



PERSONNEL COMMISSION

PLEASE POST

MEETING AGENDA

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

JULY 10, 2014
THURSDAY
8:15 A.M.

1. CALL TO ORDER
2. PRELIMINARY
 - 2.1 Pledge of Allegiance to the Flag
 - 2.2 Commissioners roll call

Stacey Lewis, Chairperson Present _____
Linda Vaughan, Vice-Chairperson Present _____
Terry Ulaszewski, Member Present _____
 - 2.3 Introduction of Guests
3. HEARING OF PUBLIC TESTIMONY AND QUESTIONS FROM THE FLOOR ON ITEMS NOT LISTED ON AGENDA
4. REPORT FROM THE EXECUTIVE OFFICER
5. HEARINGS None
6. MINUTES
 - 6.1 Approval of Minutes for June 26, 2014 Action
7. ITEMS FOR DISCUSSION AND/OR ACTION
 - 7.1 Classification/Restructure Recommendations per Education Code 45246 Action
REVISION OF CLASSIFICATION SPECIFICATIONS
Lead Custodian
Custodian
 - 7.2 Revision to the Rules and Regulations of the Classified Service, Chapter XVI, XVII, XVIII, XIX & XX (First Reading) Discussion
 - 7.3 Recommendation to Remove from Eligibility List per P.C. Rule 4.2.A.6 and 4.2.A.8 Restricted Action
 - 7.4 Recommendation to Remove from Eligibility List per P.C. Rule 4.2.A.11 Restricted Action

8. BULLETINS AND TESTING ACTIONS

8.1 Bulletins – Per Personnel Commission Rule 4.3.B Action

<u>TITLE</u>	<u>TYPE</u>	<u>NUMBER</u>
Chief Business and Financial Officer	Dual	15-0004-0689
Facilities Project Manager – Construction	Dual	15-0003-5189

8.2 Eligibility Lists – Per Personnel Commission Rule 5.1.B Action

Accounting Technician Promotional 14-0101-0750
List Valid: 07/03/14 – 07/03/15

**Administrative Coordinator-
Construction** Dual 14-0111-5187
List Valid: 07/09/14 – 07/09/15

**Assistant Purchasing &
Contracts Director** Dual 14-0095-0777
List Valid: 07/03/14 – 07/03/15

Nutrition Services Worker Open 14-0110-5068
List Valid: 06/30/14 – 06/30/15

Plant Supervisor I Promotional 14-0108-5026
List Valid: 07/11/14 – 07/11/15

9. OTHER ITEMS

10. The next regular scheduled meeting of the Personnel Commission will be held on July 24, 2014 at 8:15 a.m. in the Testing Room of the Personnel Commission Office at 999 Atlantic Avenue, Long Beach, California.

11. CLOSED SESSION

- 11.1 Performance Evaluation of the Executive Officer
Personnel Commission and Classified Employment
- 11.2 Recommendation to Remove from Eligibility List
- 11.3 Appeal of Disqualified Applicant

12. ADJOURNMENT

ACCESS TO PUBLIC DOCUMENTS

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

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

Personnel Commission
LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Minutes for June 26, 2014

PAGES: 6.1.1 – 6.1.5

Date: July 10, 2014

Reason for
Consideration: Action

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

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

COMMISSION MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

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

PRELIMINARY

Guests: Les Leahy, Business Services Administrator; Valeeta Pharr, CSEA Chapter 2 President; Dan Ewaskey, CSEA Vice President – Unit B; Juan Garcia, CSEA Chief Job Steward; Sam Dimas, Area Custodial Manager; Jose Delamora, Area Custodial Manager; Appellant 16279660.

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

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

None

REPORT FROM THE EXECUTIVE OFFICER

REPORT FROM THE EXECUTIVE OFFICER

Executive Officer McMahon discussed the revised format of the minutes, explaining the purpose of minutes is to record basic actions taken. The Commissioners were all in favor of the streamlined version of the minutes.

Executive Officer McMahon asked the Personnel Commission Division heads to give a brief update of their units activities. Each manager/supervisor gave a brief report on the current activities of their units.

MINUTES

MINUTES

The Commission approved the minutes of the June 12, 2014, Personnel Commission meeting. It was moved by Vice-Chairperson Vaughan to approve the minutes. Commissioner Ulaszewski seconded the motion.

The motion carried. Commissioners Vaughan and Ulaszewski voting aye, Commissioner Lewis abstained from the vote due to absence at the June 12, 2014 meeting.

CLASSIFICATION/RESTRUCTURE

CLASSIFICATION/RESTRUCTURE

The Personnel Commission acted to approve the following classification recommendations per Education Code 45256 and according to Personnel Commission Rules.

CREATE A NEW CLASSIFICATION

Custodial Services Inspector

ALLOCATE NEW CLASSIFICATION

Custodial Services Inspector

Salary Range 30 (S1)

It was moved by Commissioner Ulaszewski and seconded by Vice-Chairperson Vaughan to approve the creation and allocation of the Custodial Services Inspector classification.

The motion carried. The vote was unanimous with all members present participating in the vote.

ABOLISHMENT OF CLASSIFICATIONS

Environmental Health and Safety Manager

Environmental Health and Safety Supervisor

It was moved by Commissioner Ulaszewski and seconded by Vice-Chairperson Vaughan to approve the abolishment of the Environmental Health and Safety Supervisor and to not approve the abolishment of the Environment Health and Safety Manager classification.

The motion carried. The vote was unanimous with all members present participating in the vote.

ABOLISHMENT OF CLASSIFICATION

Tool Sharpener

It was moved by Vice-Chairperson Vaughan and seconded by Commissioner Ulaszewski to hold action on this item pending further information.

The motion carried. The vote was unanimous with all members present participating in the vote.

RECLASSIFICATION REQUEST

Senior Office Assistant (C)

ABOLISHMENT OF CLASSIFICATIONS

Maintenance Work Control Scheduler

Maintenance Work Control Supervisor

It was moved by Vice-Chairperson Vaughan and seconded by Commissioner Ulaszewski to affirm the position is appropriately classified as a Senior Office Assistant and to approve the abolishment of the Maintenance Work Control Scheduler and Maintenance Work Control Supervisor classifications.

The motion carried. The vote was unanimous with all members present participating in the vote.

REVISION OF RULES AND REGULATIONS

REVISION OF RULES AND REGULATIONS

One of the specific requirements of Education Code 45260 is that "The Commission shall prescribe, amend and interpret, subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness."

Vice-Chairperson Vaughan made a motion to approve the revision of Chapters XIII, XIV and XV of Rules and Regulations of the Classified Service. Commissioner Ulaszewski seconded the motion.

The motion carried. The vote was unanimous with all members present participating in the vote.

REMOVAL FROM ELIGIBILITY LIST

REMOVAL FROM ELIGIBILITY LIST

Staff submitted a recommendation to remove a name from current eligibility lists per Personnel Commission Rule 4.2.A.11. Appellant 16279660 was present. The Commission moved this item to Closed Session.

REMOVAL FROM ELIGIBILITY LIST

REMOVAL FROM ELIGIBILITY LIST

Staff submitted a recommendation to remove a name from current eligibility lists per Personnel Commission Rule 4.2.A.8. Appellant 18688031 was not present. The Commission moved this item to Closed Session.

REMOVAL FROM ELIGIBILITY LIST

REMOVAL FROM ELIGIBILITY LIST

Staff submitted a recommendation to remove a name from current eligibility lists per Personnel Commission Rule 4.2.A.8. Appellant 9327825 was not present. The Commission moved this item to Closed Session.

BULLETINS

BULLETINS

Personnel Commission Rule 4.3.B.1, states that the Personnel Commission Executive Officer shall be responsible for issuing job announcement bulletins to publicize recruitment and examination processes. It was moved by Commissioner Ulaszewski to ratify the bulletins. Vice-Chairperson Vaughan seconded the motion.

The motion carried. The vote was unanimous with all members present participating in the vote. The following bulletins were ratified:

ASB Financial Technician	Dual	15-0002-0751
Senior ASB Financial Technician	Dual	15-0001-0761
Instructional Aide – Bilingual Spanish	Dual	14-0098-0442
Instructional Aide Interpreter – Deaf/Hard of Hearing	Dual	14-0112-3272
Maintenance Mechanic	Dual	14-0117-0112
School/Community Liaison – Bilingual Spanish	Promotional	14-0099-5175

ELIGIBILITY LISTS

ELIGIBILITY LISTS

Personnel Commission Rule 5.1.B, states that the Personnel Commission Executive Officer shall be responsible for establishing eligibility lists as a result of examination processes authorized by these rules. It was moved by Commissioner Ulaszewski to approve the eligibility lists. Vice-Chairperson Vaughan seconded the motion.

The motion carried. The vote was unanimous with all members present participating in the vote. The following eligibility lists were approved:

Human Resources Technician	Dual	14-0097-3352
List Valid: 06/20/14 – 06/20/15		
Total applications received: 139	Total invited to exam: 37	
No. Passed: 14	No. Failed: 16	No. Withdrew: 7 No. Screened Out: 102

Nutrition Services Worker	Open	14-0105-5068
List Valid: 06/27/14 – 06/27/15		
Total applications received: 112	Total invited to exam: 80	
No. Passed: 26	No. Failed: 17	No. Withdrew: 37 No. Screened Out: 32

OTHER ITEMS

OTHER ITEMS

None

NEXT MEETING

NEXT MEETING

The next regular meeting of the Personnel Commission will be held on Thursday, July 10, 2014, at 8:15 a.m. at 999 Atlantic Avenue, Third Floor, Long Beach, California.

CLOSED SESSION

CLOSED SESSION

The Personnel Commission adjourned to closed session at 9:13 a.m. to consider the recommendations to remove appellant: 16279660, 18688031, and 9327825 from current eligibility lists.

RETURN TO OPEN SESSION

RETURN TO OPEN SESSION

The Personnel Commission returned to Open Session at 9:41 a.m. The following reportable action was taken during Closed Session:

The Commission held action on staff's recommendation to remove appellant 16279660 from current eligibility lists pending further information. They instructed the Executive Officer to notify the appellant of the decision.

The Commission acted to remove appellant 18688031 from eligibility list but determined that this would not be a permanent bar from future employment with the District but would allow them to apply after six months has elapsed. They instructed the Executive Officer to notify the appellant of the decision and encourage the appellant to reveal all facts on future applications so as to avoid a cause for rejection.

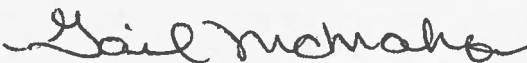
The Commission acted to remove appellant 9327825 from eligibility list but determined that this would not be a permanent bar from future employment with the District but would allow them to reapply after six months has elapsed. They instructed the Executive Officer to notify the appellant of the decision and encourage the appellant to reveal all facts on future applications so as to avoid a cause for rejection.

ADJOURNMENT

ADJOURNMENT

There being no further business, at 9:43 a.m. Chairperson Lewis adjourned the meeting.

Respectfully submitted,



Gail McMahon, Ed.D.
Executive Officer

GM/mb

Personnel Commission
LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Classification/Restructure
 Recommendations

PAGES: 7.1.1 – 7.1.10

Date: July 10, 2014

Reason for
Consideration: Action

One of the specific requirements of Education Code 45256 is that "the Commission shall classify all employees and positions within the jurisdiction of the governing board or of the Commission, except those that are exempt from the classified services as specified..." In accordance with the Personnel Commission Rules, staff submits the attached classification recommendations for the consideration of the Commission.

PAGE

REVISION OF CLASSIFICATION SPECIFICATIONS

Lead Custodian
Custodian

2



PERSONNEL COMMISSION

"Supporting student achievement through quality service."

June 26, 2014

TO: Personnel Commission

FROM: Executive Officer, Personnel Commission and Classified Employment

SUBJECT: Revisions to Class Specifications

Background and Findings

It was recently brought to staff's attention that effective July 1, 2014 the roving Kitchen Crew will be reassigned from the Operations Branch to the Nutrition Services Branch. The Operations Branch will continue to supervise the roving Bathroom Crew.

The special requirements on the class descriptions state that Custodian and Lead Custodian positions assigned to the Operations Branch require use of a personal automobile, a class C driver's license and are required to provide a current motor vehicle driving record at the time of appointment.

Staff has added "Nutrition Services" to the class description in order to assure future candidates assigned to the Kitchen Crew at Nutrition Services meet the special requirements of those assignments.

Recommendations

Staff recommends the Personnel Commission adopt the revised class specifications of:

- Lead Custodian
- Custodian

Prepared by:

Susan Leaming
Personnel Analyst

Approved and Recommended:

Gail McMahon, Ed.D.
Executive Officer



PERSONNEL COMMISSION

Class Code: 0139
Salary Range: 14 (C1)

CUSTODIAN

JOB SUMMARY

Under close supervision, perform routine custodial activities at assigned school site(s) or other assigned District facilities; assist in the maintenance of buildings and adjacent grounds areas to assure a clean, orderly and secure condition; serve on a small crew to perform routine and/or periodic deep cleaning of District facilities; perform related duties as assigned.

EXAMPLES OF DUTIES

The classification specification does not describe all duties performed by all incumbents within the class. This summary provides examples of typical tasks performed in this classification.

- Sweep, scrub, mop, wax and polish floors; vacuum rugs and carpets in classrooms, offices, workshops and other work areas; spot clean and shampoo carpets. **E**
- Clean classrooms, restrooms, cafeterias, kitchens, lounges, offices and other facilities as assigned; empty waste receptacles; spot mop spills; remove gum, debris and graffiti as needed. **E**
- Clean and disinfect drinking fountains and restroom facilities including sinks, toilets and urinals; fill dispensers with towels, soap, toilet paper and other items; clean mirrors and tile; unclog drains and toilets. **E**
- Assist with picking up paper and other debris from school grounds, walkways and areas adjacent to school facilities; inspect roof tops and rain gutters as assigned; sweep concrete surfaces adjacent to school building; water landscaped areas as assigned. **E**
- Replace light bulbs and tubes, clean chalkboards and erasers and empty pencil sharpeners; clean tables, chairs, walls, windows, blinds and floors. **E**
- Lock and unlock doors and gates as appropriate; maintain security of assigned areas according to established guidelines; turn boilers and heaters on and off as necessary; set alarms as appropriate. **E**
- Operate custodial equipment such as vacuums, mops, small hand and power tools, buffer/scrubber machines and other equipment as assigned. **E**
- Report safety, sanitary and fire hazards to appropriate authority; report need for maintenance repairs to appropriate authority. **E**
- Perform emergency shut off of major utility services; operate emergency generators as necessary. **E**
- Prepare classrooms, multi-purpose rooms and other facilities or areas for special

events or meetings as assigned; set-up and assemble chairs, tables and other furniture and equipment for special events and activities; clean up furniture, equipment and debris following these events. *E*

- Move and arrange furniture and equipment; dust and polish furniture and woodwork; perform minor repairs to furniture and equipment as needed. *E*
- Participate in the thorough cleaning and restoration of campus facilities during vacation periods. *E*
- Remain on call for emergency custodial needs as assigned.

Note: At the end of some of the duty statements there is an italicized "E" which identifies essential duties required of the classification. This is strictly for use in compliance with the Americans with Disabilities Act.

DISTINGUISHING CHARACTERISTICS

Custodians work most assignments at night. Positions working in boys' or men's locker or shower rooms may be filled only by male employees; those in girls' or women's locker or shower rooms may be filled only by female employees.

EMPLOYMENT STANDARDS

Knowledge of:

Proper methods, techniques, materials, tools and equipment used in modern custodial work.

Modern cleaning methods including basic methods of cleaning floors, blackboards, carpets, furniture, walls and fixtures.

Proper methods of storing equipment, materials and supplies.

Requirements of maintaining District buildings in a safe, clean, secure and orderly condition.

Appropriate safety and sanitary precautions and procedures.

Proper lifting techniques.

Ability to:

Perform routine custodial activities at assigned school site(s) or other assigned District facilities.

Maintain District buildings and adjacent grounds in a clean, orderly and secure condition.

Use cleaning materials and equipment in a safe and efficient manner.

Operate a variety of custodial equipment.

Maintain tools and equipment in clean working order.

Move and arrange furniture and equipment.

Observe and report safety hazards and need for maintenance and repair.

Perform minor non-technical repairs.

Understand and follow oral and written directions.
Observe health and safety regulations.
Meet schedules and time lines.

Training:

Completion of the eighth grade.

Experience:

Six months of recent full-time paid janitorial or custodial experience or successful completion of the Building Maintenance Custodial training course of at least 60 hours conducted by the Long Beach School For Adults.

Any other combination of training and/or experience that could likely provide the desired skills, knowledge or abilities may be considered.

SPECIAL REQUIREMENTS

| Positions assigned to a cleaning crew at the Operations or Nutrition Services Branches require the use of a personal automobile and possession of a valid California Class C driver's license.

Incumbents working on the Kitchen/Bathroom cleaning crew may be assigned to a weekend schedule.

WORKING ENVIRONMENT

Indoor and outdoor work environment. Regular exposure to fumes, dust and odors. Exposure to cleaning agents and chemicals. Working on ladders.

PHYSICAL DEMANDS

Dexterity of hands and fingers to operate a variety of custodial equipment. Walking or standing for extended periods of time. Seeing to perform custodial duties. Lifting, carrying, moderately heavy objects (15 to 38 pounds) and pushing and pulling heavy objects (50-100 pounds or more) with the use of dollies or other equipment as assigned by position. Bending at the waist, kneeling or crouching. Reaching overhead, above the shoulders and horizontally. Climbing ladders and working from heights to replace light bulbs.

AMERICANS WITH DISABILITIES ACT

Persons with certain disabilities may be capable of performing the essential duties of this class with or without reasonable accommodation, depending on the nature of the disability.

APPOINTMENT

In accordance with Education Code Section 45301, an employee appointed to this class must serve a probationary period of six (6) months during which time an employee must demonstrate at least an overall satisfactory performance. Failure to do so shall result in the employee's termination.

Revised: 10/24/02

Revised: 4/17/08

Revised: 9/10/09

Revised:



PERSONNEL COMMISSION

Class Code: 0205
Salary Range: 17 (C1)

LEAD CUSTODIAN

JOB SUMMARY

Under immediate supervision, lead a small crew in performing specialized custodial projects; oversee and participate in custodial activities at assigned school site(s) or other assigned District facilities; maintain buildings and adjacent grounds areas in a clean, orderly and secure condition; train and provide work direction and guidance to assigned personnel; perform related duties as assigned.

EXAMPLES OF DUTIES

The classification specification does not describe all duties performed by all incumbents within the class. This summary provides examples of typical tasks performed in this classification.

- Sweep, scrub, mop, wax and polish floors; vacuum rugs and carpets in classrooms, offices, workshops and other work areas; spot clean and shampoo carpets. **E**
- Train and provide work direction and guidance to assigned personnel; assist in the scheduling of staff on assigned shifts; serve as supervisor in the absence of the supervisor as assigned. **E**
- Clean classrooms, restrooms, cafeterias, kitchens, lounges, offices and other facilities as assigned; empty waste receptacles; spot mop spills; remove gum, debris and graffiti as needed. **E**
- Clean and disinfect drinking fountains and restroom facilities including sinks, toilets and urinals; fill dispensers with towels, soap, toilet paper and other items; clean mirrors and tile; unclog drains and toilets. **E**
- Pick up paper and other debris from school grounds, walkways and areas adjacent to school facilities; sweep concrete surfaces adjacent to school building. **E**
- Replace light bulbs and tubes, clean chalkboards and erasers and empty pencil sharpeners; clean tables, chairs, walls, windows, blinds and floors. **E**
- Lock and unlock doors and gates as appropriate; maintain security of assigned areas according to established guidelines; set alarms as appropriate. **E**
- Operate custodial equipment such as vacuums, mops, small hand and power tools, buffer/scrubber machines and other equipment as assigned; drive a District or personal vehicle to various District sites to conduct work. **E**
- Move and arrange furniture and equipment; dust and polish furniture and woodwork; perform minor repairs to furniture and equipment as needed. **E**
- Prepare classrooms, multi-purpose rooms and other facilities or areas for special

events or meetings as assigned; set-up and assemble chairs, tables and other furniture and equipment for special events and activities; clean up furniture, equipment and debris following these events. *E*

- Report safety, sanitary and fire hazards to appropriate authority; report need for maintenance repairs to appropriate authority; assure safety of custodial activities. *E*
- Perform emergency shut off of major utility services; operate emergency generators as necessary. *E*
- Participate in the thorough cleaning and restoration of campus facilities during vacation periods.
- Maintain routine records related to assigned activities
- Remain on call for emergency custodial needs as assigned.

Note: At the end of some of the duty statements there is an italicized "E" which identifies essential duties required of the classification. This is strictly for use in compliance with the Americans with Disabilities Act.

DISTINGUISHING CHARACTERISTICS

A Lead Custodian is in charge of the custodial work at a school when the regularly assigned custodial supervisor is not present or leads a small crew performing special cleaning of specified areas such as kitchens and lavatories at school sites. The work assignment is usually on a swing or graveyard shift or may include a weekend schedule.

EMPLOYMENT STANDARDS

Knowledge of:

Proper methods, techniques, materials, tools and equipment used in modern custodial work.

Modern cleaning methods including basic methods of cleaning floors, blackboards, carpets, furniture, walls and fixtures.

Principles of training and providing work direction.

Proper methods of storing equipment, materials and supplies.

Requirements of maintaining District buildings in a safe, clean, secure and orderly condition.

Appropriate safety and sanitary precautions and procedures.

Oral and written communication skills.

Interpersonal skills using tact, patience and courtesy.

Basic record-keeping techniques.

Proper lifting techniques.

Ability to:

Lead a small crew in performing specialized custodial projects.

Oversee and participate in custodial activities at assigned school site(s) or other assigned District facilities.

Maintain District buildings and adjacent grounds in a clean, orderly and secure condition.

Train and provide work direction and guidance to assigned personnel.

Use cleaning materials and equipment in a safe and efficient manner.

Operate a variety of custodial equipment.

Maintain tools and equipment in clean working order.

Move and arrange furniture and equipment.

Observe and report safety hazards and need for maintenance and repair.

Perform minor non-technical repairs.

Understand and follow oral and written directions.

Observe safety and sanitary precautions and procedures.

Meet schedules and time lines.

Establish and maintain cooperative and effective working relationships with others.

Communicate effectively both orally and in writing.

Training:

Graduation from high school or equivalent.

Experience:

One year of custodial experience.

Any other combination of training and/or experience that could likely provide the desired skills, knowledge or abilities may be considered.

SPECIAL REQUIREMENTS

| Positions in this classification assigned to the Operations or Nutrition Services Branches require the use of a personal automobile and possession of a valid California Class C driver's license and are required to obtain and submit, at his/her own expense, his/her current motor vehicle driving record at the time of appointment. The record must meet and be maintained at the District's safe driving standard. Failure to meet this requirement will result in the disqualification and/or rejection of the applicant regardless of any other standing.

Some incumbents in this class may be assigned to weekend schedules.

WORKING ENVIRONMENT

Indoor and outdoor work environment. Regular exposure to fumes, dust and odors. Exposure to cleaning agents and chemicals. Working on ladders.

PHYSICAL DEMANDS

Dexterity of hands and fingers to operate a variety of custodial equipment. Walking or standing for extended periods of time. Seeing to perform custodial duties. Lifting, carrying, moderately heavy objects (15 to 38 pounds) and pushing and pulling heavy objects (50-100 pounds or more) with the use of dollies or other equipment as assigned by position. Bending at the waist, kneeling or crouching. Reaching overhead, above the shoulders and horizontally. Climbing ladders and working from heights to replace light bulbs.

AMERICANS WITH DISABILITIES ACT

Persons with certain disabilities may be capable of performing the essential duties of this class with or without reasonable accommodation, depending on the nature of the disability.

APPOINTMENT

In accordance with Education Code Section 45301, an employee appointed to this class must serve a probationary period of six (6) months during which time an employee must demonstrate at least an overall satisfactory performance. Failure to do so shall result in the employee's termination.

Revised: 10/24/02

Revised: 11/16/06

Revised: 3/8/2007

Revised: 9/10/2009

Revised:

CHAPTER XVI-XV POLITICAL ACTIVITIES

15.1 16-1 POLITICAL ACTIVITY

~~EDUCATION CODE 45261 SUBJECTS OF RULES. The rules shall provide for the procedures...regarding...any other matters necessary...~~

~~EDUCATION CODE 7050 LEGISLATIVE FINDINGS. The Legislature finds that political activities of school employees are of significant statewide concern. The provisions of this article shall supersede all provisions on this subject in any city, county, or city and county charter as well as in the general law of this state.~~

~~EDUCATION CODE 7051 "LOCAL AGENCY." This article applies to all officers and employees of a local agency.~~

~~"Local Agency" means a county superintendent of schools, an elementary, high, or unified school district, or a community college district.~~

~~Officers and employees of a given local agency include officers and employees of any other local agency whose principal duties consist of providing services to the given local agency.~~

~~EDUCATION CODE 7052 RESTRICTIONS ON POLITICAL ACTIVITIES. Except as otherwise provided in this article, or as necessary to meet requirements of federal law as it pertains to a particular employee or employees, no restriction shall be placed on the political activities of any officer or employee of a local agency.~~

~~EDUCATION CODE 7053 INFLUENCING POLITICAL ACTION; PROHIBITION. No one who holds, or who is seeking election or appointment to, any office or employment in a local agency shall, directly or indirectly, use, promise, threaten or attempt to use, any office, authority, or influence, whether then possessed or merely anticipated, to confer upon or secure for any person, or to aid or obstruct any person in securing, or to prevent any person from securing, any position, nomination, confirmation, promotion, change in compensation or position, within the local agency upon consideration or condition that the vote or political influence or action of such person or another shall be given or used in behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration. The prohibitions of this section shall apply to either urging or discouraging any political action of an employee.~~

~~EDUCATION CODE 7054 USE OF DISTRICT PROPERTY.~~

~~(a) No school district or community college district funds, services, supplies, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district.~~

~~(b) Nothing in this section shall prohibit the use of any of the public resources described in subdivision (a) to provide information to the public about the possible effects of any bond issue or other ballot measure if both of the following conditions are met:~~

- ~~—— (1) The informational activities are otherwise authorized by the Constitution or laws of this state.~~
- ~~—— (2) The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.~~

~~(c) A violation of this section shall be a misdemeanor or felony punishable by imprisonment in the county jail not exceeding one year or by a fine not exceeding one thousand dollars (\$1,000), or by both, or imprisonment in a state prison for 16 months, or two or three years.~~

~~EDUCATION CODE 7054.1 APPEARANCE OF OFFICER OR BOARD MEMBER BEFORE CITIZENS' GROUP. Nothing in this article shall be construed as prohibiting any administrative officer or board member of a school district or community college district from appearing at any time before a citizens' group that requests the appearance of the officer or board member for purposes of discussing the reasons why the governing board of the district called an election to submit to the voters of the district a proposition for the issuance of bonds and for purposes of responding to inquiries from the citizens' group.~~

~~EDUCATION CODE 7055 LOCAL AGENCY RULES. The governing body of each local agency may establish rules and regulations on the following:~~

- ~~(a) Officers and employees engaging in political activity during working hours.~~
- ~~(b) Political activities on the premises of the local agency.~~

~~EDUCATION CODE 7056 SOLICITING OR RECEIVING POLITICAL FUNDS.~~

~~(a) Nothing in this article prevents an officer or employee of a local agency from soliciting or receiving political funds or contributions to promote the support or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of the local agency. These activities are prohibited during working hours. In addition, entry into buildings and grounds under the control of a local agency for such purposes during working hours is also prohibited.~~

~~(b) Nothing in this section shall be construed to prohibit any recognized employee organization or its officers, agents, and representatives from soliciting or receiving political funds or contributions from employee members to promote the support or defeat of any ballot measure on school district property or community college district property during nonworking time. As used in this subdivision, "nonworking time"~~

~~means time outside an employee's working hours, either before or after school or during the employee's luncheon period or other scheduled work intermittency during the school day.~~

~~EDUCATION CODE 7057 PROHIBITED DISCRIMINATION. No person who is in the classified service or who is upon any eligibility list shall be appointed, demoted, or removed, or in any way discriminated against because of his political acts, opinions, or affiliations.~~

~~EDUCATION CODE 7058 USE OF FORUM UNDER CONTROL OF BOARD. Nothing in this article shall prohibit the use of a forum under the control of the governing board of a school district or community college district if the forum is made available to all sides on an equitable basis.~~

- A. **EVIDENCE OF POLITICAL ACTIVITY.** The following will be evidence of political activity as that term is used in the Act:
1. Candidacy for any public office, the duties of which either by their nature or by the time required to perform them, are inconsistent with employment with the School District.
 2. The use of any District property, equipment, or facility for any political purpose.
 3. The use of or attempt to use the fact of District employment as an influence on behalf of any candidate for public office.
 4. The support or advancement of the candidacy of any person in return for any favor or advantage, monetary gain, threat, or other consideration, either actual or implied.
 5. Engagement in active campaigning on behalf of any candidate for public office, whether by speaking, soliciting funds or support, distributing hand bills, or otherwise, during his assigned hours of service.
- B. **CANDIDACY FOR MEMBERSHIP ON BOARD OF EDUCATION.** An employee who is a candidate for membership on the Board of Education shall be required to take a leave of absence without pay from the date of filing and including the duration of his campaign. Upon request, a leave of absence shall be granted to an employee wishing to run for any other public office. Persons on leave of absence are still employees under the terms of Section 7053 of the Education Code, prohibiting coercion upon any fellow officer or employee to support or refrain from supporting any political group or any political purpose whatever.

Reference: California Education Code 7052, 7053, 7054, 7054.1, 7055, 7056, 7057, 7058

CHAPTER XVII XVI RETRAINING AND STUDY

16.1 17.1 TUITION REIMBURSEMENT

~~EDUCATION CODE 45216 SUBJECTS OF RULES. The rules shall provide for the procedures...regarding...any other matters necessary...~~

~~EDUCATION CODE 45380 INTENT OF LEGISLATURE. In enacting this article the Legislature recognizes that technological and other changes are occurring which may displace otherwise desirable classified employees in the public school system of the State. The Legislature intends that the enactment of this article will encourage classified employees to prepare themselves for the changes that are occurring and will also encourage governing boards to utilize the article to further study and retraining by classified personnel.~~

~~EDUCATION CODE 45381 LEAVE OF ABSENCE. The governing board of any school district may grant any classified employee a leave of absence not to exceed one year for the purpose of permitting study by the employee or for the purpose of retraining the employee to meet the changing conditions within the district.~~

~~The governing board may provide that such a leave of absence shall be taken in separate six month periods or in any other appropriate periods, rather than for a continuous one year period; provided, that the separate periods of leave of absence shall be commenced and completed within a three year period. Any period of service by the individual intervening between the authorized periods shall comprise a part of the service required for a subsequent leave of absence for study or retraining purposes.~~

~~In school districts operating under the merit system, such leave of absence shall be granted in accordance with rules established by the personnel commission.~~

~~EDUCATION CODE 45382 PRIOR SERVICE REQUIRED. No leave of absence shall be granted under this article to any employee for study purposes who has not rendered service to the district for at least seven consecutive years, or for retraining purposes who has not rendered service to the district for at least three consecutive years preceding the granting of the leave, and no more than one such leave of absence shall be granted in each seven or three year period, respectively. The governing board or personnel commission in merit system districts, may prescribe the standards of service which shall entitle the employee to the leave of absence.~~

~~Any leave of absence under this article shall not be deemed a break in service for any purpose, except such a leave shall not be included as service in computing service for the granting of any subsequent leave under this article.~~

~~EDUCATION CODE 45383. AGREEMENT ON SERVICES AND~~

~~COMPENSATION DURING LEAVE. Every employee granted a leave of absence pursuant to this article may be required to perform such services during the leave as the governing board of the district and the employee may agree upon in writing. The employee shall receive such compensation during the period of the leave as the governing board and the employee may agree upon in writing, which compensation shall be not less than the difference between the salary of the employee on leave and the salary of a substitute employee in the position which the employee held prior to the granting of the leave. However, in lieu of such difference, the board may pay one-half of the salary of the employee on leave or any additional amount up to and including full salary of the employee on leave.~~

~~EDUCATION CODE 45384 MANNER OF PAYING COMPENSATION DURING~~

~~LEAVE. Compensation granted by the governing board to the employee on leave may be paid in two equal annual installments during the first two years of service rendered in the employ of the governing board following the return of the employee from the leave of absence. The compensation shall be paid the employee while on the leave of absence in the same manner as if the employee were working for the district, upon the furnishing by the employee of a suitable bond indemnifying the governing board of the district against loss in the event that the employee fails to render at least (2) years' service in the employ of the governing board following the return of the employee from the leave of absence. The bond shall be exonerated in the event the failure of the employee to return and render two years' service is caused by the death or physical or mental disability of the employee. If the governing board finds, and by resolution declares, that the interests of the district will be protected by the written agreement of the employee to return to the service of the district and render at least two years' service therein following his return from the leave, the governing board in its discretion may waive the furnishing of the bond and pay the employee on leave in the same manner as though a bond is furnished.~~

~~EDUCATION CODE 45385 SERVICE REQUIREMENTS IN MULTIPLE~~

~~DISTRICT UNDER JURISDICTION OF ONE GOVERNING BOARD. Where one governing board serves as the governing board of two or more separate district, an employee may fulfill the service requirements provided in Sections 45382 or 45384, or both, by service in any one or more of the districts under the jurisdiction of such governing board.~~

~~EDUCATION CODE 45386 APPLICATION OF ARTICLE TO DISTRICTS~~

~~ADOPTING MERIT SYSTEM. This article shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter or other applicable provisions of this code that may hereafter be enacted.~~

~~EDUCATION CODE 45387 REIMBURSEMENT FOR TRAINING. The governing board of any school district may grant reimbursement of the costs, including tuition~~

~~fees, to any permanent classified employee who satisfactorily completes approved training to improve his job knowledge, ability, or skill. Programs eligible for such reimbursement shall include, but not be limited to, courses of study at approved academic institutions, seminars and training institutes conducted by recognized professional associations, and conferences, meetings and such other training programs as are designated to upgrade the classified service and to encourage retraining of employees who may otherwise be subject to layoff as the result of technological changes. Eligibility for reimbursement shall be in accordance with rules established by the personnel commission in those districts which have adopted a merit system. Provisions of this section shall not apply to any employee who is receiving training and is eligible for reimbursement by any other governmental agency, organization, or association.~~

- A. **PROCEDURE FOR REIMBURSEMENT.** With the approval of his department head, the Assistant Superintendent, Human Resources Personnel Services, and the Personnel Commission, a permanent classified employee may be granted tuition reimbursement of the costs, including tuition fees, after having satisfactorily completed approved training to improve job knowledge, ability, or skill.
- B. **PROGRAMS ELIGIBLE FOR REIMBURSEMENT.** Programs eligible for tuition reimbursement shall include:
 - 1. Course of study at approved academic institutions.
 - 2. Seminars and training institutes conducted by recognized professional associations.
 - 3. Conferences, meetings, and other such training programs as are designed to upgrade the classified service and to encourage retraining of employees who may otherwise be subject to layoff as the result of technological changes.
- C. **LIMITATIONS ON ELIGIBILITY.** Programs will be eligible for reimbursement only if:
 - 1. They are within the occupational field of the employee; or,
 - 2. They are within the occupational hierarchy of the employee.
- D. **EMPLOYEE ELIGIBILITY FOR REIMBURSEMENT.** Permanent classified employees shall be eligible for tuition reimbursement provided that:
 - 1. The employee has rendered paid service to the District for not less than 75 percent of his regular assigned time in each of the two and one-half consecutive years prior to the approval of his program for tuition reimbursement.

2. ~~The employee's physical condition has been evaluated and approved by the District prior to approval of the employee's program.~~
3. The employee's program is job related, or upgrades his skills for possible promotion within the same occupational hierarchy.
4. The employee satisfactorily completes the approved program. In those programs issuing formal grades, "satisfactory" is intended to mean a 'C' average (or 2.0 on a four point scale, i.e., A=4.0, B=3.0, C=2.0, D=1.0.)
5. The employee's request is approved by his division head, department head, and the Assistant Superintendent, Human Resources Personnel Services and the Personnel Commission.
6. The employee's service ratings for the two years prior to approval of tuition reimbursement are above "unsatisfactory" and are maintained at that level or higher while engaged in the approved program.
7. The priority for approving employee programs for tuition reimbursement shall be based on the following criteria:
 - a. Scarcity of critical skills needed by the District to fulfill its personnel programs.
 - b. New knowledge needed by the District to develop an impending project, or to keep personnel aware of new developments in their field.
 - c. Upgrading of general knowledge or skills.
 - (1) To avoid possible layoff due to technological changes.
 - (2) To gain more sophisticated job-related knowledges and skills.
 - d. Seniority.
 - e. Availability of funds.

E. **IMPLEMENTATION OF TUITION REIMBURSEMENT.** Rule 17.1 shall become effective and will be implemented upon the governing board allocating funds for the program.

~~16.2-17.2~~ **RETRAINING AND STUDY LEAVE OF ABSENCE**

A. **EMPLOYEE ELIGIBILITY.** With the approval of his division head, department head, the Assistant Superintendent, Human Resources ~~Personnel Services~~, and the Personnel

Commission, a permanent classified employee may be granted a paid leave of absence not to exceed one year for the purpose of study or retraining, provided that:

1. The employee has rendered paid service to the District for not less than 75 percent of his regular assigned time in each of the seven consecutive years prior to the granting of study leave. For purposes of this rule, study leave is defined as leave granted employees for the purpose of maintaining and improving skills used in the service of the District.
2. The employee has rendered paid service to the District for not less than 75 percent of his regular assigned time in each of the three consecutive years prior to the granting of retraining leave. The purposes of this rule, retraining leave is defined as leave granted employees for the purpose of acquiring new skills required as a result of changes in the District's organization and methods.
- ~~3. The employee's physical condition has been evaluated and approved prior to the granting of leave.~~
- ~~4. The employee's age is such as to permit completion of at least five years of service following completion of study or retraining leave.~~
- 3.5. The employee's program of study or training, while on study leave, is job-related or within the same occupational hierarchy.
- 4.6. The employee's service ratings for the past two years prior to approval of leave are above "unsatisfactory."

B. **COMPENSATION FOR STUDY OR RETRAINING LEAVE.** Compensation provided an employee on study or retraining leave shall be not less than one-half of his regular rate of pay. Compensation in excess of one-half of the employee's regular rate of pay shall be subject to the approval of the governing board. The compensation may be paid in two equal annual installments as provided in Education Code 45384, or in the same manner as if the employee were working for the District, provided that the employee:

1. Furnishes the District with suitable bond against loss in the event the employee fails to render at least two years of service following return from leave of absence,

or
2. Furnishes the District with such other assurance against loss as the governing

- C. **TERMINATION OF LEAVE.** The Assistant Superintendent, Human Resources Personnel Services, may terminate the leave of any employee on evidence of his failure to pursue or accomplish the purpose of such leave, provided that an immediate report in writing is sent to the Personnel Commission.
- D. **BREAK IN SERVICE.** Any study or retraining leave of absence granted under this rule shall not be deemed a break in service for any purpose, except that such leave shall not be included as service in computing time for the granting of subsequent study leaves.
- E. **ASSIGNMENT ON RETURN FROM LEAVE.** Upon completion of leave of absence, the employee will be assigned, unless he otherwise consents, to the same unit or section to which assigned at the time the leave was granted, provided that no conditions have developed during the period of leave or at the time of return which would have changed the employee's location or duties had he remained in active service.
- F. **REIMBURSEMENT OF COMPENSATION BY EMPLOYEE.** Employees who do not complete the approved leave objectives shall reimburse the District for compensation paid during the period following discontinuance of the leave-study program, or failure to maintain adequate study standards.
- G. **EMPLOYMENT WHILE ON LEAVE.** Employees may, while on leave of absence, provided there is no conflict in hours, continue existing multiple assignments or previously held outside employment. Acceptance of new additional employment while on leave of absence which would interfere with the achievement of the objectives for which the leave was granted will constitute a basis for termination of the employee's leave of absence.
- H. **PRIORITY FOR LEAVE.** The priority for approving study and retraining leaves shall be based on the following criteria:
1. New knowledge needed by the District to develop an impending project or to keep personnel aware of new developments in their fields.
 2. Retraining to avoid impending layoff due to technological changes or District reorganization.
 3. Scarcity of critical skills needed by the District and proven inability to be recruit and obtain qualified candidates in the current labor market.
 4. Upgrading of general knowledge and skills within the employee's occupation.
 5. Seniority.
 6. Availability of funds.

- I. **IMPLEMENTATION OF RETRAINING AND STUDY LEAVES.** This rule 17.2 shall become effective and will be implemented upon the governing board allocating the funds for the program.

16.3 ~~17.3~~ **CAREER INCENTIVE PAY**

Upon the recommendation of the Assistant Superintendent, Human Resources ~~Personnel Services~~, and with the endorsement of the Personnel Commission, the governing board may grant a one step advancement to the next highest salary increment to any permanent classified employee provided the following criterion are met:

1. The employee has reached the top step of his salary schedule.
2. The employee has successfully completed a planned sequence of course work leading to the achievement of goals of benefit to the District; and this course work has previously been approved by his department head and the Executive Officer of the Personnel Commission ~~Director of Personnel~~.
3. The employee has successfully completed a study or retraining leave of absence comprised of a planned sequence of course work leading to the achievement of goals of benefit to the District.
- ~~4. The employee's age is such as to permit completion of at least five years of service following completion of such course work or study, or retraining leave of absence.~~
- 4.5. The employee's service ratings for the two years prior to such recommendation are above "unsatisfactory" in every column.

~~CHAPTER XVIII INSTRUCTIONAL AND TEACHER AIDES~~

~~18.1 INSTRUCTIONAL AND TEACHER AIDES~~

~~EDUCATION CODE 45340 INSTRUCTIONAL AIDES.~~ This article may be cited as the Instructional Aide Act of 1968. The provisions of this article shall apply to personnel referred to in Section 35021, 44833, 44835, 55422, 54481, 54482, and 54525, or any other section heretofore or hereafter enacted, who perform the duties of instructional aides.

~~EDUCATION CODE 45341 LEGISLATIVE INTENT.~~ The Legislature recognizes the need to provide classroom teachers and other certificated personnel with more time to teach and to provide the means for them to utilize their professional knowledge and skills more effectively in the educational programs of the public schools. It is the intent of the Legislature to authorize the employment of instructional aides in order that classroom teachers and other certificated personnel may draw upon the service of such aides to assist them in ways determined to be useful in improving the quality of educational opportunities for pupils.

~~EDUCATION CODE 45342 INSTRUCTIONAL AIDE POSITIONS: TITLES.~~ Instructional aides shall not be utilized to increase the number of pupils in relation to the number of classroom teachers in any school, any school district, or in the state. Notwithstanding the foregoing provisions, class-size ratios existing in special education classes prior to November 13, 1968, may be maintained or decreased, but not increased, by use of instructional aides.

All instruction aide positions in a school district shall be assigned the basic title of "instructional aide" or other appropriate title designated by the governing board. To provide for differences in responsibilities and duties, additions to the basic title may be assigned such as "instructional aid I or II" or "instructional aide volunteer," or other appropriate title.

~~EDUCATION CODE 45343 DEFINITIONS.~~

(a) As used in this article, "instructional aide" means a person employed to assist classroom teachers and other certificated personnel in the performance of their duties and in the supervision of pupils and in instructional tasks which, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher.

(b) "Any school district" means a school district or a county superintendent of schools who employs classroom teachers in the public schools.

~~EDUCATION CODE 45344 DUTIES: QUALIFICATIONS.~~

~~(a) Subject to the provisions of this article, any school district may employ instructional aides to assist classroom teachers and other certificated personnel in the performance of duties as defined in Section 45343. An instructional aide shall perform only such duties as, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to pupils. An instructional aide need not perform such duties in the physical presence of the teacher but the teacher shall retain his responsibility for the instruction and supervision of the pupils in his charge.~~

~~(b) Educational qualifications for instructional aides shall be prescribed by the school district employer and shall be appropriate to the responsibilities to be assigned.~~

~~EDUCATION CODE 45344.5 INSTRUCTIONAL AIDE; PROFICIENCY IN BASIC SKILLS; TEST; FEE; EXEMPTIONS~~

~~(a) Commencing on March 1, 1982, no person shall be initially assigned to assist in instruction as an instructional aide unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills up to or exceeding that required by the employing district for high school seniors under Section 51216 if the employing district educates high school students. If the employing district is an elementary school district, the aide shall demonstrate proficiency in basic reading, writing, and mathematics skills up to or exceeding that required for high school seniors under Section 51216 in the high school district that includes all or the largest portion of the elementary district.~~

~~(b) A school district may charge aides, including prospective aides, taking the district's proficiency test, a fee to fund the costs incurred by the district in giving the test. This fee may be subject to negotiation between the district and the exclusive representative of instructional aides, but in no event shall the fee exceed seven dollars (\$7).~~

~~(c) An instructional aide who passes a district proficiency test as required by this section, transfers to another district, and is employed in the same capacity shall be considered to have met the proficiency standards for purposes of this section unless the district to which he or she has transferred determines that the test taken by the aide is not comparable to the standards required by the employing district.~~

~~EDUCATION CODE 45345 INFORMATION CONCERNING PUPILS~~

~~Notwithstanding the provisions of Section 48950, no instructional aide shall give out any personal information concerning any pupil who is not his own child or ward, except under judicial process, to any person other than a teacher or administrator in the school which the pupil attends. A violation of this section may be a cause for disciplinary action, including dismissal.~~

~~EDUCATION CODE 45346 PREREQUISITE TO SUPERVISION AND DIRECTION OF INSTRUCTIONAL AIDE. Classroom teachers and other certificated personnel shall not be required to hold a standard supervision credential or a standard administration credential as a prerequisite to the supervision and direction of instructional aides.~~

~~EDUCATION CODE 45347 APPORTIONMENT PURPOSES: CLASSIFIED EMPLOYEES.~~

~~(a) An instructional aide shall not be deemed a certificated employee for the purpose of apportioning state aid and no regrouping of pupils with instructional aides shall be construed as a class for apportionment purposes.~~

~~(b) Instructional aides shall be classified employees of the district and shall be subject to all of the rights, benefits, and burdens of the classified service, except as specified in Section 45105 for "restricted" positions.~~

~~EDUCATION CODE 45348 COMPENSATION. The school district shall pay to each person employed as an instructional aide compensation at a rate not less than the minimum hourly rate prescribed by federal law.~~

~~EDUCATION CODE 45359 VOLUNTEERS. Notwithstanding the provisions of this article, or any other provisions of law, a school district may utilize volunteers in the supervision and instruction of pupils, but any such volunteer shall be subject to the provisions of Section 35021 and this article.~~

~~EDUCATION CODE 35021 VOLUNTEER AIDES. Notwithstanding any other law, any person, except a person required to register as a sex offender pursuant to Section 290 of the Penal Code, may be permitted by the governing board of any school district to perform the duties specified in section 44814 or 44815, or to serve as a nonteaching volunteer aide under the immediate supervision and direction of the certificated personnel of the district to perform noninstructional work which serves to assist the certificated personnel in performance of teaching and administrative responsibilities.~~

~~The nonteaching volunteer aide shall not be an employee of the school district and shall serve without compensation of any type or other benefits accorded to employees of the district, except as provided in Section 3364.5 of the Labor Code.~~

~~No district may abolish any of its classified positions and utilize volunteer aides, as authorized herein, in lieu of classified employees who are laid off as a result of the abolition of a position. A district shall not refuse to employ a person in a vacant classified position and use volunteer aides in lieu of filling the classified position.~~

~~It is the intent of the Legislature to permit school districts to use volunteer aides to enhance its educational program but not to permit displacement of classified employees not to allow districts to utilize volunteers in lieu of normal employee requirements.~~

~~EDUCATION CODE 45360 LEGISLATIVE INTENT. It is the intent and purpose of the Legislature that teacher aides be employed in the elementary schools of the state, specifically in grades one through six, to the end of assisting classroom teachers in carrying out activities directly related to the classroom instruction of pupils. From the moneys specially appropriated therefor by the Legislature, grants shall be made to school~~

~~districts pursuant to the specifications of this article for teacher aide projects approve by the State Board of Education.~~

~~EDUCATION CODE 45361 RULES AND REGULATIONS. The State Board of Education shall establish rules and regulations for the administration of this article which shall include, but not be limited to, criteria upon which grants shall be made within the amounts appropriated by the Legislature and among the several districts of the state which may apply for such grants.~~

~~EDUCATION CODE 45361.5 PROFICIENCY IN BASIC SKILLS; TEST; FEE; EXEMPTIONS. Commencing on March 1, 1982, no person shall be initially assigned to assist in instruction for work as an aide for instructional purposes in kindergarten and grades 1 through 12 unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills up to or exceeding that required by the employing district for high school seniors under Section 51216 if the employing district educates high school students. If the employing district is an elementary school district, the aide shall demonstrate proficiency in basic reading, writing, and mathematics skills up to or exceeding that required of high school seniors under Section 51216 in the high school district which includes all or the largest portion of the elementary school district.~~

~~As used in this section, "initially assigned" means any assignment, including substitute, temporary, probationary, or permanent employment, to assist in instruction as an aide for instructional purposes.~~

~~A school district may charge a fee to aides, including prospective aides, taking the district proficiency test pursuant to the requirements of this section to fund the costs incurred by the district in giving the test. This fee may be subject to negotiation between the district and the exclusive representative of instructional aides, but in no event shall the fee exceed seven dollars (\$7).~~

~~The school district governing board, at a public meeting, may grant an exemption from this requirement to any person, for a period of one year, if the person is to be assigned as a bilingual crosscultural aide and the governing board determines that there is no other person available to serve in the same capacity. Upon or prior to the expiration of the one-year period, the bilingual crosscultural aide shall be required to take and pass the basic skills test required by this section. A bilingual crosscultural aide who has not demonstrated his or her basic skills proficiency through these means may not be compensated for work as a bilingual crosscultural aide. A bilingual crosscultural aide may only be granted one exemption from this requirement. The authority of district governing boards to grant these exemptions shall cease on June 30, 1985.~~

~~An aide who passes a district proficiency test as required by this section who transfers to another district and is employed in the same capacity, shall be considered to have met the proficiency standards for purposes of this section unless the district to which he or she has transferred determines that the test taken by the aide is not comparable to the standards required by the employing district.~~

~~An aide who passes a district proficiency test, as required by this section, and who is reassigned to another school or program in the district and is employed in the same capacity, shall be considered to have met the state basic skills proficiency test requirement.~~

~~EDUCATION CODE 45362 STANDARDS AND PROCEDURES. School districts shall establish standards and procedures for the implementation and conduct of teacher aide projects, authorized under the provisions of this article, which shall meet, but not be limited to, the provisions of Section 45361. Such standards and procedures shall be made a part of a school district grant application as described in this article.~~

~~EDUCATION CODE 45363 APPORTIONMENT GRANTS. The State Board of Education shall direct that apportionment grants for teacher aide projects to be made to school districts on the basis of two thousand dollars (\$2,000) per school year per teacher aide employed, diminished by an amount derived by multiplying the ratio which the assessed valuation per unit of average daily attendance during the preceding fiscal year in grades kindergarten through eighth in the district bears to the assessed valuation per unit of such average daily attendance in the state times one thousand dollars (\$1,000.)~~

~~EDUCATION CODE 45364 FUNDS FOR SALARIES. All funds received by school districts under the provisions of this article shall be used for and restricted to the purpose of paying the salaries of teacher aides employed under the provisions of this article.~~

~~EDUCATION CODE 45365 EXPENDITURE OF FUNDS. Apportionments for the purpose of this article shall be made upon the order of the Superintendent of Public Instruction and by warrant of the State Controller. Funds apportioned shall be expensed by school districts precisely in accordance with the rules and regulations established by the State Board of Education.~~

~~EDUCATION CODE 45366. APPORTIONMENTS IN FORM OF GRANTS. Apportionments to a school district shall be in the form of grants, no part of which shall be required to be repaid to the state by the school district.~~

~~EDUCATION CODE 45367 COORDINATION WITH COMPENSATORY EDUCATION PLAN. Programs on projects conducted pursuant to this article shall be deemed a program of compensatory education, or an element thereof, and shall be coordinated with, and be an integral part of, the school district's overall compensatory education plan. The programs and projects shall be subject to the provisions of Section 54461.~~

~~CHAPTER XIX XVII~~ ~~MISCELLANEOUS PROVISIONS~~

~~19.1 CHANGE FROM CERTIFICATED TO CLASSIFIED STATUS~~

~~EDUCATION CODE 45261 SUBJECTS OF RULES. The rules shall provide for the procedures...regarding...other matters...~~

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

~~EDUCATION CODE 44064 EMPLOYEE OF SCHOOL DISTRICT: RETENTION OF RIGHTS AND BENEFITS UPON CHANGE FROM CLASSIFIED TO CERTIFICATED POSITIONS. If an employee of a school district, including a district having the merit system as outlined in Article 6 (commencing with Section 45240) of Chapter 6 of this part, employed in a position in the classified service is assigned to a position in the same district requiring certification qualifications, the employee shall retain all sick leave, vacation, and other rights and benefits accumulated by him at the time he is assigned to a position requiring certification qualifications. All seniority and permanency rights shall be secured to the employee during the period of time he or she occupies a position in the certificated service. The employee's return to the classified service at any time shall be treated as if there had not been an interruption in his or her classified service.~~

~~19.2 REORGANIZATION OR UNIFICATION OF SCHOOL DISTRICT~~

~~EDUCATION CODE 45119 MERIT SYSTEM UPON REORGANIZATION OF A SCHOOL DISTRICT. Whenever, by reason of any reorganization, other than the unification of districts, all or part of the territory of any school district which has adopted the merit system is included within any district, or in any new district, the governing board of the acquiring or new district shall adopt such merit system if a simple majority of the classified employees of the reorganized district voting on the adoption of a merit system approve its adoption pursuant to Section 45221. If no such election is requested by the classified employees of the reorganized district pursuant to Section 45221, adoption of a merit system shall be effective only if the number of~~

~~classified employees from the merit system district who are to become employees of the acquiring district equals or exceeds the number of classified employees of the acquiring nonmerit system district. In the event that any district simultaneously acquires all or part of the territory of two or more districts which have previously adopted the merit system, the governing board of the acquiring or new district shall adopt a merit system containing such provisions as are necessary to afford to all employees the rights guaranteed by this section if a simple majority of the classified employees of the reorganized district voting on the adoption of a merit system approve its adoption pursuant to Section 45221. If no such election is requested by the classified employees of the reorganized district pursuant to Section 45221, adoption of a merit system shall be effective only if the number of classified employees from the merit system district who are to become employees of the acquiring district equals or exceeds the number of classified employees of the acquiring nonmerit system district. The employees of the reorganized or new district shall retain all rights and privileges as if they had been employed under the provisions of Article 6 (commencing with Section 45240) of this chapter, with seniority commencing as of the date of original employment in their original district. Where there are more than a sufficient number of employees for a given classification under the provisions of Article 6 (commencing with Section 45240) of this chapter, such personnel shall be retained in employment for a period of not less than two years as if the reorganization had not occurred but without prejudice to the powers of the personnel commission and governing board of the reorganized district to reasonably reassign such persons. If at the expiration of such period, upon a finding made by the personnel commission that there are excess personnel in any given classification, such personnel shall, if the governing board so directs, be placed upon appropriate reemployment lists for 39 months and, if so placed, shall be offered and may accept positions of lower rank in their line of promotion in the order of seniority as established by this section in accordance with rules drawn in compliance with the provisions of Article 6 (commencing with Section 45240) of the chapter. The acceptance of a position in lower rank in accordance herewith shall not be deemed to constitute a waiver of the right to reemployment at the original level should a vacancy at such level occur within the period mentioned in this section.~~

~~EDUCATION CODE 45120 MERIT SYSTEM UPON UNIFICATION OF SCHOOL DISTRICTS. If all or any part of any district or districts which is unified with all or any part of a district, has or have, the merit system prior to the date of the reorganization election, all employees not legally requiring certification qualifications of the reorganized district shall be employed in accordance with Article 6 (commencing with Section 45240) of this chapter if a simple majority of the classified employees of the reorganized district voting on the adoption of a merit system approve its adoption pursuant to Section 45221. If no such election is requested by the classified employees of the reorganized district pursuant to Section 45221, adoption of a merit system shall be effective only if the number of classified employees from the merit system district who are to become employees of the acquiring district equals or exceeds the number of classified employees of the acquiring nonmerit system district. If on the date of such reorganization election, two or more of the said defined districts of such reorganized~~

~~district have merit systems, the reorganized district shall adopt a single merit system which shall contain all provisions necessary to secure to all employees the rights guaranteed by Section 45121 of this code.~~

~~Seniority of the personnel of the reorganized district shall be established as of the date original employment in the district or districts as defined above. Where there are more than a sufficient number of employees for a given classification under the provisions of Article 6 (commencing with Section 45240) of this chapter, such personnel shall be retained in employment for a period of not less than two years as if the reorganization had not occurred but without prejudice to the powers of the personnel commission and the governing board of the new unified district to reasonably reassign such person. If at the expiration of such period, upon a finding made by the personnel commission that there are excess personnel in any given classification, such personnel shall, if the governing board so directs, be placed upon appropriate reemployment lists for 39 months, and shall, if so placed, be offered and may accept positions of lower rank in their line of promotion in the order of seniority as established by this section in accordance with rules drawn in compliance with the provisions of Article 6 (commencing with Section 45240) of this chapter. The acceptance of a position in lower rank in accordance herewith shall not be deemed to constitute a waiver of the right to reemployment at the original level should a vacancy at such level occur within the period mentioned in this section. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1977, c. 149, § 2.)~~

~~EDUCATION CODE 45120.1 RETENTION OF EMPLOYEE RIGHTS DURING REORGANIZATION OF SCHOOL DISTRICT. Notwithstanding the provisions of Sections 45119 and 45120, when any school district involved in any reorganization, annexation, unionization, merger, or unification is not required to adopt the merit system, the classified employees of such district who formerly were employed by a district having the merit system shall retain for a period of two years the salary, benefits, seniority, and other rights which they would have had had the reorganization not occurred. (Added by Stats.1977, c. 149, § 3.)~~

~~EDUCATION CODE 45121 RIGHTS AND BENEFITS OF NONCERTIFICATED EMPLOYEES UPON UNIFICATION. Persons employed in positions not requiring certification qualifications in districts, all or part of whose territory is included in a unification of districts, shall continue as employees of the unified school district for not less than two years, and shall not, by reason of any unification, be deprived of any benefit which they would have had had the unification not taken place. In determining the rights of such employees, their salaries, accumulated leaves, and other rights shall be determined as of the date the unification election was conducted. No increase in benefits not previously conferred, granted by the governing board of any district, all or part of whose territory is included in a unification of districts, after such of unification election, shall be binding on the governing board of the unified school district, except that benefits granted in the districts comprising the new unified district which does not~~

~~become effective until the second succeeding first day of July shall be binding on the governing board of the unified school district.~~

~~Nothing herein contained shall preclude the governing board of the unified school district from making any reasonable reassignment of the duties of such employees. The governing board of the unified district shall establish a system of uniform salaries, employee benefits and working conditions for employees performing like services in conformity with the provisions of this section.~~

~~19.3 INSPECTION OF PERSONNEL FILES~~

~~EDUCATION CODE 44031 CERTAIN MATERIALS IN PERSONNEL FILES AVAILABLE FOR EMPLOYEE INSPECTION.~~

~~(a) Materials in personnel files of employees which may serve as a basis for affecting the status of their employment are to be made available for inspection of the person involved.~~

~~(b) Except as otherwise provided in subdivision (c) this material is not to include ratings, reports, or records that (1) were obtained prior to the employment of the person involved, (2) were prepared by identifiable examination committee members, or (3) were obtained in connection with a promotional examination.~~

~~(c) Every employee shall have the right to inspect these materials upon request, provided that the request is made at a time when the person is not actually required to render services to the employing district.~~

~~(d) Information of a derogatory nature, except material mentioned in subdivision (b), shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. An employee shall have the right to enter, and have attached to any such derogatory statement, his own comments thereon. The review shall take place during normal business hours, and the employee shall be released from duty for this purpose without salary deduction.~~

~~(e) Notwithstanding subdivision (b), every noncredentialed employee shall have access to his or her numerical scores obtained as a result of a written examination.~~

~~19.4 ATTACK ON EMPLOYEE~~

~~EDUCATION CODE 44014 ASSAULT OR THREATS BY PUPIL AGAINST SCHOOL EMPLOYEE.~~

~~(a) Whenever any employee of a school district or of the office of a county superintendent of schools is attacked, assaulted, or physically threatened by any pupil, it shall be the duty of the employee, and the duty of any person under whose direction or supervision the employee is employed in the public school system who has~~

~~knowledge of the incident, to promptly report the same to the appropriate law enforcement authorities of the county or city in which the incident occurred. Failure to make the report shall be an infraction punishable by a fine of not more than one thousand dollars (\$1,000).~~

~~(b) Compliance with school district governing board procedures relating to the reporting of, or facilitation of reporting of, the incidents specified in subdivision (a) shall not exempt a person under a duty to make the report prescribed by subdivision (a) from making the report.~~

~~(c) A member of the governing board of a school district, a county superintendent of schools, or an employee of any school district or the office of any county superintendent of schools, shall not directly or indirectly inhibit or impede the making of the report prescribed by subdivision (a) by a person under a duty to make the report. An act to inhibit or impede the making of a report shall be an infraction, and shall be punishable by a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).~~

~~(d) Neither the governing board of a school district, a member of the governing board, a county superintendent of schools, nor an employee of a school district or of the office of any county superintendent of schools shall impose any sanctions against a person under a duty to make the report prescribed by subdivision (a) for making the report.~~

~~19.5 APPLICABILITY OF CODE SECTIONS~~

~~EDUCATION CODE 45267 PROVISIONS APPLICABLE TO NONCERTIFICATED PERSONNEL APPLY AS WELL TO SCHOOL DISTRICT WITH MERIT SYSTEM. The provisions of Section 45123, 45124, 45160, 45198, 45199, 45201, and 45202 are applicable to the employees of school district which have adopted a merit system pursuant to the procedure set forth in this article.~~

~~This section is declaratory of existing law. The sections here enumerated are to be construed and applied in the same manner and with the same effect as when they were applicable to the employees of such school districts prior to the enactment of Section 45100 by Chapter 1267 of the Statutes of 1959, and in accordance with the applicable provisions of this article and the rules of the personnel commission.~~

~~19.6 UNEMPLOYMENT INSURANCE~~

~~EDUCATION CODE 45209 ADMINISTRATOR OF UNEMPLOYMENT INSURANCE. The Director of Employment Development is the administrator of the system of unemployment insurance, as provided in Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code.~~

~~19.7 EMPLOYMENT INFORMATION PROVIDED EMPLOYEES~~

~~EDUCATION CODE 45169 EMPLOYMENT SALARY DATA PROVIDED EMPLOYEES. Upon initial employment and upon each change in classification thereafter, each classified employee shall be furnished two copies of his class specification, salary data, assignment or work location, together with duty hours and the prescribed workweek. The salary data shall include the annual, monthly or pay period, daily, hourly, overtime and differential rate of compensation, whichever are applicable. One copy shall be retained by the employee and the other copy shall be signed and dated by the employee and returned to his supervisor.~~

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

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

~~19.8 UNLAWFUL ACTS~~

~~EDUCATION CODE 45317 VIOLATION OF ARTICLE; OTHER UNLAWFUL ACTS. Any person who willfully or through culpable negligence violates any of the provisions of this article (commencing at Section 45240) is guilty of a misdemeanor. It is also unlawful for any person:~~

- ~~(a) Willfully by himself or in cooperation with another person to defeat, deceive, or obstruct any person with respect to his right of examination, application, or employment under this article (commencing at Section 45240) or commission rule.~~
- ~~(b) Willfully and falsely to mark, grade, estimate, or report upon the examination of proper standing of any person examined or certified under this article (commencing with Section 45240) or commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.~~
- ~~(c) Willfully to furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chance of any person examined, or to be examined under this article (commencing with Section 45240) or commission rule.~~

~~19.9 TERMINATION OF MERIT SYSTEM~~

~~EDUCATION CODE 45319 PETITION TO TERMINATE MERIT SYSTEM. A merit (civil service) system within a school district may be terminated by one of the following methods:~~

~~(a) If the governing board of a school district, or a county board of education, receives a written petition of qualified electors not less in number than 10 percent of the number voting in the last election for a member of the board calling for the termination of the merit (civil service) system and the system has been in operation for not less than five years or has been imposed pursuant to the terms of Section 45119 and 45120, the board shall order the county superintendent of schools to place the question of termination of the system on the ballot at the next regular governing board member election, or county board of education member election, or the next primary or general election in a general election year, whichever is the earlier after receipt by the county superintendent of schools.~~

~~The statement of purpose of the election shall read:~~

~~“Shall the merit (civil service) system for school employees not requiring certification qualifications, as provided for in Article 6 (commencing with Section 45240) of Chapter 5 of Part 25 of Division 3 of Title 2 of the Education Code of the State of California, and which has been in operation for at least five years, be terminated by the _____ School District of _____ County (or counties, where appropriate), or by the County Office of Education of _____ County on _____ (date to be specified by board)?”~~

~~The petition calling for the election, to be valid, shall contain the statement of purpose for the election as contained in this section.~~

~~(b) If the governing board of a school district, or the county board of education, receives a written petition from 40 percent of the classified employees entitled to vote calling for the termination of the merit (civil service) system and the system has been in operation for not less than five years or has been imposed pursuant to the terms of Section 45119 or 45120, the governing board shall conduct an election by secret ballot of its classified personnel to determine whether or not they desire to have the merit system terminated within the district. The ballot shall read: “shall the merit (civil service) system for classified employees be terminated in the _____ (name of school district, or county office of education) as if _____ (termination date)?”~~

~~As used in this subdivision, “classified employees” means all personnel who are a part of the classified service who are appointed in accordance with Section 45272.~~

~~In order to be valid, the petition calling for the termination of the merit (civil service) system shall be submitted to the governing board within 90 days after the date that the notice for the circulation of the petition was filed with the governing board. The election shall be held during the regular school year and shall be held no earlier than 45 days and no later than 180 days after the date that the petition was submitted to the governing board.~~

~~If the merit system was adopted pursuant to Section 45224.5, classified employees entitled to vote in an election pursuant to this subdivision shall be limited to those classified employees who reside in the district.~~

~~(c) The governing board shall devise an identification system designed to protect against fraud in the balloting process. In addition, the governing board shall appoint a three-member tabulation committee consisting of one member of the governing board, one member of the personnel commission of the district, and one member who shall be a classified employee of the district. It shall be the responsibility of the tabulation committee to canvass the election ballots and to certify the results of the election to the governing board at the next regular meeting of the governing board following the completion of the tabulation of the election ballots by the committee.~~

~~(d) Notwithstanding any other provision of law, the governing board shall not be required to provide release time for classified personnel to vote in an election conducted pursuant to subdivision (b). The governing board shall not conduct an election under subdivision (b) more than once in any two year period.~~

~~(e) It shall be unlawful for a public school employer and the exclusive representative of the classified employees of a school district to include the subject of the termination of the merit (classified service) system within the scope of representation.~~

~~(f) Members of the classified service shall be provided an adequate and ample opportunity to be informed of the arguments in favor of and in opposition to the termination of the merit (civil service) system prior to the conducting of an election called pursuant to subdivision (b). That opportunity shall include an open forum during which proponents of, and opponents to, the termination of the merit (civil service) system shall be permitted to debate the issue.~~

~~EDUCATION CODE 45320 PROCEDURE UPON SUCCESSFUL ELECTION TO TERMINATE MERIT SYSTEM. If the majority of the qualified electors vote to terminate the merit system in a school district, or a county office of education, or if the majority of the classified employees vote to terminate the merit system in a school district, or a county office of education, the personnel commission shall cease to function on the date specified in the election and the law pertaining to merit system districts, or county offices of education, shall cease to have any force or effect in that district or county office of education.~~

~~Simultaneously, with the termination of the merit system, the governing board shall adopt rules and regulations relating to classified school employees as required by Section 45113.~~

~~Notwithstanding an action to terminate the merit system in a school district, or county office of education, the provisions of Section 45221, 45223, and 45224 shall be~~

~~applicable at any time after at least two years have elapsed after the system has ceased to operate.~~

19.10 UNIFORMS

~~EDUCATION CODE 45138 UNIFORMS. The governing board of any school district may require the wearing of a distinctive uniform by classified personnel. The cost of the purchase, lease or rental of uniforms, equipment, identification badges, emblems, and cards required by the district shall be borne by the district.~~

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

17.149.1 REPORTING NAMES AND ADDRESSEES

Each employee shall when initially employed file his/her name, address, and telephone number on forms provided by the district. Each employee shall report any change in name, address, or telephone number on forms available at each pay location. An employee who maintains an unlisted telephone number and/or post office box number shall provide his administrative head with his telephone number and/or home address for use in emergencies.

19.12 CLASSIFIED SCHOOL EMPLOYEE WEEK

~~EDUCATION CODE 45460 CLASSIFIED SCHOOL EMPLOYEE WEEK; OBSERVATION; APPLICATION OF SECTION. The third full week in May is designated as Classified School Employee Week.~~

~~All public schools shall annually observe that week in recognition of classified school employees and the contributions they make to the educational community. The observances required by this section shall be integrated into the regular school program.~~

~~This section shall apply to all schools under the jurisdiction of any school district or county board of education that has adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240), as well as to schools under the jurisdiction of any school district or county board of education that has not adopted the merit system.~~

**CHAPTER XX XVIII
GRIEVANCE PROCEDURE**

~~EDUCATION CODE 45261 SUBJECTS OF RULES. The rules shall provide for the procedures...regarding...matters necessary to carry out the provisions and purposes of this article (commencing with Section 45240.)~~

~~18.1 20.1~~ **LONG BEACH UNIFIED SCHOOL DISTRICT PROCEDURE.** (The provisions of this section shall apply only to the employees of the Long Beach Unified School District.)

A. DEFINITION OF TERMS

1. **Grievance.** A grievance is an allegation by a classified employee that a written District rule, policy, or administrative procedure has been violated.

Matters excluded from the grievance procedure shall be:

- a. Matters specifically reserved for action or review by the Personnel Commission under Personnel Commission rules in effect at the time the events leading to the grievance occurred. Such matters shall be processed through normal channels by the Personnel Commission
 - b. Accusatory charges relating to the moral professional fitness of an employee. Such charges shall be processed pursuant to Section 11.3 of the Rules and Regulations of the Classified Service.
 - c. Complaints about the subject matter of a District rule or policy or administrative procedure, rather than the administration of the District rule or policy or procedure. An employee with such a complaint should direct his suggestions for change through administrative channels to the administrator, commission, or board which established it.
 - d. Matters for which a specific method or review is provided by law, by the rules and regulations of the District, or by administrative procedures of the District.
2. **Grievant.** A classified employee of the District who files a grievance under this procedure.
 3. **Immediate supervisor.** The person who normally approves the employee's time record, evaluates his work performance, and plans and assigns his work.
 4. **Classified employee.** A member of the classified service of the Long Beach Unified School District in either probationary or permanent status.

5. Day. Any day that is a duty day for both parties to the grievance.
6. Conferee. A person who has been requested by either party involved to participate in a grievance conference.

B. GRIEVANCE PROCEDURE

1. Step 1.
 - a. An employee shall make known to the immediate supervisor the existence of a grievance and the facts relating thereto within five working days of the specific or documented incident or after the recognition of a nonspecific occurrence. If more than one employee shares in the allegation, one grievance shall be processed on their behalf.
 - b. Informal discussion between the employee and the immediate supervisor shall take place to attempt to resolve the grievance. The conference shall be confined to the parties immediately concerned. An examination of the facts to reach a satisfactory solution shall when possible be attempted within five working days after the grievance has been presented. The immediate supervisor shall communicate his decision to the employee involved within five working days of the informal discussion.
 - c. If the grievance has not been resolved through the informal discussion with the immediate supervisor, the employee may within five working days of receipt of the supervisor's decision file on official District forms with the immediate supervisor a written statement of the grievance, containing a clear, concise statement of the grievance; the circumstances involved; citation of the specific policy, rule or regulation alleged to have been violated; the decision rendered at the informal conference; and the specific remedy sought. A copy of the written grievance shall be filed with the Office of Employee Relations. The immediate supervisor shall within five working days after receipt of the written grievance give a written decision. Copies of such written decision shall be given to the parties involved, to the next higher level supervisor, and to the Office of Employee Relations.
 - d. In the absence of the immediate supervisor, the next higher supervisor in whom authority exists to take corrective action may, at his discretion, take action on a grievance as provided in Step 1.
2. Step 2.
 - a. If the grievant is not satisfied with the decision at Step 1, he may within five working days of receipt of the written decision appeal in writing on

the appropriate form to the next level of supervisor in whom authority exists to take corrective action. In the case of school-assigned employees, this supervisor would be the site administrator unless the proceedings in Step 1 were between the site administrator and the employee.

- b. The appeal shall include the relevant particulars, reasons for the appeal, and the remedy sought. A copy of the original grievance and of the immediate supervisor's response shall be attached. A copy of the appeal shall be filed with the Office of Employee Relations.
- c. The supervisor shall within five working days of receipt of the appeal, or as soon thereafter as possible, hold a conference to discuss the grievance.
- d. The employee shall be in attendance. He may present his own case or may be represented by a person of his own choosing at this and any subsequent stage of the grievance procedure. The supervisor and the grievant may each have a representative at this and any subsequent stage of the grievance procedure. Any employee of the Long Beach Unified School District may serve as a representative without prejudice or loss of salary, provided that he notified his supervisor in advance. So far as possible, conferences will be scheduled at times that re least disruptive to the District's operation.
- e. After completion of the conference, and such other investigation as may be necessary, the supervisor shall within five working days give his decision in writing to the grievant, the immediate supervisor involved, to the appropriate branch, division, and/or department heads, and to the Office of Employee Relations.

3. Step 3.

- a. Either party involved in the grievance procedure not satisfied with the decision rendered in Step 2, may within five working days of receipt of the decision appeal to the appropriate assistant superintendent, in the case of employees assigned to the Education Department, or in the case of employees assigned to the Business Department, to the Deputy Superintendent through the appropriate branch, division, or other intermediate administrators, unless these were the supervisors referred to in Step 2. In such a case, the grievant may proceed as provided in Step 4.
- b. The Step 3 appeal shall be presented in writing on the appropriate form and shall include a clear, concise statement of the grievance; the act or condition on which it is based; the remedy desired; the persons involved;

and the course of action that has been followed, including the decisions rendered in Steps 1 and 2, the reasons why the decision(s) is/are being appealed, and the name of the party's representative, if any. A copy shall be provided the other party, and a copy shall be filed with the Office of Employee Relations for circulation to appropriate administrators.

- c. The reviewing administrator or his designee shall hold such conferences and make such investigations as may be necessary to reach a decision. In case of conferences, the parties may be represented as provided in Step 2.
- d. Within ten working days of the conclusion of the aforementioned investigation, the reviewing administrator shall give the parties his decision in writing. A copy of the decision shall be provided the Superintendent of Schools, and a copy shall be filed with the Office of Employee Relations for circulation to appropriate administrators.

4. Step 4.

- a. If the grievant is not satisfied with the decision at Step 3, he may within five working days of receipt of the decision appeal the decision to the Superintendent of Schools or his designee. This appeal shall be in writing and shall include a copy of the original grievance, the decisions previously rendered, and the reasons for the appeal.
- b. The Superintendent or his designee shall give his decision in writing to the grievant within ten working days of receipt of the appeal, or as soon thereafter as possible. A copy of the decision shall be filed with the Office of Employee Relations for circulation to appropriate administrators.

5. Step 5.

- a. If the grievant is not satisfied with the decision of the Superintendent, he may within five working days of receipt of the decision appeal the decision in writing to the Board of Education. The appeal shall contain a copy of the original grievance, the decisions previously rendered, and the reasons for the appeal.
- b. The Board of Education shall within 30 days of receipt of the appeal give their decision in writing to the grievant. A copy shall be filed with the Office of Employee Relations for circulation to appropriate administrators for such follow-up action as may be required.

- c. The Board of Education review shall be the final step in the grievance procedure and its decision shall be final and binding upon the parties.

C. OPERATING PROCEDURES

1. Every effort shall be made to resolve the grievances at the lowest possible level in the administrative hierarchy.
2. Any employee of the Long Beach Unified School District required to absent himself from his duties for attendance at meetings or conferences called under the provisions of the grievance procedure shall do so without prejudice or loss of pay. So far as possible, meetings and conferences will be scheduled at times that are least disruptive to the District's operation. All meetings and conferences the grievant has with conferees, employee organization representatives and/or legal advisors will be held outside of duty time.
3. The grievance procedure shall be administered through the Office of Employee Relations. Forms and documents necessary to the grievance procedure shall be provided by the Office of Employee Relations. The parties involved may obtain assistance from this office throughout the course of the grievance procedure.
4. During the pendency of any proceeding and until a final decision has been made, all proceedings shall be private and any preliminary disposition will not be made public without the agreement of all parties involved.
5. A decision rendered at any step in the procedure shall be final unless appealed within the time limit specified.
6. If a decision is not given within the time limit specified for each step, an appeal may be taken directly to the next step. Time limits specified may be modified by agreement of the parties involved.
7. Fees of conferees or representatives shall be paid by the party employing them.
8. All records of proceedings and findings shall be retained in the Office of Employee Relations separate from personnel files and shall be considered confidential.

Personnel Commission
LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Removal from Eligibility List

PAGES: 7.3.1 – 7.3.13

Date: July 10, 2014

Reason for
Consideration: Restricted Action

Personnel Commission Rule 4.2.A provides that an individual who is an eligible for appointment to a position in the Classified Service may be removed from an eligibility list for the following reasons:

4.2.A.6 - "presently continuing to serve a judicially imposed sentence including a probationary period for a conviction, unless the District waives this subsection."

4.2.A.8 "making a false statement, misstating, or omitting a statement of any material fact on the application or other official documents."

Staff submits a recommendation to remove an eligible from the current lists as detailed in the enclosed agenda material. The individual concerned was given notice of this recommendation and has not responded. If the appellant is present and requests the matter be discussed in closed session, that request should be granted.

It is recommended the Commission act to approve this recommendation.

Because of the sensitive nature of the reference material, distribution has been limited to the Personnel Commission and other Personnel staff with a need to know.

Personnel Commission
LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Removal from Eligibility List

PAGES: 7.4.1 – 7.4.23

Date: July 10, 2014

Reason for
Consideration: Restricted Action

Personnel Commission Rule 4.2.A.11 provides that an individual who is an eligible for appointment to a position in the Classified Service may be removed from an eligibility list for "Conviction of drug addiction and/or use of intoxicating beverages to excess, or sale, possession for sale, or transportation of controlled substances, dangerous drugs or narcotics, including marijuana, or the possession or use of narcotics other than marijuana."

Staff submits a recommendation to remove an eligible from the current lists as detailed in the enclosed agenda material. The individual concerned was given notice of this recommendation and has responded. If the appellant is present and requests the matter be discussed in closed session, that request should be granted.

It is recommended the Commission act to approve this recommendation.

Because of the sensitive nature of the reference material, distribution has been limited to the Personnel Commission and other Personnel staff with a need to know.

Personnel Commission
LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Bulletins

PAGE: 8.1.1 – 8.1.5

Date: July 10, 2014

Reason for
Consideration: None

Personnel Commission Rule 4.3.B.1, states that the Personnel Commission Administrator shall be responsible for issuing job announcement bulletins to publicize recruitment and examination processes. All job bulletins issued are then to be ratified at the first reasonable opportunity at a Personnel Commission meeting. Accordingly, staff submits the following bulletin(s) for the consideration of the Personnel Commission:

<u>TITLE</u>	<u>TYPE</u>	<u>NUMBER</u>	<u>PAGE</u>
Chief Business and Financial Officer	Dual	15-0004-0689	2
Facilities Project Manager - Construction	Dual	15-0003-5189	4

ABOUT OUR DISTRICT

The Long Beach Unified School District has earned a reputation as one of America's finest school systems, winning many awards as a national model of excellence. The school district was named a national winner of the Broad Prize for Urban Education, recognizing America's best urban school system for increasing student achievement. LBUSD also has been a five-time finalist for the prize.

LBUSD educates 81,000 students in 84 public schools in the cities of Long Beach, Lakewood, Signal Hill, and Avalon on Catalina Island, and over 1,700 Head Start pupils in 21 Head Start centers. The third largest school district in California, it serves the most diverse large city in the United States, with dozens of languages spoken by local students. The district employs more than 8,000 people, making it the largest employer in Long Beach.

LBUSD is one of the world's top 20 school systems — and one of the top three in the U.S. — in terms of sustained and significant improvements, according to a report described as the most comprehensive analysis of global school system reform ever assembled. The study was conducted by McKinsey & Company, a trusted advisor and counselor to many of the most influential businesses and institutions in the world. McKinsey serves more than 70 percent of Fortune magazine's most admired companies.

The school district has won widespread recognition for establishing high standards of dress, behavior and achievement. Its successes have been featured on Good Morning America, NBC's Today Show, CBS's This Morning, CNN Headline News and in Newsweek, Time, U.S. News and World Report, Parade, Sports Illustrated and other national news media.

These are the hallmarks of one of America's finest school systems. A total commitment to continuous improvement is what makes the Long Beach Unified School District a national leader in preparing young men and women for success.

Long Beach, the international City and home of the Queen Mary and the Aquarium of the Pacific, is a modern, progressive city with a population of approximately 492,000, the second largest city in Los Angeles County. Long Beach enjoys a moderate year-round climate. The city's location offers easy access to several major freeways, airports and seaports, and the many famous recreational and cultural sites throughout the Southern California area.

Stacey Lewis Personnel Commissioners
Linda Vaughan Terence Ulaszewski

5-0003-5189 mb



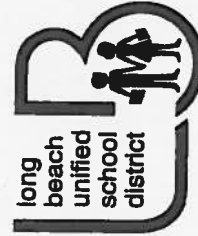
An Exciting Career Opportunity

Awaits You At

LONG BEACH UNIFIED SCHOOL DISTRICT

FACILITIES PROJECT MANAGER-CONSTRUCTION

ANNUAL SALARY \$84,452 TO \$99,154



JOIN OUR WINNING TEAM

Come join the top Urban School District in the Nation, Long Beach Unified School District. We are seeking a knowledgeable, collaborative, and visionary leader to fill the position of Facilities Project Manager--Construction to perform a variety of administrative and professional duties related to the District's facilities construction program. The Manager will plan and coordinate the improvement, modernization and new construction of District facilities; serve as a liaison between District personnel and outside agencies; supervise and evaluate the performance of assigned personnel; integrate and oversee construction, modernization and improvements of an assigned group of new and existing District facilities, and coordinate activities with District site administrators, contractors, architects and public agencies to assure the construction processes meet stated objectives in a timely manner, applying a thorough knowledge of construction of school sites and other facilities as well as school business administration principles.

The current vacancy is a 100%, 12 months position located in the Facilities Branch.

The salary is \$84,452 to \$99,154 annually, with excellent benefits and retirement package with access to IRS Codes 403(b) or 457(b) savings opportunities.

For full details regarding the position, go to our website, select Class Specifications; choose Facilities; Planning, Engineering and Construction then Facilities Project Manager-Construction

THE IDEAL CANDIDATE

Successful candidates will have a Bachelor's degree in planning, construction management, architecture or a related field. Licensure as a professional architect, general contractor or engineer is desirable.

Successful candidates will also have three years of construction management experience. Experience in educational construction is preferred.

Additional construction management experience may substitute for the required education on a basis of two years of additional experience for one year of education.

Any other combination of training and experience that could likely provide the desired skills, knowledge or abilities may be considered.

SPECIAL

Positions in this classification require the use of a personal automobile and possession of a valid California Class C driver's license at the time of appointment.

An applicant for this class will be required to obtain, at his/her own expense, and submit his/her motor vehicle driving record at the time of appointment. The record must meet and be maintained at the District's safe driving record standard. Failure to meet this requirement will result in the disqualification and/or rejection of the eligible regardless of any other standing.

An incumbent in this classification may be required to wear protective clothing, gear and equipment as required by law.

OUR QUALIFYING PROCESS

Our process will consist initially of a "paper screening" of your training background, experience, and evaluation of responses on a supplemental application. Only those candidates whose application materials demonstrate the greatest depth and breadth of training and experience will be invited to continue in the selection process. This process may include any combination of the following: written, qualifications appraisal oral, performance, or technical oral examination(s), scored on a job-related basis. Successful candidates who pass all parts of the examination process will be placed on the eligibility list in order of their relative merit as determined by these competitive examinations. Attendance will be at the applicant's expense.

HOW TO APPLY

All applications must be submitted online via the Personnel Commission's website at www.lbschools.net/Main_Offices/Personnel_Commission/. The Personnel Commission has computer kiosks for your use, and staff will be available to offer assistance needed with completing your online application Monday-Thursday, 8:00 a.m. - 4:00 p.m.

4:30 p.m., Tuesday, July 15, 2014.

Applicants with disabilities who need a reasonable accommodation for any part of the application and hiring process, please notify the Personnel Commission. The decision on granting reasonable accommodation will be made on a case-by-case basis.

Long Beach Unified School District
Personnel Commission Office
999 Atlantic Avenue, 3rd Floor
Long Beach, California 90813

(562) 435-5708 FAX: (562) 435-1018

www.lbschools.net/Main_Offices/Personnel_Commission/

WE ARE AN EQUAL OPPORTUNITY TITLE VI/VIEMERIT SYSTEM EMPLOYER

ABOUT OUR DISTRICT

The Long Beach Unified School District has earned a reputation as one of America's finest school systems, winning many awards as a national model of excellence. The school district was named a national winner of the Broad Prize for Urban Education, recognizing America's best urban school system for increasing student achievement. LBUSD also has been a five-time finalist for the prize.

LBUSD educates 81,000 students in 84 public schools in the cities of Long Beach, Lakewood, Signal Hill, and Avalon on Catalina Island, and over 1,700 Head Start pupils in 21 Head Start centers. The third largest school district in California, it serves the most diverse large city in the United States, with dozens of languages spoken by local students. The district employs more than 8,000 people, making it the largest employer in Long Beach.

LBUSD is one of the world's top 20 school systems — and one of the top three in the U.S. — in terms of sustained and significant improvements, according to a report described as the most comprehensive analysis of global school system reform ever assembled. The study was conducted by McKinsey & Company, a trusted advisor and counselor to many of the most influential businesses and institutions in the world. McKinsey serves more than 70 percent of Fortune magazine's most admired companies.

The school district has won widespread recognition for establishing high standards of dress, behavior and achievement. Its successes have been featured on Good Morning America, NBC's Today Show, CBS's This Morning, CNN Headline News and in Newsweek, Time, U.S. News and World Report, Parade, Sports Illustrated and other national news media.

These are the hallmarks of one of America's finest school systems. A total commitment to continuous improvement is what makes the Long Beach Unified School District a national leader in preparing young men and women for success.

Long Beach, the international City and home of the Queen Mary and the Aquarium of the Pacific, is a modern, progressive city with a population of approximately 492,000, the second largest city in Los Angeles County. Long Beach enjoys a moderate year-round climate. The city's location offers easy access to several major freeways, airports and seaports, and the many famous recreational and cultural sites throughout the Southern California area.

Personnel Commissioners	
Stacey Lewis	Linda Vaughan
	Terence Ulaszewski

WE ARE AN EQUAL OPPORTUNITY/TITLE VI/IMMERIT SYSTEM EMPLOYER



An Exciting Career Opportunity Awaits You At

LONG BEACH UNIFIED SCHOOL DISTRICT

CHIEF BUSINESS AND FINANCIAL OFFICER

\$161,940 - \$190,162 Annually

JOIN OUR WINNING TEAM

The Long Beach Unified School District is one of the best urban school districts in the nation. We are seeking the expertise of a knowledgeable, collaborative and visionary leader to fill the position of Chief Business and Financial Officer. The new Chief Business and Financial Officer has the opportunity to plan, organize and direct the business and fiscal operations of the District, and ensure the integrity of the District's financial reports and solvency in accordance with state and federal law.

MINIMUM QUALIFICATIONS

The minimum qualifications for this position are:

- 1) A Bachelor's degree in Finance, Accounting, Business Administration, Public Administration, or related field.
- 2) Additionally, candidates will have at least seven years of business or financial operation administration management experience in a full-service school District or a full-service municipal, State or Federal public agency with an annual budget of \$100 million or greater.

- 3) At least three of these years must have been in a senior administrative management capacity, overseeing multiple business or financial operations functions and staff.

The ideal candidate will also have an MBA, MPA, or Master's in School Business Administration, and CPA or CMA licensure, and directly related school district experience.

Other combinations of training and experience that could likely provide the required knowledge or abilities may be considered.

SPECIAL REQUIREMENTS

Position requires the use of a personal automobile and possession of a valid California class C Driver's license.

Additionally, an applicant for this classification will be required to obtain, at his/her own expense, and submit his/her motor vehicle driving record at the time of appointment. The record must meet and be maintained at the District's safe driving standard. Failure to meet this requirement will result in the disqualification and/or rejection of the eligible regardless of any other standing.

SALARY AND BENEFITS

The salary for the Chief Business and Financial Officer is \$161,940 to \$190,162 annually, with excellent benefits and retirement package with access to IRS Codes 403(b) or 457(b) savings opportunities.

OUR QUALIFYING PROCESS

Our process will consist of scoring candidates through a formal "Training & Experience" Evaluation of the information provided on the Application and Supplemental Application. Each section of these materials will be weighted and scored. Only those candidates whose application materials demonstrate the greatest depth and breadth of training and experience will be invited to participate in the interview process.

Candidates are encouraged to provide descriptive information related to their specific responsibilities for areas covered in the Supplemental Application. You are encouraged to be as clear and specific as possible regarding your direct responsibility over activities described in this application. Resumes may be submitted, but will not be scored in lieu of the required information on the application forms.

HOW TO APPLY

All applications must be submitted online via the Personnel Commission's website at www.lbschools.net/Main_Offices/Personnel_Commission/. The Personnel Commission has computer kiosks for your use, and staff will be available to offer assistance needed with completing your online application Monday-Thursday, 8:00 a.m. - 4:00 p.m. Completed online forms must be received no later than:

4:30 p.m., Friday, August 15, 2014

Long Beach Unified School District
Personnel Commission Office
999 Atlantic Avenue, 3rd Floor
Long Beach, California 90813
(562) 435-5708 FAX: (562) 435-1018
www.lbschools.net/Main_Offices/Personnel_Commission/

Applicants with disabilities who need a reasonable accommodation for any part of the application and hiring process should notify the Personnel Commission.

Amber

Personnel Commission
LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Eligibility Lists

PAGES: 8.2.1

Date: July 10, 2014

Reason for
Consideration: Action

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

Accounting Technician Promotional 14-0101-0750
List Valid: 07/03/14 – 07/03/15
Total applications received: 19 Total invited to exam: 13
No. Passed: 6 No. Failed: 6 No. Withdrew: 1 No. Screened Out: 6

Administrative Coordinator – Construction Dual 14-0111-5187
List Valid: 07/09/14 – 07/09/15
Total applications received: 43 Total invited to exam: 9
No. Passed: 1 No. Failed: 6 No. Withdrew: 2 No. Screened Out: 34

Assistant Purchasing & Contracts Director Dual 14-0095-0777
List Valid: 07/03/14 – 07/03/15
Total applications received: 50 Total invited to exam: 8
No. Passed: 1 No. Failed: 6 No. Withdrew: 1 No. Screened Out: 42

Nutrition Services Worker Open 14-0110-5068
List Valid: 06/30/14 – 06/30/15
Total applications received: 155 Total invited to exam: 119
No. Passed: 44 No. Failed: 6 No. Withdrew: 69 No. Screened Out: 36

Plant Supervisor I Promotional 14-0108-5026
List Valid: 07/11/14 – 07/11/15
Total applications received: 29 Total invited to exam: 27
No. Passed: 22 No. Failed: 4 No. Withdrew: 1 No. Screened Out: 2

CERTIFIED TO BE CORRECT: Hail McMahon DATE: 7-3-14