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## CHAPTER III

### CLASSIFICATION OF EMPLOYEES AND POSITIONS

#### RULE 3.1 THE CLASSIFIED SERVICE

##### 3.1.1 POSITIONS INCLUDED

- A. All positions not required by law to have certification qualifications or which are specifically exempted in these Rules shall be designated as classified. All employees serving in classified positions shall be classified employees and the employees and the positions shall be known as the classified service.
- B. In no case may any individual be appointed or paid from District funds, when that individual's contribution consists solely of individual personal services that are normally performed, or could be reasonably expected to be performed, by classified employees.
- C. Nothing in this section shall be construed to prohibit the employment of any individual in a position described by this section as a part of the classified service who is in possession of certification qualifications, nor shall the possession of certification qualifications be grounds for the elimination of an individual for consideration for employment in such a position.

Reference: Education Code Sections 45104 and 45105

##### 3.1.2 EXEMPTION FROM THE CLASSIFIED SERVICE

###### A. General Exemptions

The following shall be exempt from the classified service:

- 1. Positions which require certification qualifications;
- 2. Full-time students who are employed on a part-time basis;
- 3. Part-time students who are employed part-time in any college work study program, or in a work experience program conducted by a community college district and financed by state or federal funds;
- 4. Apprenticeship positions;
- 5. Professional experts employed on a temporary basis for a specific project by the Board or by the Commission, when so designated by the Commission; and

6. Part-time playground positions where the employee is not otherwise employed in a classified position. Part-time playground positions shall be considered part of the classified service when the employee in the position also works in the same school district in a classified position.

**Reference: Education Code Sections 45103.1, 45256 and 45263**

**B. Special Categories**

The Board may create positions of staff assistants or field representatives to directly assist the Board or individual Board members. Such positions, if created, are exempt from provisions of these Rules insofar as they relate to position classification, recruitment, employment, and salary setting.

Persons employed in such positions shall be members of the classified service for all purposes except that they may not achieve permanency in the classified service. Staff assistants shall serve at the pleasure of the Board. A field representative shall serve at the pleasure of the individual Board member.

If a permanent classified employee is appointed to serve in such an exempt position, the employee shall retain status as a permanent employee. If the employee is terminated from the exempt position, the employee shall have bumping rights in the employee's former class in the same manner as if the employee had been laid off for lack of work or lack of funds.

**Reference: Education Code Section 45112**

**C. Community Representatives**

Positions established for the employment of community representatives in an advisory or consulting capacity for not more than ninety (90) working days in a fiscal year shall be exempt from the classified service provided that:

1. The authorized duties are not those normally assigned to a class of positions in the classified service;
2. The authorized duties are approved by the Commission in advance of employment, and
3. The regular classified employee of the school district shall not receive a concurrent appointment to such a position.

**Reference: Education Code Section 45258**

**D. Senior Management**

1. The Board may designate certain positions as senior management of the classified service. The decision of the Board shall not be negotiable but shall be subject to review by the Public Employment Relations Board.
2. Employees whose positions are designated as senior management shall be afforded all rights, benefits and burdens of the classified service, except they shall not gain permanent status.
3. Positions shall be filled from an unranked list of eligibles who have demonstrated managerial ability and been found qualified as specified by the Superintendent and determined by the Commission.
4. Notice of reassignment or dismissal shall be in accordance with Education Code 35031.

**Reference: Education Code Section 45256.5**

**3.1.3 EFFECT OF EXEMPTION**

- A. 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 the law or the Board.
- B. The Director of Classified Personnel shall be responsible for interpreting this policy regarding the employment of classified personnel.

**3.1.4 PROFESSIONAL EXPERT ASSIGNMENTS**

- A. When a professional expert assignment is to be made, the administration shall submit to the Director of Classified Personnel 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 if the duties and responsibilities fit an existing class.
- B. In order to be exempted from the classified service as a professional expert, an individual must be recognized as such by reputable members of the individual's own profession as evidenced by one of the following:
  1. Approval of a committee of members of the individual's own profession;
  2. Certification of license to practice that profession by a government agency, if such license is established;
  3. Listing in professional publications where individuals are chosen for listing by members of their own profession;

4. By membership in professional honor societies limited to that profession;
  5. By advanced degrees from a recognized university with a major in the field of that profession, or
  6. By equivalent criteria acceptable to the Commission.
- C. Evidence of professional qualifications must be presented to the Commission at the time the written request for temporary appointment is made. Professional experts may be hired for a "limited-term" project (i.e., a maximum of ninety (90) working days during the current fiscal year). A supervisor may request an extension of an additional ninety (90) working days during the current fiscal year. Additional service required shall be subject to approval by the Commission.
- D. Professional experts may be hired yearly for "on call/as needed" assignments with approval by the Director of Classified Personnel.

**Reference: Education Code Sections 45103.1 and 45256**

### **3.1.5 RESTRICTED POSITIONS AND EMPLOYEES**

- A. Persons employed under specially funded programs and programs which are restricted to the employment of persons of low-income groups or from designated impoverished areas, or other criteria which restricts competition for employment, shall be employed in restricted positions in their respective classes. They shall have all the rights, benefits, and burdens of other classified employees except that:
1. They shall not attain permanent status in any non-restricted classification for which they are not otherwise entitled;
  2. They shall not be accorded seniority rights for the purpose of lay-off for lack of work, lack of funds, or abolishment of a position in the restricted positions;
  3. They shall not be given provisional appointments concurrent with status in restricted positions, and
  4. They are not eligible to compete in promotional examinations in the regular classified service.
- B. Positions established from general funds as assistants in an instructional setting or other positions involving personal contact with students which are established to assist school staff personnel responsible for school community relations or educational support services in counseling, library, health, or the correction or prevention of behavioral problems, may also be designated as "restricted."

- C. Positions established solely for the employment of persons having physical, mental, or developmental disabilities may also be designated as "restricted."
- D. The selection and retention of restricted employees shall be made on the same basis as that of persons selected and retained in positions as part of the regular classified service.
- E. The selection and retention of restricted employees for Instructional Assistant positions, when recruitment is limited to specific geographic areas of residency, shall not be subject to all examination procedures prescribed in Rule 3.1.5. The area of residency for each school site shall be limited to the school attendance area as defined in the official Board record. No person shall be employed as a restricted employee unless the specific vacancy has been approved as a restricted position by the Board and meets the residency and other requirements set forth in these Rules and applicable government regulations.
- F. At any time, after completion of six months of satisfactory service, a person serving in a "restricted" position shall be given the opportunity to take qualifying examinations that are required for all other persons serving in the same class in the regular classified service. If the person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, he or she shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. His or her service in the regular classified service shall be counted from the original date of employment in the "restricted" position and shall continue even though he or she continues to serve in a "restricted" position.
- G. Funds derived from the Federal Emergency Employment Act or any similar law enacted to provide transitional employment in public service positions for unemployed or underemployed personnel shall not be expended for work that:
  - 1. Would otherwise have been performed at federal, state, or local expense;
  - 2. Would result in a decrease in the employment which would otherwise be available;
  - 3. Would result in the displacement of members of the classified service, including partial displacement, such as reduction in the hours of non-overtime work or wages or employment benefits, or
  - 4. Would impair the existing rights of permanent members of the classified service.

**Reference: Education Codes Sections 45105, 45108 and 45259.**

### **3.1.6 WEEKEND/HOLIDAY POSITIONS**

- A. The Board may create a position or class of positions that require and permit incumbents to work on weekends and holidays. If so created, the Commission shall in classifying the position:
1. Establish a salary rate which recognizes the peculiarity of the work and the days and hours required to work;
  2. Exempt employees serving in such positions from overtime pay for work required to be performed on a holiday; however, overtime shall be paid for hours worked in excess of eight (8) on any Saturday, Sunday or holiday unless the class is specifically exempted in accordance with Education Code 45127 (for example, recreation and security classes), and
  3. Ensure that the position being created is not being created to avoid payment of overtime to otherwise qualified employees. If it does find that such a position is being created to avoid overtime payment, it shall refuse to classify the position and will notify the Board.

## **RULE 3.2 THE CLASSIFICATION PLAN**

### **3.2.1 ASSIGNMENT OF DUTIES**

The Board shall prescribe the duties to be assigned to all positions in the classified service except those on the Commission staff. When the duties being performed by an employee are found to be inconsistent with the duties officially assigned to a specific position, the Director of Classified Personnel shall report the facts to the responsible administrator in order that appropriate action may be taken.

**Reference: Education Code Section 45109**

### **3.2.2 THE GENERAL CLASSIFICATION PLAN**

- A. The Commission shall classify all employees and existing and new positions within the jurisdiction of the Board or the Commission, except those positions which are exempt from the classified service under Rule 3.1.2.
- B. For purposes of this Rule, classification shall include, but not be limited to:
1. Assigning positions to the appropriate classification;
  2. Arranging classifications into appropriate job sub-families;

3. Arranging job sub-families into appropriate job families within the classification plan;
  4. Recommending reasonable relationships for classifications within job sub-family and job family occupational hierarchies in order to maintain overall internal alignment within the classification plan.
  5. Preparing written classification specifications, as outlined in Rule 3.2.3.B.
- C. The Commission shall maintain a classification plan for all positions in the classified service, organized by occupational hierarchy within the appropriate job sub-family and larger job family. The plan shall indicate the classifications that are filled by open competitive examination. The Commission shall decide, when it orders an examination, whether the examination shall be open competitive, promotional, or merged promotional and open competitive (dual certification). The list of classifications shall contain designation of salary rate and range applicable to each classification.
- D. The Commission may create new classifications and abolish, divide, or merge existing classifications in the classified service, as the needs of the District require. In doing so, the Commission shall establish the relative ranking within occupational hierarchies.

**Reference: Education Code sections 45256 and 45260**

### **3.2.3 CLASS SPECIFICATIONS**

- A. Class, or classification, specifications are descriptive and explanatory only; they are not restrictive. They indicate the kinds of duties performed across the classification but do not necessarily prescribe the duties and responsibilities for any one position in the classification.
- B. For each classification, initially established or subsequently revised by the Commission, the Director of Classified Personnel shall establish and maintain a class specification which shall include:
1. The official class title which should be as descriptive as possible of the duties performed, and in concert with prevailing titles;
  2. The definition of the classification, indicating the general type of duties and responsibilities of the classification, the amount of supervision received and exercised, and placement within the organizational scheme;
  3. A statement of typical tasks to be delegated to persons employed in positions assigned to the classification, and the critical knowledge, skills, abilities, and/or other characteristics required to perform the tasks successfully;
  4. A statement of the minimum qualifications for admission to examination and regular service in the particular classification – the minimum qualifications



may include education, experience, personal, and physical requirements and other characteristics;

5. A statement of distinguishing characteristics which differentiates the classes from other related or similar classes within a series;
6. Any licenses or special certificates required as a condition of employment;
7. Minimum qualifications shall not require a teaching, administrative or other credential, or restrict applicants to credential holders, and
8. The title of the classification, which shall be used as the title of all positions in the classification on payrolls submitted to the Commission for auditing and in the records and correspondence of the Commission and the Board.

**Reference: Education Code Sections 45104, 45109, and 45276**

#### **3.2.4 CREATION OF NEW CLASSIFICATIONS**

- A. For the Board to initiate the creation of a new classification, it shall submit the duties to be performed in writing to the Director of Classified Personnel. The Board may recommend minimum educational and work experience requirements for the classification. The Director of Classified Personnel shall present recommendations to the Commission for action. The Commission shall:
  1. Determine whether the duties should be allocated to an existing classification or whether a new classification should be established;
  2. Set forth recommended qualifications with consideration of those recommended by the Board, if any. The qualifications approved by the Commission must reasonably relate to the duties submitted by the Board;
  3. Designate the proper salary placement when a new classification is established, and
  4. Direct its Secretary to notify the Board of the Commission's action.

**References: Education Code Sections 45109 and 45276**

#### **3.2.5 ALLOCATION OF POSITIONS TO EXISTING CLASSIFICATIONS**

All positions which substantially consist of comparable duties, responsibilities, and qualifications shall be allocated to the same classification.

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

Any substantial change in the duties of existing positions shall be promptly reported in writing, by an employee or the administration, to the Director of Classified Personnel, who shall conduct a review of the position (refer to Rule 3.2.7).

### **3.2.7 REVIEW OF POSITIONS**

- A. The Personnel Commission shall monitor the classified service and will conduct studies as necessary to review classification and maintain internal alignment in the classified service.
- B. The Director of Classified Personnel shall establish a procedure whereby the duties and responsibilities of a position will be reviewed to determine their proper classification. Such review may be initiated by an employee, the Administration, or the Director of Classified Personnel.
- C. Upon receipt of a request for a classification review, the Director of Classified Personnel shall notify the requester in writing of the following:
  - 1. The date the request was received in the Personnel Commission Office;
  - 2. The anticipated date of completion of the review, and
- D. Should the review of any occupied position require longer than three (3) months to complete, the Personnel Commission will be notified in order that they may consider the use of other available resources for the accomplishment of the review.
- E. As approved by the Commission, the Director of Classified Personnel may recommend reallocation of a class to a new salary range based on internal alignment and without significant change in title, minimum qualifications, and duties assigned. The employee shall be entitled to the increased salary, if any, as determined by the Rules, without examination.
- F. Cases of reassignment of a position where there has been significant change in title, duties, or minimum qualifications, shall be considered a reclassification and subject to Rule 3.3 of this section.

### **3.2.8 WORKING OUT OF CLASS**

- A. Each classified employee shall be required to perform the duties approved by the Board and classified by the Commission for the class to which assigned. The employee may be required to perform other related duties consistent with the definition of the class to which assigned.

- B. When an employee is assigned to perform work beyond that indicated in the definition of the class to which the employee is assigned for a period of time exceeding five (5) out of fifteen (15) calendar days, shall be compensated as follows:
1. Classify the position and determine whether the position should be allocated to an existing class or whether a new class should be established.
  2. If a new class is recommended, the Director of Classified Personnel shall set forth the qualifications recommended and those recommended by the Board, if any. The qualifications approved by the Commission must reasonably relate to the duties assigned to the position by the Board.
- C. Request for differential pay for working out of class shall be submitted in writing to the Director of Classified Personnel by the employee or the supervisor within thirty (30) calendar days of performing the assignment/duties in question.
- D. The Director of Classified Personnel will notify the supervisor upon receipt of a request submitted by an employee.
- E. Retroactive pay for working out of class shall be limited to the thirty (30) calendar days preceding the date that the request was submitted.
- F. Pay for working out of class shall be limited to ninety (90) working days in one fiscal year for each employee. The Commission may authorize one extension of working out of class not to exceed an additional ninety (90) working days.
- G. A claim for pay differential for working out of class must contain a list of the assigned duties that are outside the scope of employee's assigned position.
- H. The Director of Classified Personnel shall review the duties assigned to the position and shall determine if the assigned duties are at a higher level, and shall recommend an appropriate pay differential to the Commission for approval.
- I. If review by the Director of Classified Personnel determines that the assigned duties are not at a higher level, the Director of Classified Personnel shall notify the employee and the appropriate supervisor. If the employee or supervisor wishes to appeal this decision, it must be presented to the Commission at the next regular meeting.

**References: Education Code Sections 45110, 45276 and 45310**

## **RULE 3.3 RECLASSIFICATION**

### **3.3.1 RECLASSIFICATION OF POSITIONS**

- A. The only basis for reclassification of a position with an incumbent shall be the gradual accretion of duties and not a sudden change caused by a reorganization. Recommendations as to gradual accretion will be made by the Director of Classified Personnel. The Commission shall be the final approving authority.
- B. Requests for classification studies of existing positions shall be presented in writing to the Director of Classified Personnel. A request for a reclassification study may be initiated by the incumbent, administrator, or the Personnel Commission.
  - 1. Requests initiated by an employee shall include a listing of duties and a statement indicating the reasons supporting the reclassification request.
  - 2. Requests initiated by the administration shall include a statement by the employee's supervisor verifying the assigned duties of the position.
  - 3. If an employee is reclassified, at least two (2) years must elapse from the date of reclassification before another reclassification study can be initiated for the same position.
- C. This Rule shall apply only to positions that are occupied at the time of reclassification. If reclassification occurs to a vacant position, the position shall be filled through normal selection procedures.

**Reference: Education Code Section 45285**

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

- A. Notification of a recommendation for the classification or reclassification of a position or employee shall be given to the employee(s) affected, their exclusive representative, the employee's supervisor and the Assistant Superintendent–Human Resources before the classification proposal is adopted.
- B. Changes in classification and salary resulting from the permanent reclassification of a position shall be effective no later than whichever of the following dates is applicable:
  - 1. The first of the month following the date in which the Personnel Commission received the request for differential pay (*per SEIU Article 29.2.6*)

2. The first of the month following the Personnel Commission approval for reclassification, provided the employee is eligible to be reclassified with the position without examination as specified in these Rules, or
3. The first of the month following the date on which the employee becomes fully qualified for the position by successfully completing all parts of the selection procedure. (Rule 3.3.3A)

### **3.3.3 EFFECTS OF RECLASSIFICATION ON INCUMBENTS**

A. When positions are reclassified to a class at a higher salary level the following shall apply:

1. When all of the positions in a classification are reclassified to a higher classification, the incumbents who have a continuous employment record of regular service in the class for two (2) or more years in the position shall be reclassified with the position, without examination and shall serve a probationary period.
2. When the incumbents do not have a continuous employment record of regular service in the classification for at least two (2) years, the position shall be filled through competitive examination procedures. Prior to filling the position, a promotional only examination for the higher class shall be held, with the resulting eligibility list taking precedence. The examination shall be held in accordance with these Rules.

B. When positions are reclassified to a class at a lower salary level the following shall apply:

1. An incumbent who has been performing satisfactorily shall be offered a transfer to any vacant position for which the employee is qualified and which is at the present salary level. If no vacancy exists, the incumbent may elect to remain in the position, which would result in a demotion; if neither of these actions is taken, the employee may choose to be demoted to any vacant position for which the incumbent is qualified or may be laid off for lack of work (See Rule 12.2.8).
2. When a regular classified employee is demoted to a position at a lower salary range due to displacement or abolishment of the position by reclassification, and the employee has been performing satisfactorily; the employee's salary shall be Y-rated. The Y-rate shall terminate on the earlier of these dates:

- a. The effective date of an annual salary increase which results in the Y-rate falling within the salary range of the class to which the position was reclassified.
  - b. The date an equal vacancy exists in the same class from which the employee was Y-rated. If the employee does not accept the vacancy but elects to remain in his/her present position, the Y-rate shall terminate.
- C. When a position is reclassified to a similar class at the same salary range, the incumbent may elect to remain in the position, in which case the salary shall be treated as if it were a lateral transfer.
- D. When a position is abolished, the incumbent may be transferred, demoted, or laid off as determined by these Rules.
- E. An employee whose position has been reclassified shall be ineligible for subsequent reclassification with the same position for a period of at least two (2) years from the date the position was reclassified.
- F. Any positions which are created or changed as a result of a sudden reorganization or assignment of new duties and responsibilities shall be filled through the normal competitive selection process as provided in these Rules.

**Reference: Education Code 45285**

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

Any displacement of a permanent employee which results from the reclassification of a position or class of positions, shall be considered a layoff for lack of work and an appropriate reemployment list shall be established. The employee shall have the right of reemployment in his/her previous classification for a period of up to thirty-nine (39) months provided that the duties have not changed substantially as determined by job analysis procedures.

#### **3.3.5 REAPPRAISAL OF ELIGIBILITY LIST DUE TO RECLASSIFICATION**

When all positions in a classification are reclassified, the Commission shall determine whether the current eligibility and employment lists are to be reclassified. Salary reallocation of classes shall have no effect on eligibility and employment lists.