



PERSONNEL COMMISSION

PLEASE POST

MEETING AGENDA

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

March 6, 2014
THURSDAY
8:15 A.M.

1. CALL TO ORDER

2. ROLL

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

Present _____
Present _____
Present _____

3. PRELIMINARY

3.1 Pledge of Allegiance to the Flag

3.2 Introduction of Guests

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

5. REPORT FROM THE EXECUTIVE OFFICER

6. HEARINGS

None

7. MINUTES

7.1 Approval of Minutes for February 20, 2014

Action

8. ITEMS FOR DISCUSSION AND/OR ACTION

8.1 Classification/Restructure Recommendations per
Education Code 45246

None

8.2 Revision to the Rules and Regulations of the
Classified Service, Chapter XI (First Reading)

Discussion

9. BULLETINS AND TESTING ACTIONS

9.1 Bulletins – Per Personnel Commission Rule 4.6.B

Action

9.2 Eligibility Lists – Per Personnel Commission Rule 5.1.A

Action

10. OTHER ITEMS

11. The next regular scheduled meeting of the Personnel Commission will be held on March 20, 2014 at 8:15 a.m. in the Testing Room of the Personnel Commission Office at 999 Atlantic Avenue, Long Beach, California.

12. CLOSED SESSION

12.1 Recommendation to Remove from Eligibility List per
PC Rule 4.2.A.8 (Reconsideration)

Restricted Action

13. 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 February 20, 2014

PAGES: 7.1.1 – 7.1.4

Date: March 6, 2014

Reason for
Consideration: Action

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

Chairperson Linda Vaughan 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

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

STAFF MEMBERS PRESENT

Gail McMahon, Ed.D., Executive Officer
Dale Culton, Certification Services Manager
Maria Lynn Braunstein, Associate Personnel Analyst
Mary Cates, Human Resources Supervisor
Susan Brister, Human Resources Technician
Anne Follett, Human Resources Technician
Jan Medford, Human Resources
Damaris Padilla, Human Resources Technician
Shelley Scott, Human Resources Technician
Silaue Taeleifi, Human Resources Technician
Adriana Araujo-Honorio, Staff Secretary
Esther Martinez, Human Resources Assistant

PRELIMINARY

Guests: Les Leahy, Business Services Administrator; Valeeta Pharr, CSEA Chapter 2 President; Adrienne Rambo, CSEA Vice President- Unit A; Eric Larsen, Sign Maker; Cheryl Emmons and Edward King.

**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

Dr. Gail McMahon, Executive Officer, reported she recently met with Facilities and maintenance regarding the move of the Personnel Commission office. Dr. McMahon stated the move will be delayed. A new move date has not been set.

Dale Culton, Certification Services Manager, reported the online onboarding processing has begun and staff is keeping track of its use. He also reported five employees were returned from reemployment lists.

Mr. Culton announced Jan Medford, Human Resources Technician recently accepted a promotion to Administrative Secretary at the Transportation Branch. Dr. McMahon said Ms. Medford's work running the substitute desk is very much appreciated.

Mary Cates, Human Resources Supervisor, provided an update on the status of summer school applications stating over 400 applications have been received. She also reported staff is fingerprinting Bus Drivers and BLAST (Better Learning After School Today) mentors.

Dr. McMahon mentioned PCASC (Personnel Commissioners Association of Southern California) will be holding a mini-conference on May 16, 2014. Each commissioner or director who attends this conference will be able to bring a staff member as their guest for free.

MINUTES

MINUTES

The Commission approved the minutes of the February 6, 2014, Personnel Commission meeting. It was moved by Commissioner Ulaszewski to approve the minutes. Vice-Chairperson Lewis seconded the motion.

The motion carried. The vote was unanimous with all three members 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.8. Appellant 16030030 was present and requested to be heard in Closed Session. The Commission moved this item to Closed Session.

STAFF REPORT: REVIEW OF SUBSTITUTE ASSIGNMENT PROCESS

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Dr. McMaon gave an overview of the process for assigning substitutes. She also confirmed the long term substitute assignments are filled by laid off employees. The Commissioners asked Jan Medford, Human Resources Technician to explain how the AESOP system works. Ms. Medford explained the AESOP substitute systems contacts laid off employees first as they are given priority in accepting assignments.

Vice-Chairperson Lewis made a motion to receive and file staff's report. The motion was seconded by Commissioner Ulaszewski.

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

BULLETINS

BULLETINS

Personnel Commission Rule 4.6.B.1, states that the Personnel Commission Executive Officer shall be responsible for issuing job announcement bulletins to publicize recruitment and examination processes. Eric Larsen, Sign Maker, made an inquiry into the use of a personal vehicle for Computer Support Technicians. Les Leahy, Business Services Administrator, explained when staffing was reduced extra vehicles were available for these employees to use. It was moved by Commissioner Ulaszewski to ratify the bulletins. Vice-Chairperson Lewis seconded the motion.

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

Computer Support Technician	Dual	14-0083-5108
Intermediate Nutrition Services Worker	Dual	14-0066-5058
Senior Nutrition Services Worker	Dual	14-0067-5071

ELIGIBILITY LISTS

ELIGIBILITY LISTS

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

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

Electrician	Dual	14-0057-0161
List Valid: 2/11/14 – 2/11/15		
Total applications received: 65		Total invited to exam: 38
No. Passed: 6	No. Failed: 16	No. Withdrew: 16
No. Screened Out: 27		

Instructional Aide - Special	Open/Cont	14-0062-0448
List Valid: 2/19/14 – 2/19/15		
Total applications received: 143		Total invited to exam: 107
No. Passed: 33	No. Failed: 20	No. Withdrew: 54
No. Screened Out: 36		

Nutrition Services Worker	Dual	14-0061-5068
List Valid: 2/21/14 – 2/21/15		
Total applications received: 103		Total invited to exam: 91
No. Passed: 30	No. Failed: 19	No. Withdrew: 42
No. Screened Out: 12		

Nutrition Services Worker	Dual	14-0068-5068
List Valid: 2/21/14 – 2/21/15		
Total applications received: 139		Total invited to exam: 109
No. Passed: 29	No. Failed: 24	No. Withdrew: 56
No. Screened Out: 30		

Plant Supervisor II	Promotional	14-0059-5027
List Valid: 2/20/14 – 2/20/15		
Total applications received: 23		Total invited to exam: 17
No. Passed: 6	No. Failed: 9	No. Withdrew: 2
No. Screened Out: 6		

Purchasing Agent

Dual

14-0043-5128

List Valid: 2/20/14 – 2/20/15

Total applications received: 104

Total invited to exam: 34

No. Passed: 10 No. Failed: 17 No. Withdrew: 7 No. Screened Out: 70

OTHER ITEMS

OTHER ITEMS

Valeeta Pharr, CSEA Chapter 2 President, provided an update on the CSEA negotiations with the District announcing a tentative agreement has been reached which includes a 3 % increase for employees retro to July 2013. The agreement will need approval from the Board of Education and CSEA members.

Vice-Chairperson Lewis announced the Port of Long Beach is seeking 25 high school students for paid Internships this summer. Applicants must be Long Beach Unified School District students. Go to www.polb.com for further information.

NEXT MEETING

NEXT MEETING

The next regular meeting of the Personnel Commission will be held on Thursday, March 6, 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 8:50 a.m. to review the removal of 16030030.

RETURN TO OPEN SESSION

RETURN TO OPEN SESSION

The Personnel Commission returned to Open Session at 9:02 a.m. The following reportable action was taken during Closed Session:

The Commission acted to hold a decision on the recommendation to remove candidate 16030030 from eligibility lists pending verification of the candidate's previous employment. The Executive Officer was instructed to notify the candidate of this decision.

ADJOURNMENT

ADJOURNMENT

There being no further business, at 9:03 a.m. Chairperson Vaughan adjourned the meeting.

Respectfully submitted,

Gail McMahon, Ed.D.
Executive Officer

GM/mb

Personnel Commission
LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Revisions to the Rules and
Regulations of the Classified Service,
Chapter XI (First Reading)

PAGES: 8.2.1- 8.2.10

Date: March 6, 2014

**Reason for
Consideration:** Discussion

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." In accordance with the Personnel Commission Rules, staff submits the attached revision, for the first reading.

REVISION OF RULES AND REGULATIONS

PAGE

Chapter 11 (First Reading)

2

**CHAPTER XI
DISCIPLINARY ACTIONS, APPEALS, AND HEARINGS**

11.1 CAUSES FOR SUSPENSION, DEMOTION, DISMISSAL

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

~~EDUCATION CODE 45302 DEMOTION AND REMOVAL FROM PERMANENT CLASSIFIED SERVICE. No person in the permanent classified service shall be demoted or removed except for reasonable cause designated by rule of the commission as detrimental to the efficiency of the service. This section shall not be construed to prevent layoffs for lack of work or lack of funds.~~

~~EDUCATION CODE 45303 ADDITIONAL CAUSES FOR SUSPENSION OR DISMISSAL OF EMPLOYEES IN CLASSIFIED SERVICE. In addition to any causes for suspension or dismissal which are designated by rule of the commission, employees in the classified service shall be suspended and dismissed in the manner provided by law for any one or more of the following causes:~~

~~(a) — Knowing membership by the employee in the Communist Party.~~

~~(b) — Conduct specified in Section 1028 of the Government Code.~~

~~EDUCATION CODE 45304 WRITTEN CHARGES FOR SUSPENSION, DEMOTION OR DISMISSAL. PROVISIONS FOR SUSPENSION PENDING DETERMINATION OF SEX OFFENSE OR NARCOTICS OFFENSE.~~

~~(a) For reasonable causes an employee may be suspended without pay for not more than 30 days except as provided in this section or may be demoted or dismissed. In such case the personnel director shall within 10 days of the suspension, demotion, or dismissal file written charges with the commission and give to the employee or deposit in the United States registered mail with postage prepaid, addressed to the employee at his known place of address, a copy of the charges.~~

~~(b) Whenever an employee of a school district or county office of education is charged with a mandatory leave of absence offense, as defined in subdivision (a) of Section 44940, the governing board of the school district shall immediately place the employee upon a compulsory leave of absence for a period of time extending for not more than 10 days after the date of entry of the judgment in the proceedings. Once the employee is placed on leave of absence, he or she is subject to the provisions of Section 44940.5.~~

~~(c) Whenever an employee of a school district or county office of education is charged with an optional leave of absence offense, as defined in subdivision (b) of Section 44940, the governing board of the school district may immediately place the employee upon a compulsory leave of absence in accordance with the provisions of Section 44940.5.~~

~~EDUCATION CODE 7057 - NO DISCRIMINATION FOR POLITICAL ACTS, OPINIONS OR AFFILIATIONS: LIMITATION ON POLITICAL ACTIVITIES. 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 44040 - UNLAWFUL TO DISCRIMINATE SOLELY BECAUSE OF EMPLOYEE'S APPEARANCE BEFORE CERTAIN BOARDS OR COMMITTEES. It shall be unlawful for any person authorized to invoke disciplinary action against any employee of a school district or employee in the office of the county superintendent of schools either in his individual capacity or as a member of any board, to invoke or attempt to invoke disciplinary action against any such employee or to discriminate against such employee in the terms, conditions and privileges of employment solely because of the employee's appearance before the governing board of a school district, the county board of education, legislative committees, or any other duly constituted governmental board, commission or council, whether such appearance was undertaken voluntarily or otherwise.~~

~~Violation of the provisions of this section shall be a misdemeanor.~~

~~A. — DISCIPLINE. Persons employed in the classified service may be dismissed, demoted, suspended, or otherwise disciplined for any of the following items which the Commission has determined to be reasonable causes depending upon the circumstances of each case:~~

- ~~1. Dishonesty, as defined in Rule 4.2.~~
- ~~2. Immoral or disgraceful conduct as defined in Rule 4.2.~~
- ~~3. Reporting to work with alcoholic beverage, marijuana, or controlled substance in the employee's system; possessing or ~~using~~ utilizing any amount of alcoholic beverage, marijuana, or controlled substance during work hours; ~~having the ability to carry out~~ conducting work duties impaired as a result of either the on or off-duty use of alcoholic beverage, marijuana, or controlled substance; being under the influence of any alcoholic beverage, marijuana, or controlled substance during work hours; failing to notify the employee's supervisor or school district physician when taking any medication(s) which may interfere with the safe and effective performance of duties or operation of district equipment ; ~~or addiction to the use of any narcotic or controlled substance.~~~~
- ~~4. Consecutive performance ratings of "Unsatisfactory" or "~~below standard~~ Needs to Improve" in a factor or a group of factors in which the employee was rated, provided the ratings are supported by documentation ~~proof of factors~~ on which they are based.~~

Comment [GD1]: Eliminated language due to current legal requirements.

- 5. Political or private business activities engaged in by an employee during his/her assigned hours of employment.
- 6. Conviction of a serious crime by a court of law, or a record of one or more convictions which indicate that the person is a poor employment risk, or an overall criminal record indicating he/she is unsuited for working with or around students or in the operating unit in which the employee is assigned.
- 7. A record of frequent absences or a pattern of casual absences, which results in a disruption of service by and/or loss of efficiency in the operating unit in which the employee is assigned.

~~8. Sick leaves when habitually taken for trivial indispositions. Abandonment of position as defined as absence from work without the required notification of absence.~~

~~89. Continuing illness of a disabling nature after the exhaustion of sick leave and leave of absence privileges.~~

~~810. Contraction of some infectious disease, or physical ailment, or a physical or mental condition such as to incapacitate the employee in the proper performance of the duties of his/her position, with or without accommodation.~~

~~8. Physical or mental inability to perform the tasks assigned to the employee's classification, with or without reasonable accommodation.~~

~~911. Incompetency, inefficiency, insubordination, inattention to or dereliction of duty.~~

~~1012. Discourteous treatment of, or illegal, unwelcome, or inappropriate conduct or behavior toward the public, students, or fellow employees, or any other willful failure of good conduct tending to injure the public service.~~

~~1113. Any willful or persistent violation of the provisions of the Education Code or Board of Education, Personnel Commission, or administration approved policies, rules, regulations, procedures, or established practices.~~

~~1214. Use of fraud, deception, misrepresentation, misstatement or omission of material fact(s), whether intentional, unintentional, or negligently, in obtaining employment, or a place on an employment eligibility list.~~

~~1315. Causes specified in Education Code Section 45303, 44010, 44011, and 45124.~~

~~1416. Evidence of the advocacy of the overthrow or disruption of governments of the United States, the State of California, or other public bodies, by force, violence, or unlawful means.~~

Comment [GD2]: Eliminated language as appropriate cause is outlined in #7. Added additional cause recommended in the model rules of CSPCA.

Comment [GD3]: Eliminated rule as employees are not disciplined for this cause but released from duty when all leaves are exhausted and placed on a medical reemployment list.

Comment [GD4]: Eliminated rule as employees are not disciplined for this cause but released from duty when all leaves are exhausted and placed on a medical reemployment list.

Comment [GD5]: Eliminated rule as employees are not disciplined for this cause but released from duty when all leaves are exhausted and placed on a medical reemployment list.

~~1517.~~ Violation of state or federal law or regulation, or Board of Education policy regarding the prohibition of unlawful discrimination in employment practices or toward individuals or groups.

~~16.~~ Failure to meet job requirements such as loss of licenses or expiration of required certificates or licenses.

References: California Education Code: 45302, 45303

~~11.2~~ DISMISSAL OF LIMITED TERM EMPLOYEES

~~Refusal to accept three consecutive offers of limited term assignments may constitute adequate cause for termination of eligibility for limited term service.~~

11.2~~3~~ CHARGES BY CITIZENS

A citizen, for proper cause, may file complaints~~prefer charges~~ against an employee in the classified service by filing written charges with the ~~Appointing Power or its proper~~ Board of Education's authorized agent. The ~~authorized agent~~Appointing Power may make such investigation and shall take such action as it deems proper. If its decision results in suspension, demotion, or dismissal, the procedures set forth in Rule 11.5 shall be followed.

11.3~~4~~ DISMISSAL DURING PROBATIONARY PERIOD

The Board of Education may dismiss an employee at any time during his period of probation, but the Commission must be notified in writing within seven days from the date of dismissal.

11.4~~5~~ PROCEDURE TO BE FOLLOWED IN SUSPENSION, DEMOTION OR DISMISSAL

~~EDUCATION CODE 45116 NOTICE OF DISCIPLINARY ACTION. A notice of disciplinary action shall contain a statement in ordinary and concise language of the specific acts and omissions upon which the disciplinary action is based, a statement of the cause for the action taken and, if it is claimed that an employee has violated a rule or regulation of the public school employer, such rule or regulation shall be set forth in said notice.~~

~~A notice of disciplinary action stating one or more causes or grounds for disciplinary action established by any rule, regulation, or statute, in the language of the rule, regulation, or statute, is insufficient for any purpose.~~

~~A proceeding may be brought by, or on behalf of, the employee to restrain any further proceedings under any notice of disciplinary action violative of this provision. This section shall apply to proceedings conducted under the provisions of Article 6 (commencing with Section 45240) of this chapter.~~

A. ACTION BY THE BOARD OF EDUCATION

The Board of Education or its authorized agent may suspend an employee for not more than 30 days without pay or may dismiss, demote, or take other disciplinary action for any of the items enumerated in Rule 11.1. ~~Employees may be suspended for additional periods not exceeding 30 days with the approval of the Personnel Commission and the Board of Education.~~

Comment [GD6]: Suspension cannot exceed 30 days.

Reference: [California Education Code 45304](#)

B. FILING OF WRITTEN CHARGES

The Board of Education or its authorized agent shall file written charges in clear and concise language with the Commission within seven days following the effective date of disciplinary action. The Personnel Director shall, within ten days of the date of disciplinary action, furnish the employee with a copy of the charges filed against him/her. The intent of this provision shall be deemed to have been carried out if a certified letter has been mailed to the last mailing address given by employee to the district on official address change forms provided by the district.

Reference: [California Education Code: 45304](#)

C. IMMEDIATE SUSPENSION

Any employee whose services are unsatisfactory for any of the items enumerated in Rule 11.1 may be immediately suspended.

Reference: [California Education Code 45304](#)

11.56 APPEAL ~~OFF~~ FROM DISCIPLINARY ACTION

~~EDUCATION CODE 45305 - APPEAL BY EMPLOYEE FROM SUSPENSION, DEMOTION OR DISMISSAL. Any employee in the permanent classified service who has been suspended, demoted, or dismissed may appeal to the Commission within 14 days after receipt of a copy of the written charges by filing a written answer to the charges. Such an appeal is not available to an employee who is not in the permanent classified service except as provided by rules of the commission. An employee in the permanent classified service who has not served the time designated by the Commission as probationary for the class may be demoted to the class from which promoted without recourse to an appeal or hearing by the Commission, except as otherwise provided by rules of the Commission; and provided, that such demotion does not result in the separation of the employee from the permanent classified service. Nothing in this section shall operate to alter the protections guaranteed under Section 45309.~~

- A. An appeal under Education Code Section 45305 can only be made on the following grounds:

1. That the procedures set forth in these rules have not been followed.
2. That the removal was made because of affiliations, political or religious beliefs or opinions, race, color, or marital status.
3. That the charges made do not constitute sufficient cause for the action taken.
4. That the action taken was not in accord with the facts.
5. That there has been an abuse of discretion.

Reference: [California Education Code: 45305, 45306](#)

~~EDUCATION CODE 45306 - INVESTIGATION AND HEARING ON APPEAL. The Commission shall investigate the matter on appeal and may require further evidence from either party, and may, and upon request of an accused employee shall, order a hearing. The accused employee shall have the right to appear in person or with counsel and to be heard in his own defense. The decision shall not be subject to review by the governing board.~~

~~EDUCATION CODE 45311 - POWERS OF PERSONNEL COMMISSION IN CONDUCTING HEARINGS, INSPECTING BOARD RECORDS. The Commission may conduct hearings, subpoena witnesses, require the production of records or information pertinent to investigation, and may administer oaths. It may, at will, inspect any records of the governing board that may be necessary to satisfy itself that the procedures prescribed by the Commission have been complied with. Hearings may be held by the Commission on any subject to which its authority may extend as described in this article (commencing with Section 45240.)~~

~~EDUCATION CODE 45312 - HEARINGS OR INVESTIGATION BY HEARING OFFICER. The Commission may authorize a hearing officer or other representative to conduct any hearing or investigation which the Commission itself is authorized by this article (commencing with Section 45240) to conduct. Any such authorized person conducting such hearing or investigation may administer oaths, subpoena and require the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses to be taken in the manner prescribed by law for like depositions in civil cases in the superior court of this State. The Commission may instruct such authorized representative to present finding or recommendations. The Commission may accept, reject or amend any of the findings or recommendations of the said authorized representative. Any rejection or amendment of findings or recommendations shall be based either on a review of the transcript of the hearing or investigation or upon the results of such supplementary hearing or investigation as the Commission may order.~~

~~The Commission may employ by contract or as professional experts or otherwise any such hearing officers or other representative and may adopt and amend such rules and procedures as may be necessary to effectuate this section.~~

B. TIME AND CONDUCT OF HEARING

The Commission shall fix the time and place of the hearing of said charges which will be within a reasonable length of time from the receipt of the appeal. The investigation and hearing shall be confined to the reasons for action as charged by the Board of Education or its assignee~~Appointing Power~~ and the relevant defenses set forth in the appeal and answer. The Board of Education or its assignee~~representatives of the Appointing Power~~ shall first present evidence in support of the charges to the Commission. The appealing employee or his/her representative shall then have the right to present ~~his~~ evidence.

Witnesses desired by either side shall be subpoenaed by the Commission as provided in the Act, but requests for subpoenas must be filed with the Commission at least five working days~~72 hours~~ prior to the date of the hearing. A list of witnesses shall be submitted to the Commission at least five working days~~24 hours~~ prior to the date of the hearing. At the conclusion of the hearing, the matter shall be given consideration, either in open or executive session after which a decision shall be made. The accused employee may waive his rights to a public hearing.

Testimony of all witnesses shall be presented orally at the hearing. If, in the opinion of the Commission, a witness has good and sufficient reason for being unable to be present, written testimony will be accepted under the following conditions:

1. Such evidence must be submitted by sworn affidavit of the witness. The affidavit shall be confined to a statement of facts bearing on the case and within the knowledge of the witness, and shall not contain any conclusions of the witness, except that a witness who qualifies as an expert may express his opinion based upon the facts which he has recited.
2. Copies of all such affidavits must be filed with the Commission at least three days prior to the date of the hearing, and may be inspected by the other party to the hearing, who shall be notified of the filing of such affidavits.
3. The Commission may reject any such affidavit submitted which fails to comply with any of the foregoing conditions.

Reference: California Education Code 45311

C. TECHNICAL RULES OF EVIDENCE NOT FOLLOWED

All hearings before the Commission shall be governed by the Rules and Regulations of the Classified Service~~above procedure, and in the conduct thereof~~ Neither the Commission nor any Commissioner, nor the Personnel Director nor other authorized agent of the Commission shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the Commission or any Commissioner, or the Personnel Director or any authorized agent of the Board shall invalidate any order, division or rule or regulation made, approved, or confirmed by the Commission.

D. HEARING OFFICER'S REPORT

Whenever the Commission appoints a hearing officer to conduct an appeal hearing, the hearing officer shall submit a written report of findings and recommendations to the Commission within a reasonable period of time after the hearing is completed. Soon after the receipt and review of the hearing officer's report of findings and recommendations, the Commission shall provide a copy of such hearing officer's report to the appealing employee and to the representative of the ~~Board of Education Appointing Power~~. Before making a final decision regarding the hearing officer's recommendations, the Commission shall provide both parties an opportunity to address the Commission in open or closed session regarding the hearing officer's recommendations.

Reference: [California Education Code 45312](#)

E. FINDINGS AND JUDGMENT OF THE COMMISSION

The findings and judgment of the Commission, arrived at by majority action, shall be rendered as soon as possible after the conclusion of the hearing. ~~in written form within thirty days after the hearing is completed.~~ Copies shall be sent to the Appointing Power and the employee concerned.

F. FAILURE TO APPEAL OR ANSWER

If the accused employee fails to appeal within the time provided herein, or if the accused employee files written notice of appeal, but does not file his written answer as herein provided, the order of disciplinary action shall be final without any action of the Commission.

11.67 | COMPENSATION UPON SUSTAINING THE APPEAL

~~EDUCATION CODE 45307~~ REINSTATEMENT AND COMPENSATION UPON SUSTAINING THE EMPLOYEE

If the Commission sustains the employee, it may order all or part of his full compensation from the time of suspension, demotion, or dismissal, and it shall order his reinstatement upon such terms and conditions as it may determine appropriate. The commission may modify the disciplinary action, but may not make the action more stringent than that approved by the board. In addition, the commission may direct such other action as it may find necessary to effect a just settlement of the appeal, including, but not limited to, compensation for all or part of the legitimate expenses incurred in pursuit of the appeal, seniority credit for off-duty time pending reinstatement, transfer or change of location of the employee, and expunction from the employee's personnel record of disciplinary actions, cause, and charges which were not sustained by the commission. Upon receipt of the commission's written decision the board shall forthwith comply with the provisions thereof. When the board has fully complied with the commission's decision it shall so notify the commission in writing.

Reference: [California Education Code 45307](#)

11.7 | DISMISSED OR CONVICTED EMPLOYEES NOT ELIGIBLE FOR EMPLOYMENT

Any classified employee dismissed from employment with the district shall be removed forthwith from all eligibility lists and may not take examinations thereafter without specific consent of the Board of Education or designee.

11.8 | APPLICANT, CANDIDATE OR ELIGIBLES DISQUALIFIED FROM PARTICIPATION IN EXAMINATIONS OR CERTIFICATION ON ELIGIBILITY LISTS

Any applicant, candidate or eligible, rejected, refused examination or certification, disqualified from an examination or removed from an eligibility list, shall be removed forthwith from all other eligibility lists and may not take examinations thereafter without specific consent of the Board of Education Personnel Commission.

Personnel Commission
LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Bulletins

PAGE: 9.1.1 – 9.1.3

Date: March 6, 2014

Reason for
Consideration: Action

Personnel Commission Rule 4.6.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>
Instructional Assistant – Computer Resources	Dual	14-0082-0603	2
Instructional Assistant – Computer Resources – Bilingual Spanish	Dual	14-0085-0452	2



2008 Finalist
the broad prize
for Urban Education



Classified Employment Opportunity

APPLY TO:

Personnel Commission, Long Beach Unified School District
999 Atlantic Avenue, 3rd Floor, Long Beach, CA 90813 Office: (562)435-6708

24 Hour Job Hotline: (562) 481-JOBS

www.lbschools.net/Main_Offices/Personnel_Commission/

INSTRUCTIONAL ASSISTANT-COMPUTER RESOURCES - 0603					
INSTRUCTIONAL ASSISTANT-COMPUTER RESOURCES-BL SPANISH - 0452					
Final Filing Date: 4:30 p.m., Thursday, March, 13, 2014.					
SALARY RANGE	START	6 MONTHS	1 1/2 YEARS	2 1/2 YEARS	3 1/2 YEARS
MONTHLY:	\$3,177	\$3,362	\$3,636	\$3,732	\$3,837
HOURLY:	\$18.32	\$18.36	\$20.39	\$21.63	\$22.74

JOB INFORMATION:

Eligibility lists are being created to fill future vacancies as they occur.

APPLICATION:

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 any assistance needed with completing your online application Monday – Thursday; 8:00 – 4:00.

JOB SUMMARY: Under immediate supervision, the Instructional Assistant – Computer Resources, assists in the effective instruction of students and reinforces lessons in computer science programs in a laboratory or learning center, performing a variety of instructional and clerical duties designed to free the instructor from routine work related to the implementation of educational programs. The Instructional Assistant is an active, knowledgeable participant in the development of instructional activities and materials. They actively participate in the delivery of educational subject matter, applying a thorough knowledge of computer science programs presenting lessons to the students and other; and performing related duties as assigned.

Note: Before being considered for employment, all applicants who have prior convictions will be required to provide a certified copy of all relevant records including, but not limited to, conviction reports, probation reports, and other related court records.

MINIMUM QUALIFICATIONS INCLUDE:

Any combination of the following experience and education that could likely provide the required knowledge and abilities may be considered. Relevant training and experience would include:

TRAINING: Consistent with the No Child Left Behind Act of 2002 and other related legislation, candidates for this classification must meet the following standards:

The equivalent of graduation from high school and one of the following:

1. Completion of at least two years of study (48 semester units or 60 quarter units) at an institution of higher education; Or
2. Attainment of an Associate of Arts degree or higher;
3. Meeting a rigorous standard of quality by receiving a passing score in an examination administered by the Personnel Commission which demonstrates the knowledge and ability to assist in instructing reading, writing and mathematics.

Note: Official transcripts of units must be attached at time of application. Original college diploma may be brought to Personnel Commission in lieu of official transcripts for verification (original will be returned).

In addition to the above standards, applicants must provide proof of completion of college-level coursework in computer science programs relating to the activities of this classification.

EXPERIENCE: Some structured experience in working with young people of school age is desired. Preferred candidates also will have had at least six months of experience working with computer hardware and software currently in use in educational environments.

SPECIAL:

- (1) Some positions in this classification may require the use of a personal automobile and possession of a valid California Class C driver's license.
- (2) May be required to travel from one school location to another.
- (3) Accepting employment in a position in this classification requires the individual to either join the union and pay union dues or to pay the union an agency fee.

SELECTION PROCEDURE The examination process for this recruitment will consist of a "paper screening" of the applicant's training background and experience; *evaluation of responses on a supplemental application*; a written examination (50%) and a qualifications appraisal interview (50%) scored on a job-related basis. Only the most highly qualified candidates will be invited to continue in the examination process. The Bilingual exam consists of a language written and oral exam in English and Spanish scored on a pass/fail basis only. 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.

This agency provides reasonable accommodations to applicants with disabilities. If you need a reasonable accommodation for any part of the application and hiring process, please notify the agency. The decision on granting reasonable accommodation will be on a case-by-case basis.

WE ARE AN EQUAL OPPORTUNITY TITLE VI/MERIT SYSTEM EMPLOYER

Dual Exam 14-0082-0603
Dual Exam 14-0085-0452 DP

LBUSD Employees, please see reverse side for important information

Maria Braunstein

Attendance / Professional Growth Incentive approved by the Personnel Commission effective March 1, 2013

On February 14, 2013 the Personnel Commission approved the revision of Chapter IV of the Rules and Regulations of the Classified Service. One of the major changes to the chapter was the addition of Rule 4.3.F Attendance and/or Professional Growth Incentive. In addition to seniority points, you may be eligible to increase your final passing score on examinations by a maximum of 5 points.

Guidelines:

- ❖ **It is the responsibility of the promotional candidate to submit appropriate documentation at the time of application but in no event no later than the application deadline.**
- ❖ **Attendance Incentive documentation: The Personnel Commission will accept the *Lost Time Report, which is a payroll report that can be printed by your site payroll clerk.* Only the three most recent fiscal years can be used to earn attendance incentive points.**
- ❖ **Professional Growth Incentive documentation: Transcripts, final grade reports, certificates of completion, and other such documentation will be accepted. Classes, training or seminars must have been taken and successfully completed within the last two years from the closing date of the recruitment.**

4.3.F. *ATTENDANCE AND/OR PROFESSIONAL GROWTH INCENTIVE. An attendance incentive shall be added to the composite score of each promotional candidate competing in a promotional or dual certification examination. The attendance incentive shall be one point for each year of service in which the promotional candidate has had four (4) occurrences or less of sick leave used for each fiscal year up to a maximum of three (3) total points. Only the three most recent fiscal years can be used to earn attendance incentive points. An occurrence in this instance shall be defined as one full assignment day or days taken consecutively as sick leave.*

A professional growth incentive shall be added to the composite score of each promotional candidate competing in a promotional examination or dual certification examination. The professional growth incentive shall be one point for each year within a two year period in which the applicant has successfully completed classes, training or seminars which would enhance his/her knowledge, skills and abilities in the promotional classification. A maximum of two (2) professional growth incentive points can be earned. Classes, training or seminars must have been taken and successfully completed within the last two years from the closing date of the recruitment.

The maximum attendance and/or professional growth incentive points a promotional candidate may earn is a total of five (5) points. Promotional candidates are responsible for providing proof of their attendance and/or completion of classes, training and seminars at the time of application but in no event no later than the application deadline. In circumstances in which there are multiple instances of sick leave use for FMLA, CFRA and IA, the matter will be considered on a cases by case basis by the administrator of the Personnel Commission.

Personnel Commission
LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Eligibility Lists - Revised

PAGES: 9.2.1

Date: March 6, 2014

Reason for
Consideration: Action

Personnel Commission Rule 5.1.A, 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:

Carpenter **Dual** **14-0058-0114**
List Valid: 2/28/14 – 2/28/15
Total applications received: 73 Total invited to exam: 44
No. Passed: 9 No. Failed: 19 No. Withdrew: 16 No. Screened Out: 29

Elementary School Office Supervisor **Promotional** **14-0036-0694**
List Valid: 2/18/14 – 2/18/15
Total applications received: 20 Total invited to exam: 10
No. Passed: 5 No. Failed: 3 No. Withdrew: 2 No. Screened Out: 10

Intermediate Office Assistant
Bilingual Spanish **Dual** **14-0056-5050**
List Valid: 2/24/14 – 2/24/15
Total applications received: 165 Total invited to exam: 102
No. Passed: 25 No. Failed: 31 No. Withdrew: 46 No. Screened Out: 63

Intermediate Office Assistant-
Schools Bilingual Spanish **Dual** **14-0055-5052**
List Valid: 2/24/14 – 2/24/15
Total applications received: 103 Total invited to exam: 68
No. Passed: 20 No. Failed: 29 No. Withdrew: 19 No. Screened Out: 35

CERTIFIED TO BE CORRECT: *Shirley M. ...* DATE: February 27, 2014

LONG BEACH UNIFIED SCHOOL DISTRICT

SUBJECT: Removal from Eligibility List

PAGES: 12.1.1-12.1.19

Date: March 6, 2014

**Reason for
Consideration: Restricted Action**

Personnel Commission Rule 4.2.A.8 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 "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 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.