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The California Education Codes referred to in this document can be accessed online at [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html) or contact the Personnel Department at 916-228-2330 for more information.

## DEFINITIONS

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

**Abolished Position:** A position that has been deleted by the Superintendent and Board of Education.

**Act:** The Act shall mean those sections of the Education Code of the State of California applying to the merit system for classified employees.

**Allocation:** The official placement of a position in a given job classification and the placement of a job class on a salary range, or a flat rate.

**Anniversary Date:** The date upon which an employee is granted salary step advancement earned by completion of the required period of service. This is the first day of the pay period next following completion of the required period of service.

**Applicant:** A person who, under the rules, has made formal application for employment.

**Appointing Authority:** The Sacramento County Superintendent of Schools or designee.

**Appointment:** The official act of the appointing authority in approving the employment of a person and that person's acceptance of a position in accordance with these rules.

**Board:** The County Board of Education.

**Break in Service:** Severance of an individual's employment relationship with the County Office of Education. The break in service may be canceled by subsequent reemployment or reinstatement within thirty-nine (39) months.

**Candidate:** A person who has applied for and meets the qualifications of the position.

**Certification:** The submission by the personnel director of names of eligibles from an appropriate eligibility list or from some other source of eligibility to an appointing authority.

**Class/Classification:** A category of positions with similar duties and responsibilities to which the same title, salary, entrance qualifications, and tests of fitness apply.

**Classifying:** The act of placing a position in a class.

**Classification Plan:** The arrangement of classes, together with the titles and specifications describing each class.

**Classified Service:** All positions and employees in the County Office service to which the merit system provisions of the Education Code apply and which are not exempt by the Act.

**Continuous Examinations:** An examination that is open continuously. These examinations shall be for classes which the Commission has determined cannot be filled practically by promotion only.

**County:** The geographical county of Sacramento.

**County Office:** The Sacramento County Office of Education.

**County Superintendent of Schools:** The Sacramento County Office of Education Superintendent of Schools who is appointed by the Sacramento County Board of Education.

**Demotion:** The placement of an employee from a position in one class to a position in another class that has a lower maximum salary.

**Director:** The personnel director.

**Discharge or Dismissal:** Separation from service for cause.

**Eligibility List:** A rank order list of the names of persons who have qualified in a merit system examination for the selection of classified employees for a specific class. In the event of tie scores, more than one name may hold the same rank.

**Eligible:** A person whose name appears on a merit system eligibility list.

**Emergency Appointment:** A temporary appointment for a period not to exceed fifteen (15) work days to prevent the stoppage of school business when there is insufficient time to canvass eligibility lists.

**Employee:** A person hired by the Sacramento County Office of Education to work for wages or salary.

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

**Exempt Class:** A class which is not subject to merit system rules as prescribed by the Education Code.

**Fiscal Year:** July 1 to June 30.

**Hearing:** A formal review of evidence in connection with a personnel activity or action.

**Incumbent:** An employee assigned to a position.

**Job Description:** A formal written statement of the class specifications, approved by the Personnel Commission, describing the duties and responsibilities, goals, and qualifications and physical requirements of the positions in the class. Referred to in the Education Code as a written class specification.

**Layoff:** Separation from a regular position because of lack of work or lack of funds.

**Leave of Absence:** An approved absence from duty, with or without pay, for a prescribed period of time.

**Limited Term Appointment:** A term used in the Education Code to designate employment for periods not to exceed six (6) months, or employment during the authorized absence of a permanent employee. Such appointment must come off an eligibility list.

**Merit System:** A personnel system governed by the provisions of Education Code Sections 45240, et seq.

**Minimum Qualifications:** Mandatory requirements established by the Commission for a specific class.

**Open Examination:** An examination which is open to any applicant.

**Permanent Employee:** An employee who has completed a probationary period.

**Permanent Position:** A position established for a continuing and indefinite or unlimited period of time by the Board of Education.

**Personnel Commission:** Three (3) members appointed in accordance with Education Code provisions and responsible for maintenance of the merit system for classified employees.

**Probationary Period:** A trial period of One Hundred Thirty (130) days of paid service or six (6) months, whichever is longer, following appointment to a regular position in a class, except for classes designated by the Commission as management/supervisory for which the probationary period shall be one (1) year.

**Professional Expert:** A person employed in a professional capacity for a specific limited term project; such persons are excluded from the classified service.

**Promotion:** The placement of an employee from a position in one class to a position in another class which has a higher maximum salary.

**Provisional Appointment:** A temporary appointment to a permanent or limited term position made in the absence of an appropriate eligibility list and subject to prescribed time limits.

**Reclassification:** The placement of a position or positions from one class into another class based on a change in duties, and/or responsibilities.

**Reemployment:** Return to duty of an employee who has been laid off.

**Reinstatement:** A reappointment (discretionary with the County Superintendent) after resignation within thirty-nine (39) months after the last day of paid service, without examination, to a position in one of the employee's former classes or in a related lower class, with restoration of certain employee benefits.

**Resignation:** A voluntary statement, preferably in writing, from an employee relinquishing employment.

**Salary Range:** A series of consecutive salary steps that comprise the rates of pay for a classification.

**School Year:** The number of days assigned by the employing program.

**Suspension:** Temporary removal of an employee from a position for cause.

**Transfer:** The reassignment of an employee from one position to another position in the same class.

**Veteran's Credit:** Additional points added to a final passing score in entrance examinations for military or related service rendered during the time of war or national emergency.

**Workday:** That part of a twenty-four (24) hour period during which an employee is scheduled to work in accordance with the employee's specific assignment.

**Work Year:** The portion of the year for which work is authorized.

## CHAPTER 1

### 1.1 Preliminary Statement

#### A. Statutory Authority of These Rules [E.C. 45240-45320]

The rules contained herein are established pursuant to the authority of the Personnel Commission under Education Code Sections 45260, 45261, and other provisions governing the Merit System Act in the Education Code.

All proposed rules, amendments to, or the deletion of existing rules shall be submitted to the exclusive bargaining representative(s) and the County Superintendent for their review and comments.

#### B. Application of Rules

These rules apply to all classified employees of the Sacramento County Office of Education.

#### C. Violation of Education Code a Misdemeanor

1. Any person who willfully or through culpable negligence violates any provisions of the Merit System Act is guilty of a misdemeanor. It is also unlawful for any persons to:
  - (a) willfully, by themselves or in cooperation with another person, defeat, deceive, or obstruct any persons with respect to their right of examination, application, or employment under the Merit System Act or Commission rule;
  - (b) willfully and falsely mark, quote, estimate, or report upon the examination or proper standing of any person examined or certified under the Merit System Act or Commission rule, or to aid in so doing or make any false representation concerning the same or the person examined; and
  - (c) willfully furnish any person special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined, under the Merit System Act or Commission rule.
2. The Personnel Commission may file misdemeanor charges with the District Attorney against any person suspected of violating the Merit System Act.

D. Printing and Distribution of Rules

The Rules of the Personnel Commission shall be made available to all classified employees, every Personnel Commissioner, Board member and all management personnel of the County Office. The master copy of the Rules and Regulations will be maintained in the Personnel office.

## CHAPTER 2

### THE PERSONNEL COMMISSION

#### 2.1 Appointment of Personnel Commissioners [E.C. 45245]

- A. The Personnel Commission shall consist of three (3) members appointed as follows:
1. One (1) member shall be selected by the Sacramento County Board of Education.
  2. One (1) member shall be selected by the classified employees of the Sacramento County Office of Education.
  3. One (1) member shall be selected by those two (2) members noted above.

As used in this section, “classified employees” shall mean an exclusive representative which represents the largest number of non-certificated employees in a unit or units within the County Office. If there is no such exclusive representative within the County Office the County Superintendent shall, by written rule, prescribe the method by which the recommendation is to be made by its classified employees. [E.C. 45245]

- B. When there is a vacancy on the Personnel Commission the following rules for filling the vacancy shall apply:

1. County Superintendent Appointee [E.C. 45246]

The Board shall announce publicly the name of the person it intends to select at least thirty (30) days prior to the formal appointment. During this period the Board shall hold at least one (1) hearing to discuss the qualifications of the appointee.

2. Classified Employees’ Appointee

At least thirty (30) days prior to appointment, the representative of the classified employees shall inform the Board of the name of its appointee. The Board shall thereafter appoint the person at a subsequent meeting.

3. Personnel Commissioners’ Appointee

The Commission shall publicly announce the name of the person it intends to select at least thirty (30) days prior to the formal appointment. During this period the Commission shall hold at least one (1) hearing to discuss the qualifications of the appointee.

- C. In the event a vacancy exists because of a failure of the classified employees to agree on a nominee, the Board may make an emergency appointment as authorized by subdivision (b) of Section 45248 of the Education Code. If there is no personnel director, the Board may nevertheless make an emergency interim appointment under this subdivision. [E.C. 45246(e)]

## 2.2 **Terms of Commissioners and Eligibility [E.C. 45247]**

By law, the term of each Commissioner is for three (3) years and expires at noon, December 1. The term of one Commissioner expires each year.

To be eligible for appointment or reappointment to the Commission a person shall (1) be a registered voter and resident within the territorial jurisdiction of the County Office, and (2) be a known adherent to the principle of the merit system. No member of the Governing Board of any school district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the Commission. During a term of service, a member of the Commission shall not be an employee of the County Office. [E.C. 45244(a)]

A “known adherent to the principle of the merit system,” with respect to a new appointee, shall mean a person who, by the nature of prior public or private service, has given evidence that he/she supports the concept of employment, continuance in employment, inservice promotional opportunities, and other related matters on the basis of merit and fitness. “Known adherent to the principle of the merit system,” with respect to a candidate for reappointment, shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that the individual does, in fact, support the merit system and its operation. [E.C.45244(c)]

## 2.3 **Officers of the Commission**

- A. The officers of the Personnel Commission shall be chairperson and vice chairperson.
- B. The Personnel Commission shall, at its first meeting in December of each year, elect one of its members to serve as chairperson for a period of one (1) year. The chairperson may serve for more than one (1) consecutive term, if elected.
- C. At the same time and in the same manner, the Commission shall elect one of its members to serve as vice chairperson.
- D. The chairperson shall be the presiding officer at all regular and special meetings of the Commission. In the event of the absence of the chairperson, the vice chairperson shall preside.

## 2.4 **Quorum and Majority**

Two (2) members shall constitute a quorum for any regular or special meeting of the

Commission. The affirmative vote of two (2) members shall be necessary to effect any action.

## 2.5 **Rules of Order of the Commission**

Insofar as practical, each meeting shall be conducted in accordance with the current ***Robert's Rules of Order***. However, the Commission may suspend any such rule when deemed in the best interest of the Commission.

## 2.6 **Meetings**

- A. An annual organizational meeting of the Commission shall be the first order of business at the first regular meeting in December of each year for the purpose of electing officers.
- B. Commission meetings shall be scheduled by the personnel director on a regular basis as business transactions warrant.
- C. Special meetings may be called at any time by the chairperson or any two (2) members of the Commission.
- D. Written notice of each regular meeting of the Commission shall be posted at least seventy-two (72) hours in advance thereof on the official bulletin board in the office of the Superintendent and shall be mailed or delivered at the time of posting to each person entitled to such notice. (NOTE: No less than twenty-four [24] hours' notice shall be applicable for special or adjourned meetings.)
- E. All meetings shall be open to the public except as closed sessions are authorized by law.
- F. Communications and requests to the Personnel Commission shall be made in writing to the personnel director. The substance of such requests and the action taken thereon shall be incorporated in the minutes.
- G. Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission. In addition, they will be provided reasonable opportunity in an open meeting to present their views orally.

## 2.7 **General Duties of the Personnel Director** [E.C.45266]

The personnel director shall:

- A. perform and discharge all of the powers, duties, and functions which are necessary to carry out the intent of these rules, establishing such administrative controls as may be necessary subject to appeal to the Personnel Commission;

- B. conduct administrative transactions consistent with the intent of the rules or law;
- C. act as secretary to the Commission;
- D. make policy and rule amendment recommendations as necessary;
- E. prepare the budget for the Commission, approve accounts, and administer the expenditure of funds appropriated for the operation of the Commission;
- F. perform other functions as may be assigned by the Commission; and
- G. prepare, or cause to be prepared, an annual report when requested by the Commission.

2.8 **Commission Budget** *[E.C.45253]*

The personnel director shall prepare and submit to the Commission a proposed operating budget for the ensuing fiscal year. The budget shall be submitted not later than May 30 of each year. After approval by the Commission, the budget shall be submitted to the County Superintendent of Schools as provided in Education Code Section 45253.

2.9 **Annual Report** *[E.C. 45266]*

As required by Education Code Section 45266, the personnel director shall prepare an annual report of the Commission activities.

2.10 **Commission Compensation** *[E.C. 45250]*

The Personnel Commission members shall be compensated at the maximum rate allowed by law and as authorized by the Board of Education. In addition, they shall be compensated at the current rate authorized by the Board of Education for miles driven to and from meetings for Personnel Commission business.

2.11 **Commission Minutes**

The Commission secretary shall record in the minutes the time and place of each meeting, the names of the Commissioners present and all official acts of the Commission. The minutes shall be written and presented for correction and approval at the next regular meeting. Copies of the official minutes shall be made available upon request.

2.12 **Status of Commission Employees**

The personnel director and other persons employed to carry out the responsibilities of the Commission shall be employees of the Personnel Commission. They shall be considered

part of the classified service.

This provision shall not, however, restrict the Commission and the Superintendent from jointly appointing a personnel director or other employees.

## CHAPTER 3

### POSITION CLASSIFICATIONS

#### 3.1 Positions Included in Classified Service

- A. All positions established by the County Superintendent 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 exceptions listed in Section 45256 shall be employed outside the classified service.  
*[E.C.45256(d) ]*

#### 3.2 Exemption from the Classified Service [E.C. 45256]

Positions required by law to have certification qualifications, part-time playground positions, full-time students employed part time, apprentices, and professional experts employed on a temporary basis for a specific project by the County Superintendent shall be exempt from the classified service.

#### 3.3 Effect of Exemption

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

#### 3.4 Professional Expert Assignments [E.C. 45256]

When a professional expert assignment is to be made, the administration shall submit to the personnel director a description of the project, its duration, and the duties to be performed. Professional expert assignments shall not be made to avoid payment of overtime to the assigned employee, nor shall a limited term position be filled by a professional expert assignment if the duties and responsibilities fit an existing class in the classified service.

#### 3.5 Classification Plan

The Personnel Commission shall establish and maintain a plan for all positions in the classified service. Classes will be placed in groups according to general occupational nature and shall be listed by specific classification.

### 3.6 **Substitute Classifications**

When it is in the best interest of the classified service, the Personnel Commission may establish substitute classifications to be used to fill short term vacancies within the County Office. Such substitute classifications will be general in nature and include such areas as maintenance, clerical, bus driving, and/or para educators. Employees receiving appointments to these substitute classifications shall be provided all benefits and burdens allowed by law as well as any rights provided in a collective bargaining agreement. Substitute classifications shall not be used to circumvent or negate any of the other provisions of these rules.

### 3.7 **Establishment of Position and Assignment of Duties**

- A. The County Superintendent of Schools shall establish and fix the duties of all positions a part of the classified service as required by Education Code Section 45109. The Superintendent may recommend the desirable educational and work experience requirements for classified positions to the Personnel Commission. Qualification requirements shall be subject to approval of the Commission.
- B. In approving educational and work experience requirements for classified positions, the Commission shall insure that such requirements reasonably relate to the duties of the position, as established by the County Superintendent, and that they will admit an adequate field of competition. No requirements may be approved which unduly or unreasonably restrict the field of competition.
- C. The position duties shall be prescribed by the County Superintendent and qualification requirements for the position class shall be established by the Commission.

### 3.8 **Job Description**

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

- A. the official job title;
- B. a definition of the class, indicating the type of duties and responsibilities and placement within the organizational scheme;
- C. a statement of principal functions to be performed by persons holding positions assigned to the class;
- D. a statement of the minimum qualifications for service in the class. The qualifications may include education, experience, knowledge, skills, abilities, and physical characteristics; and

- E. license or other special requirements for employment or service in the class.

### 3.9 **Interpretation of Job Descriptions**

The job description and their various parts are declared to have the following force and effect:

- A. The definition and principal functions are descriptive and explanatory only and not restrictive. They indicate the kinds of positions 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 or quality.
- B. In determining the class to which any position shall be assigned, the description 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 description, but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions that the class includes.
- C. Each job description 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. 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 assigned to the class, but does not require a particular form or content of test or testing procedure.

### 3.10 **Assignment 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.

### 3.11 **Classification of New Positions**

When the County Superintendent 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; and

- B. designate the initial salary parameters of a new class based on external labor market and internal classification relationships.

3.12 **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 Commission who shall determine whether the positions should be allocated to different classes.

3.13 **Review of Positions**

The personnel director or staff shall review the duties and responsibilities of positions as necessary to determine their proper classification. If the personnel director finds that a position or positions should be reclassified, the personnel director shall advise the administration of the findings. If the duties of the position are not revised to fit within the current classification, the personnel director shall report the findings and recommendations to the Commission.

3.14 **Requests for Review**

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

3.15 **Effective Date of Reclassification**

Reclassification of a position shall become effective on the date prescribed by the Commission.

3.16 **Effects of Reclassification on Incumbents**

When position(s) are reclassified and the primary purpose of the new position is substantially the same as the original position, or when a position is reclassified due to gradual accretion of duties and responsibilities, incumbents will be affected in the following manner:

- A. When whole classes of position are reclassified upward, incumbents in the positions being reclassified who have served more than two (2) years shall automatically be reclassified with their positions. Incumbents with less than two (2) years shall be reclassified with these positions provided they pass the qualifying examination for the new positions. [E.C. 45285]
- B. When portions of the positions within a classification are reclassified, incumbents in the positions being reclassified who have served more than two (2) years shall automatically be reclassified with their positions. Incumbents with less than two (2)

years shall be reclassified with these positions provided they pass the qualifying examination for the new position.

- C. Any displacement of a regular employee resulting from a reclassification of a position, positions, or class of positions shall be considered a layoff for lack of work, and will be handled in accordance with layoff procedures.
- D. In the event this reclassification procedure is modified or amended by the provisions of a negotiated agreement, the procedures shall become invalid and the requirements of the agreement shall prevail unless otherwise determined inconsistent with the Merit System law.

## CHAPTER 4

### RECRUITMENT AND APPLICATION

#### 4.1 Job Announcements

Job announcements will be developed and widely distributed to insure a sufficient number and quality of applicants representing all segments of the population. A copy of a job announcement will be available for each department and County Office site and posted online. All examinations must be announced at least fifteen (15) work days prior to the closing date for filing applications; however, positions which are established “promotional only” shall be posted for ten (10) work days provided the posting is consistent with the requirements of law.

#### 4.2 Application Form

All applications for employment will be made using official application forms furnished by the Personnel department, and filed by the date specified in the job announcement.

#### 4.3 Disqualification

Applicants may be disqualified for any of the following reasons:

- A. failure to meet the minimum qualifications;
- B. conviction for any of the following may be grounds for disqualification: crime involving moral turpitude or sex offense and some narcotic offenses. Other convictions may be grounds for disqualification, such as various felonies, mistreatment of children, or misdemeanor of a serious nature. A person’s conviction will be evaluated on the basis of: nature, seriousness, and circumstances of the offense(s); age of the person at the time of the offense; number of convictions; relationship of the offense to the position for which applied; evidence of rehabilitation and maturing including the employment record with respect to job responsibility and duration; truthfulness in admitting the offenses; person’s attitude, and the duties of the class.
- C. failure to reveal convictions on the application;
- D. practicing any deception or fraud in connection with the application;
- E. making a false statement or omitting any material fact;
- F. failure to report for duty after an assignment has been offered and accepted;
- G. negative information received during a reference check.

#### 4.4 **Appeal from Disqualification**

Applicants who are disqualified shall be notified of the reason(s) for the disqualification and that within seven (7) calendar days they may appeal the decision to the personnel director. If, after review, the personnel director sustains the disqualification, the applicant shall be notified of the right to make a written appeal to the Personnel Commission. Such appeal shall be submitted within seven (7) calendar days after the personnel director's decision.

Upon receipt of an appeal, the Commission shall set a date for a hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final.

If, after appeal, the applicant is found qualified, the personnel director shall institute immediate action to insure that all rights are provided to the applicant. Any appointments made in the interim shall not be disturbed.

#### 4.5 **Applications are Property of County Office**

All applications shall be retained for the period required by law.

#### 4.6 **Confidentiality of Applicants' Names**

Filed applications shall only be available to people with a bona fide need to know.

## CHAPTER 5

### EXAMINATIONS AND ELIGIBILITY LISTS

#### 5.1 Purpose and Character of Examinations

- A. The purpose of an examination is to provide equal opportunity for all qualified candidates to demonstrate their relative fitness in relationship to the skills, knowledge, and abilities required for the class.
- B. Examinations may be composed of an application screening, a written, oral, performance, assessment center, practical demonstration, or any combination of the above which meets such purpose.
- C. It is the intent of the Commission that the most appropriate method of examination be used which is both job related and has the least adverse impact, with due consideration for the factors of time and cost of administration.

#### 5.2 Types of Examinations

In establishing eligibility lists, open or promotional examinations will be used. When practical and consistent with the best interests of the service, promotional examinations shall be used.

##### A. Promotional Examinations

Participation in promotional written examinations is limited to current permanent SCOE employees. Employees participating in promotional exams may choose to keep the results of a previous written exam up to a two (2) year period if the written exam has not been revised. Such requests shall be submitted by letter prior to the end of the application filing period. (Personnel Commission meeting of 9/13/95) In addition, any person on a reemployment list who meets the minimum qualifications for the vacancy is eligible to compete as a promotional candidate.

##### B. Open Examination

Participation in an open examination is open to any qualified member of the public.

#### 5.3 Examination Procedures

- A. Applicants shall be notified within a reasonable period in advance of the time, date and location of an examination. Such notification shall be put on the job announcement. No person shall be admitted to any examination without having filed an acceptable application. When notifying applicants of the written exam, they shall be advised they must possess proper identification which contains their picture (e.g.,

driver's license) in order to enter the exam session.

- B. Competitors must take the exam on the prescribed date. Exceptions may be made by the personnel director on an individual basis based on the circumstances involved.

#### 5.4 **Notice of Change of Address**

All applicants, candidates, eligibles, and employees must maintain an up-to-date home address and telephone number with the Personnel office. Failure to do so will result in removal of names from eligibility lists.

#### 5.5 **Test Administration**

- A. All exams shall be administered under proper supervision.
- B. All necessary explanations shall be made to all candidates; no question shall be explained to a candidate individually.
- C. The time limit, if any, prescribed for each exam shall be announced at the beginning of the exam and the ending time shall be announced periodically.
- D. Communication or assistance between candidates during an exam is strictly prohibited.
- E. Candidates shall be discouraged from leaving the examination room during the examination process.
- F. All exam materials, scratch paper, answer sheets, etc. shall be collected before a candidate is allowed to leave.

#### 5.6 **Oral Examination**

- A. An oral exam panel will include at least two (2) members. If the position being filled requires technical knowledge and skills, at least two (2) members of the panel shall be technically qualified to evaluate each candidate's technical expertise.
- B. Members of the Board of Education or Personnel Commission shall not serve as panel members.
- C. A County Office employee may serve on the oral exam panel if he/she is not at the first or second level of supervision over a vacant position in the class for which the examination is held.
- D. The proceedings shall be electronically recorded and the recordings shall be maintained for ninety (90) days after the establishment of an eligibility list.

- E. The panel shall be briefed regarding the duties of the class: knowledge, skills, and abilities; examination process, interviewing techniques, the scoring methods. A supervisor may be invited to participate in a briefing to provide the panel with job-related information and organizational structure under the supervision of the examiner in charge.
- F. All questions shall be job related and must be reviewed and approved by the personnel director or his/her designee. No questions shall be asked relating to political or religious opinions, union affiliations, race, color, national origin, ancestry, sex, age, disability, sexual orientation, or marital status.

#### 5.7 **Computing Scores**

- A. Passing minimum scores shall be established for each phase of the selection process.
- B. Pass point scores shall be determined based on the relationship of score to satisfactory job performance.
- C. Final scores of candidates shall be rounded to the nearest whole percent for all eligibles.
- D. All eligibles with the same percentage score will be considered as having the same rank.

#### 5.8 **Veteran's Preference Points** *[E.C. 45294, 45295, 45296]*

- A. In order to obtain credit, the applicant shall furnish proof of qualifying military service before or at the time of the examination, prior to establishment of the eligibility list. No adjustment in rank on the list shall be made when such proof is presented thereafter.
- B. In all open entrance examinations, candidates who receive a final passing score shall receive an additional five (5) veteran points [ten (10) points if disabled] if an official certificate is provided of qualifying military service.
- C. Veteran's preference points are given one time.

#### 5.9 **Employee Preference Points**

SCOE employees who receive a final passing score on open examinations shall receive employee preference points at the rate of:

2 points for 2 full years of service (regardless of employee work year);

3 points for 3 full years of service (regardless of employee work year);

4 points for 4 full years of service (regardless of employee work year);

5 points only for 5 or more full years of service (regardless of employee work year);

The employee must have attained the appropriate number of full years of service on or prior to the filing deadline date listed on the job announcement.

#### 5.10 **Notice of Scores**

After an eligibility list is established, each candidate shall be notified of his/her score for each portion of the examination, additional veteran points or employee preference points, the total thereof, and his/her rank on the eligibility list, if qualified.

#### 5.11 **Confidentiality and Retention of Examinations**

A. All examination records shall be retained for the period required by law.

B. Examinations shall only be available to people with a bona fide need to know.

#### 5.12 **Establishment and Life of Eligibility Lists**

A. Upon completion of the examination process, the names of successful candidates shall be placed upon an eligibility list in rank order.

B. Promotional lists shall be valid for one (1) year. Open lists shall be valid for six (6) months, unless extended by the personnel director.

C. An eligibility list may be terminated when there are fewer than three (3) eligibles remaining on the list who are willing and able to accept appointment.

D. Consistent with law and the best interests of the classified service, the Commission may establish eligibility lists for various geographical areas of the county.

#### 5.13 **Purpose of Eligibility List and Eligibility After Appointment**

The eligibility lists shall be used to fill full time and part time, regular position vacancies as well as limited term assignments in a class. An eligible who accepts part time employment shall continue to be eligible for full time employment, and/or an eligible who accepts limited term employment shall continue to be eligible for regular appointment.

#### 5.14 **Removal of Names From Eligibility Lists**

The name of an eligible may be removed from an eligibility list by the personnel director for any of the following reasons:

- A. written request by the eligible for removal;
- B. failure to respond to an inquiry regarding availability for employment;
- C. failure to respond for an interview after certification (unless reason approved by the personnel director);
- D. three (3) waivers of an offer of employment unless reasons for refusals of assignments can be justified to the personnel director; and
- E. any of the causes set forth in Section 4.3

5.15 **Appeal of All Examinations**

A candidate may appeal an examination rating with the Personnel director. If the candidate is not satisfied with the decision of the personnel director the candidate may appeal the rating to the Commission. Such appeal must be submitted within five (5) work days of the decision of the personnel director. The Commission may alter any exam rating if it finds justification, and order the candidate's score adjusted accordingly. However, no change in an eligibility list shall invalidate any appointment which was made prior to the ordered adjustment unless the appointment was fraudulent.

## CHAPTER 6

### CERTIFICATION OF APPLICANTS

#### 6.1 Types of Employment Lists

Applicants shall be certified from the following lists:

A. Reemployment Lists

The names of persons who are entitled to appointments to vacancies in the same job class from which they were laid off.

B. Reinstatement Lists

The names of persons who have voluntarily resigned from the permanent classified service and who have requested that the County Superintendent reinstate them consistent with the requirements of law. Such reinstatement shall be within 39 months after his/her last day in paid status.

- (1) If the County Superintendent elects to reinstate, it shall disregard the break in service of the employee and restore all the rights, benefits and burdens of a permanent employee. [E.C. 45309]

C. Transfer Lists

The names of current employees seeking voluntary transfer within the same job class.

D. Promotional Eligibility Lists

The names of persons on an eligibility list established through the promotional examination process.

E. Open Eligibility Lists

The names of person on an eligibility list established through the open examination process.

F. Area Eligibility Lists

The names of person on an eligibility list established for designated geographical areas of the county.

6.2 **Certification of Applicants**

- A. Candidates on a reemployment list shall be certified first for all vacancies. When no reemployment list exists, the names of candidates having the first three (3) highest ranks on the eligibility list shall be certified along with all requests for transfer and reinstatement.
- B. Final selection interviews may be scheduled simultaneously for persons on transfer, reinstatement, and appropriate eligibility lists.
- C. The ranking of persons available for appointment from the appropriate eligibility list shall be in the number exceeding the rank number of vacancies by two (2).

Example

- 1 vacancy = top 3 ready and willing ranked candidates
- 2 vacancies = top 4 ready and willing ranked candidates
- 3 vacancies = top 5 ready and willing ranked candidates

- D. When fewer than three (3) ranks of candidates are available for certification, the appointing authority may choose not to appoint any of those certified and may request a new examination or a provisional appointment may be made in accordance with the provisions of Commission Rules, Section 7.4.

## CHAPTER 7

### APPOINTMENTS

#### 7.1 Appointment Restrictions

Appointment for regular and limited term position vacancies shall be made from established lists.

#### 7.2 Regular Appointments

A regular appointment is any appointment made off any of the employment lists described in Section 6.1 of these rules, which shall include reemployment lists, reinstatement lists, transfer lists, open eligibility lists and promotional eligibility lists.

#### 7.3 Limited Term Appointments *[E.C. 45286]*

Limited term appointments can be made in either of the following circumstances:

- A. when the County Superintendent requires the appointment of a person to a position in which the duration does not exceed six (6) months; or
- B. when a vacant position has been created due to the absence of a permanent employee. The length of this appointment shall not exceed the authorized absence of the permanent employee.
- C. Retired Sacramento County Office of Education employees may substitute in a limited term assignment within the classification from which they retired. This rule applies to those employees who choose to sign up within the year from which they retire if they passed probation in the job classification.

Applicants shall be certified in accordance with their position on the appropriate eligibility list and their willingness to accept appointment as a limited term employee.

#### 7.4 Provisional Appointments *[E.C. 45287]*

- A. When no eligibility list exists for a given classification, the personnel director may fill the position with a provisional employee.
- B. A provisional appointment shall not exceed Ninety (90) days unless the Personnel Commission has approved an extension. In no event will a provisional assignment last more than One Hundred Twenty-Six (126) working days in any one (1) fiscal year.
- C. Examination procedures shall be initiated promptly after a provisional appointment has been made.

- D. A provisional appointment must be approved by the personnel director.
- E. The services of a provisional appointee shall be terminated within fifteen (15) work days after the date on which an eligibility list has been established.

7.5 **Emergency Appointments** *[E.C. 45290]*

- A, The County Superintendent of Schools may make emergency appointments of personnel consistent with law. Such appointment shall not exceed fifteen (15) work days.
- B. When emergency appointments are made, the County Superintendent of Schools shall notify the Personnel Commission, in writing, naming the appointee(s), date of appointment, nature of duties performed, and giving a statement justifying the emergency nature of such appointment(s).

## CHAPTER 8

### PROBATIONARY PERIOD

#### 8.1 Duration of Probation *[E.C. 45301]*

##### (A) Non-Management Employees

A new employee appointed from an eligibility list shall serve a probationary period in a class for six (6) months, or one hundred thirty (130) days of paid service, whichever is longer, before attaining permanency in the classified service. An employee who has been promoted shall serve a probationary period of six (6) months, or one hundred thirty (130) days of paid service, in the higher class before attaining permanency in that class. Paid service shall include only those days in which an employee was at work, thus excluding all leaves and holidays from the one hundred thirty (130) day calculation.

##### (B) Management Employees

For positions designated as management the probationary period shall be twelve (12) months.

#### 8.2 Objective of Probationary Period

The probationary period shall be utilized for observing the employee's performance and for releasing any probationer whose performance does not meet the required standards for granting of permanent status.

#### 8.3 Release of Probationers

During the probationary period an employee may be released at any time.

## CHAPTER 9

### DISCIPLINARY ACTION AND APPEAL

#### 9.1 Suspension, Demotion, and Dismissal

No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his/her political or religious acts or opinions or affiliations, or race, color, sex, age, national origin or ancestry, disability, sexual orientation, or marital status.

The tenure of each employee who has permanent status shall be subject to his/her good behavior and the rendering of efficient service. The employee may be suspended, demoted, or dismissed for any of the following causes:

- (A) Incompetency, inefficiency, insubordination, inattention to or dereliction of duty, persistent discourteous treatment of the public or of fellow employees, or any other failure of good conduct tending to injure the public service, or any persistent violation of the provisions of the Education Code or of rules, regulations, or procedures adopted by the Superintendent or the Personnel Commission pursuant to it.
- (B) Any sex offense as defined in Section 44010 or any narcotics offense as defined in Section 44011 of the Education Code.
- (C) Dishonesty, drunkenness, immoral conduct or illegal use of narcotics.
- (D) Political activities engaged in by an employee during his/her assigned hours of employment.
- (E) Conviction of a felony; a record of one or more criminal convictions which indicates that the person is a poor employment risk; failure to disclose material facts regarding criminal records; and other false or misleading information on application forms or examination and employment records concerning material matters.
- (F) Frequent unexcused absence or tardiness including, but not limited to, abuse of leave privileges, or excessive absenteeism or absence without notification.
- (G) Refusal to report for review of criminal records or for health examination after due notice.
- (H) Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- (I) Membership in the Communist Party. [E.C. 45303]

- (J) Negligence or willful damage to public property or waste of public supplies or equipment.
- (K) Abandonment of position.

9.2 **Dismissal of Other Than Permanent Employees**

A provisional, limited term, emergency, or probationary employee may be dismissed at any time without right of appeal to the Personnel Commission.

9.3 **Exclusion of Personnel Director**

The Commission shall exclude the personnel director from the hearing process whenever the personnel director has in any manner been involved in the development of the charges that are being brought against an employee.

9.4 **Procedure for Disciplinary Action for Permanent Employee**

- A. Before an employee in the classified service may be suspended, demoted, or dismissed, a written statement of charges shall be formulated by a member of the administration and a copy thereof presented to the County Superintendent of Schools for his/her consideration and action. The written statement of charges shall set forth the particular complete causes charged and shall specify the supporting facts so the employee will be able to prepare his/her defense. The County Superintendent of Schools shall notify the personnel director of his/her action.
- B. Within ten (10) days of the suspension, demotion, or dismissal, the personnel director shall file the written statement of charges with the Personnel Commission and personally give to the employee, or deposit in the United States certified mail with postage prepaid and addressed to the employee at his/her last know place of address, a copy of the charges. *[E.C. 45304]*
- C. In the case of a permanent employee who is suspended, demoted, or dismissed, the copy of the written statement of charges shall be accompanied by this rule and Education Code Sections 45302, 45303, 45304, and 45305.
- D. Dismissal shall cause removal of the employee's name from all promotional employment lists. The employee may, however, petition the Personnel Commission to allow their name to remain on open competitive lists.
- E. Suspension, without pay, shall not exceed thirty (30) days.
- F. Failure to appeal, as provided below, shall make the action of the County Superintendent of Schools final and conclusive.

## 9.5 **Appeal**

- A. A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within fourteen (14) calendar days after having been furnished with a copy of the written charges by filing a written answer to such charges with the office of the Commission and stating the grounds for appeal. [*E.C. 45305*]
- B. An employee in the permanent classified service who has not served the time designated by the commission as probationary for the class may be demoted to the class from which promoted without recourse to an appeal or hearing by the commission except as otherwise provided by rules of the commission; and provided, that such demotion does not result in the separation of the employee from the permanent classified service. [*E.C.45305*]

## 9.6 **Hearing Procedure**

- A. The Personnel Commission may conduct hearings of appeal with the assistance of legal counsel or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission.
- B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.
- C. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.
- D. Each side will be permitted an opening statement (employer first) and closing arguments (employee first). The employer shall first present its witnesses and evidence to sustain its charges and the employee will then present his/her witnesses and evidence in defense.
- E. Each side will be allowed to examine and cross examine witnesses.
- F. Both the employer and the employee will be allowed to be represented by legal counsel or other designated representative.
- G. The Commission may, and shall if requested by the employer or the employee, subpoena witnesses and/or require the production of records or other material evidence.
- H. Hearings shall be closed to the public unless requested open by the employee. If an employee wishes to have an open hearing, the Commission suggests that they be

provided at least three (3) days notice so that proper notification of interested parties can be accomplished.

- I. The Commission or hearing officer may, prior to or during a hearing, grant a continuance.
- J. When the hearing is held by the Commission, whether held in public or closed session, the Commission may deliberate its decision in closed session. No persons other than members of the Commission and its counsel shall be permitted to participate in the deliberations.
- K. The Commission may sustain or reject any or all of the charges filed against the employee. It may sustain, reject, or modify the disciplinary action invoked against the employee. It may not provide for discipline more stringent than that invoked by the employer.
- L. The findings and judgment of the Commission, arrived at by majority action, shall be rendered in written form as soon as practical after the conclusion of the hearing, but not later than thirty (30) days after conclusion of the hearing unless an extension is approved by both parties to the action. Copies shall be sent to the County Superintendent of Schools and the employee concerned.

## **CHAPTER 10**

### **RESIGNATIONS**

- 10.1 In order to resign in good standing, an employee shall give a signed notice in writing of his/her resignation intent not less than two (2) weeks prior to the resignation unless a shorter period is approved by the County Superintendent of Schools.

## CHAPTER 11

### CONTINUING EDUCATION PROGRAM FOR CLASSIFIED PERSONNEL

#### 11.1 Purpose

The classified employees' continuing education program is defined as an organizational educational activity designed to provide training for employees to: (1) improve job skills and performance; (2) gain new knowledge and skills to meet the changing job responsibilities and environment due to new technologies and techniques; and (3) increase opportunities for upward mobility within the Sacramento County Office of Education.

#### 11.2 Definition of Continuing Education Program

- A. County Office Sponsored Inservice Training: Inservice training is a County organized educational activity provided for employees by the County Office during the employee's regular work hours with no additional monetary compensation to the employee.
- B. Professional Growth Award Program: The professional growth award program is a financial incentive program to motivate and reward employees for voluntarily participating in a growth activity on his/her own time.

#### 11.3 County Office Sponsored Inservice Training

- A. New Employee Orientation: The new employee orientation is designed to thoroughly acquaint each new employee with his/her job responsibilities as well as County Office policies, procedures, rules, and regulations relating to employment. The orientation shall cover the following subject areas:
  - 1. Job Assignment: The immediate supervisor will orient the employee as to the job title, assignment, work hours, location, duties and responsibilities, and introductions to appropriate staff.
  - 2. County Office Policies, Procedures, Rules and Regulations: The Personnel staff or the employee's department staff shall provide all new employees an orientation as to County Office programs and services.
- B. County Sponsored Workshops: The County Office may conduct workshops during the regular work hours for the purpose of providing specific job related information and/or training.

#### 11.4 Professional Growth Award Program

- A. Eligibility: All permanent employees within the classified service shall be eligible to participate in the professional growth program.

B. Applicable Credits

1. Only credits earned subsequent to the date of implementation (July 1, 1981) and subsequent to employment shall be applicable.
2. Professional growth credits shall be directly related to the employee's duties as defined by the job classification description, or appropriate for the potential upward mobility within the Sacramento County Office of Education.
3. Applicable credits may be earned by successful completion of the following educational activities:
  - (a) courses taken at an accredited college or university with units certified by official grade cards or transcripts, i.e., fifteen (15) clock hours equal one (1) semester unit.
  - (b) adult education courses, conferences, seminars, or workshops, as designated and verified by hours of attendance, i.e., fifteen (15) clock hours shall constitute one (1) semester unit;
  - (c) completion of a special project which can be demonstrated to have a direct benefit to the Sacramento County Office of Education and direct relationship to the employee's current or related assignment. Credit shall be authorized on the basis of one (1) semester unit per forty-five (45) clock hours, not to exceed three (3) semester units regardless of the number of hours.

C. Approval Procedures

All requests for professional growth credit for proposed courses, adult education courses, or conferences, seminars and workshops shall be submitted to the immediate supervisor for prior approval. Specific projects shall receive approval of the immediate supervisor and the department director prior to commencement and upon completion.

D. Unit Compensation/Professional Growth Stipend

Units for approved educational activities shall be compensated in a flat one time dollar amount annually. A one time stipend paid in increments of Fifty Dollars (\$50.00) per semester unit earned shall be awarded to the employee i.e., twelve (12) semester units equals payment of Six Hundred Dollars (\$600.00). There will be no accumulation of remaining units to carryover into the next work year. No more than one (1) stipend shall be compensated in a work year. All requests for unit compensation shall be approved by the personnel director.

E. Submission of Units

Verification of units earned for professional growth shall be submitted on a form developed by the Personnel office, signed by the appropriate persons. Compensation for professional growth units will be awarded as stated in (D) with a deadline date of October 1st for unit submission.

F. Appeal Procedures

An employee whose request for prior approval of educational activities has been denied by the immediate supervisor may appeal to the next level of supervision, department director, assistant superintendent and the County Superintendent of Schools, respectively.

11.5 Tuition/Book/Supplies Reimbursement

Employees who participate in the professional growth award program may be reimbursed up to a maximum of Four Hundred Dollars (\$400.00) per year for expenses incurred, limited to tuition, class/workshop fees, books, and supplies. Reimbursement will be made provided the employee has submitted proof of course/workshop completion, and completed the reimbursement form, with original receipts attached. Forms are available online and in the Personnel office.