited-term employment are retained in positions in the same classifications.

(References: Ed. Code 45260 and 45261)

60.600.8 LAYOFF OF SUBSTITUTE OR LIMITED-TERM EMPLOYEE

A substitute of limited-term employee may be laid off at the completion of his assignment without regard to the procedures set forth in this rule.

60.600 **LAYOFF AND RE-EMPLOYMENT (Continued)**

60.600.8 **LAYOFF OF SUBSTITUTE OR LIMITED-TERM EMPLOYEE
(Cont.)**

(References: Ed. Code 45260 and 45261)

60.600.9 **EMPLOYEE RIGHTS AND PRIVILEGES**

- A. The re-employment list for a classification shall be used before any other means of filling vacancies for that classification.
- B. An employee who has been laid off from a classification or who is subject to reclassification or change of location action, may accept a transfer, a voluntary demotion, or a voluntary reduction in status or assigned time in lieu of reclassification, change or location, or layoff from the District, and shall be granted the same rights as persons laid off.
- C. An employee on a re-employment list may decline three offers of re-employment in his former classification and status. After his third refusal, the employee's name shall be removed from the re-employment list and he shall forfeit all rights to which he would otherwise be entitled under this rule.
- D. Refusal of an offer of part-time or limited-term employment shall not affect the standing of any employee on a re-employment list except such employee only has rights to a part-time position or the class only contains part-time positions.
- E. If an employee is on an eligibility list and is laid off, he shall retain his place on the eligibility list for the life of the list.
- F. Laid off employees shall hold re-employment rights for a period not to exceed 39 months.
- G. If, at the end of the 39 month re-employment period, the employee has not been re-employed in his former classification, he may be considered for reinstatement to his former classification with an additional period of up to 24 months on approval by the Commission on a classification-by-classification basis.

60.600 LAYOFF AND RE-EMPLOYMENT (Continued)

60.600.9 EMPLOYEE RIGHTS AND PRIVILEGES (Cont.)

- H. A person re-employed from a layoff list within 39 months shall be fully reinstated to his former position with all prior rights to permanent status and cumulative sick leave.
- I. Any employee who takes a demotion pursuant to this rule, shall be placed on the lower salary range at the salary rate nearest the salary rate received in the higher classification at the time of demotion, not to exceed the maximum of the lower salary range to which demoted.
- J. After receipt of notice of Layoff, employees will have 10 working days in which to file an appeal involving layoff procedures in writing with the Personnel Commission Office.
- K. Employees to be laid off shall be given at least 30 days' notice (prior to the effective date of their layoff).
- L. A person employed in a specially funded position, which will not be funded beyond the current school year, shall be notified of layoff prior to May 29.
- M. Laid off employees accumulate seniority credit towards future layoffs only while on re-employment lists.
- N. Employees who have accepted a voluntary demotion continue to accrue seniority in their former class.

(References: E. Code 45117, 45260, 45261, 45298 and 453008)

60.600.10 INCREASES IN ASSIGNED TIME

- A. When a classification contains permanent positions of varying hours of work per day, week, or month, preference in assignment to vacant positions shall be based on seniority in the classification. When an existing position is assigned increased hours, the increased position shall be considered "vacant" for the purpose of this rule.
- B. A seniority-bid list shall be maintained for the purpose of this rule. Employees may waive their opportunities for increased hours of work; however, once proper assignment is made,

60.600 **LAYOFF AND RE-EMPLOYMENT (Continued)**

60.600.10 **INCREASES IN ASSIGNED TIME (Cont.)**

it shall not be revoked or revised because of withdrawal of waivers.

(References: Ed. Code 45260 and 45261)

60.600.11 **SCHEMATIC LIST OF CLASSES**

A schematic of classes, to be used in determining lines of promotions and layoffs, shall be established and maintained by the Personnel Commission.

60.700 **RESIGNATION**

When an employee desires to resign from his position, he shall present his resignation in writing to the Board of Education, and a copy of such resignation shall immediately be filed with the Personnel Director.

A resignation relates only to the specific position from which the employee resigns and does not impair his rights to other positions which he may hold on eligibility list.

(References: Ed. Code 45260 and 45261)

60.900 **SUMMER EMPLOYMENT**¹

- A. Classified vacancies due to summer vacation, additional short-term work assignments, summer school assignments, and other short-term summer positions occurring between the last day of school in June until the first day of school the following August, shall be filled, so far as practicable, by those regularly employed, on a less than twelve-month basis.
- B. Assignment to non-classified positions, whether by classified or non-classified personnel, are not considered to be “summer assignments” and are not subject to the seniority assignment provisions.
- C. The Personnel Director shall audit PA2s for summer assignments to identify non-classified staff being hired for summer assignments in lieu of classified staff, or to identify classified staff assigned to summer assignments without conforming to the provisions of rules on summer assignments.
- D. The exclusive bargaining unit shall appoint a committee of not more than three persons to
 - 1. Recommend to the Personnel Director the resolution of issues or questions that may arise concerning summer assignments that are not specifically covered by the Rules.
 - 2. Review applications for summer employment for assignments outside of an employee’s classification and make recommendations to the Personnel Director if a particular classified employee is “otherwise qualified” for that assignment.
 - 3. If the Personnel Director agrees that the employee is “otherwise qualified,” assignments will be made according to district seniority [This applies only to assignments that require persons to be employed from outside the primary classification series].
 - 4. If the exclusive bargaining unit or an individual employee disagrees with any decision of the Personnel Director concerning summer assignments, they may request that the matter be placed on the agenda for the next regular or special meeting of the Commission for resolution by the Commission. The Personnel Director shall place all such requests on the agenda as provided for in this Rule. This procedure is the only procedure that will be used to rectify complaints concerning summer assignments.
 - 5. Individual classified employees who believe that they have been improperly denied a summer assignment based on seniority shall personally contact the Personnel Director or the exclusive bargaining unit who shall bring the matter to the attention of the Personnel Director.

60.900.1 **EXTENSIONS OF TIME AND EARLY RETURNS**

- A. Classified employees who are being retained past their normal work period (e.g., 10.5 months) will be considered to be employed as

¹ Rule 60.900 *et. seq.* revised: First Reading March 2, 2004, second reading and adoption April 6, 2004.

“Extension of Time” if they are retained in the same classification, at the same site, and perform essentially the same duties/tasks as they were during the school year.

- B. Classified employees who return early to their normal work period (e.g., 10.5 months) will be considered to be employed as “Early Return” if they are retained in the same classification, at the same site, and perform essentially the same duties/tasks as they were during the school year.
- C. An early return or an extension of time is limited to 10 working days contiguous to the employee’s normal work year.
- D. If an assignment does not meet the criteria for an early return or an extension of time, the assignment is considered to be summer employment and assigned according to the rules governing such assignments.

60.900.2 **MANNER OF APPOINTMENTS**

- A. Appointments shall be made from appropriate special employment lists of those eligible employees who make specific application in May of each year by the date established by the Personnel Director for positions for which they are qualified.
- B. If a District administrator declines to fill a vacancy or summer assignment after being advised of a particular and willing classified employee is assigned, the Personnel Director may exercise discretion and appoint that original or another qualified classified employee who would have been eligible at the time of the original request to fill the assignment in order to meet the spirit of the assignment of summer work based on seniority.
- C. The following priority in appointment shall be followed:
 - 1. The order of seniority within the classification wherein the vacancy exists;
 - 2. The order of seniority in the next highest classification in a series;
 - 3. The order of seniority in the next lower classification in a series;
 - 4. The order of total seniority in the job family.
 - 5. Where no employee in the job family is ready and willing to accept short-term summer employment, qualified employees regularly employed in other job families may be appointed based upon total seniority in the district;
 - 6. Where priorities 1 through 5 inclusive cannot be met, employment from outside the classified service may be considered;
 - 7. Seniority shall be computed as outlined in Personnel Commission Rule 60.600.4, Computation of Seniority;
 - 8. No person whose last service rating is unsatisfactory shall be placed on the list for summer employment;

9. Applicants for positions involving manual labor may be required to submit to qualifying strength tests;
10. 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.
11. An employee who receives an unsatisfactory performance rating during summer employment shall not be eligible for employment for the following summer.
12. Employees will be given two (2) opportunities to accept summer employment. After that, they will not be offered summer employment again until after all other persons desiring summer employment have been placed or have declined.
13. Each employee will be offered only one (1) assignment until all placements have been made. Individual assignments cannot be combined for one employee to create more hours than each individual assignment would provide, until after all other persons desiring summer employment have been placed or declined.
14. Employees accepting summer employment agree to not use accrued vacation or other non-emergency leave during the summer assignment unless it has been approved by the site administrator prior to the acceptance of the summer assignment.

60.900.3 **PAYMENT BASIS FOR SUMMER EMPLOYEMENT**

- A. A permanent 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 classification at the same salary range, the employee shall receive his current regular rate. If the employment is at a lower salary range in which the employee's current regular rate appears, he will be paid at the lower rate. If the summer assignment is to a lower classification at a salary range which does not include his regular salary rate, the employee shall be placed at the closest rate in the range for the classification which is lower than his regular rate of pay.
 2. If the summer assignment is in a higher classification, the employee shall receive the rate in the salary range for the higher classification that is next above the rate received in the employee's regular classification.
- B. No additional rights or benefits shall accrue to any employee because of additional summer employment, except as mandated by law.
(References: Ed. Code 45260 and 45261)