

CHAPTER 9

EMPLOYMENT STATUS

9.1 EMPLOYEE ASSIGNMENTS

9.1.A CERTIFICATION OF ASSIGNMENTS: The Director of Human Resources shall certify that all persons appointed to a position in the classified service are appointed in accordance with these Rules and Regulations.

1. All changes of status for classified employees shall be in accordance with these Rules and Regulations.

9.1.B PAYROLL REVIEW: The Director of Human Resources shall make a periodic review of the classified payroll roster; the roster shall include names, titles, periods for which payments are to be made, and rates of pay. If, upon review of a payroll report, it is found that any person named thereon has been employed in violation of any provision of the Merit System Act or these Rules and Regulations, notice of such violation shall be reported to the District and the Personnel Commission. Whenever the Commission, after a public hearing, finds that any appointment has been made in violation of Rules and Regulations of the Commission as they apply to examination procedures, the Commission may order that no salary warrant thereafter be drawn for the employee so appointed for services rendered after said order. Any violation of this article or the Rules and Regulations of the Commission as they apply to examination procedures shall constitute grounds for dismissal of the employee or employees guilty of such violations.

REFERENCE: Education Code Sections 88168, 88080, 88081, 88129 and 88130

9.2 EMPLOYEE ASSIGNMENT

9.2.A ASSIGNMENT DATA: Upon initial employment and upon each change in classification thereafter, each classified employee shall be furnished:

1. The employee's class specification.
2. Notice of salary data, including pay period and the hourly, daily, monthly, annual, and overtime and differential rate of pay, whichever are applicable.
3. Work location, duty hours, prescribed work week, and work year.
4. The terms and conditions of the probationary period, including performance evaluation procedures.

REFERENCE: Education Code Sections 88080, 88081 and 88168

9.2.B CHANGE OF ASSIGNMENT: The District shall have the right to assign and reassign daily hours of work and shifts to meet the operational needs of the District. When such a change is made, for more than five (5) working days, the employee's supervisor shall notify the employee and the Director of Human Resources in writing, stating the effective date of the change. Transfers shall be made for work related reasons and not for punitive measures.

REFERENCE: Education Code Sections 88080, 88081 and 88168

9.3 PROBATIONARY STATUS

9.3.A INITIAL PROBATIONARY PERIOD: Each new employee appointed from an eligibility list shall serve an initial probationary period of six (6) months or one hundred and thirty (130) days of paid regular service, whichever is longer, in one classification in the classified service excluding days absent for illness or injury; these new employees shall be evaluated prior to the end of the third and fifth month of service. For positions designated by the Personnel Commission as executive, administrative, managers/supervisory, confidential or police series, the probationary period shall be up to one (1) year or two hundred and sixty (260) days of paid regular service, whichever is less, in one classification in the classified service excluding days absent for illness or injury; these new employees shall be evaluated prior to the end of the third, eighth and eleventh months of service.

1. Credit toward completion of probation shall be granted only for service in a regular position in a class after appointment from an eligibility list.

(Amended 9.3.A – 11/19/01)

REFERENCE: Education Code Section 88120

9.3.B COMPLETION OF INITIAL PROBATION: Each probationary classified employee shall be evaluated during the probationary period as required by the Personnel Commission.

1. A probationary classified employee who is to be dismissed shall be given written notice of termination from probationary status prior to the date on which the probationary period ends.
2. A probationary employee may be suspended and dismissed at any time.
3. A probationary employee may resign while in good standing during his/her probationary term and may be returned to his/her original place on the eligibility list at the discretion of the Commission.

4. Should the work for which a probationer has been appointed prove temporary instead of permanent and should the probationer be laid off before his/her term of probation is completed, his/her name shall be restored to the eligibility list and the time he/she has served shall be credited to him/her on his/her future probationary period in the same class.

REFERENCE: Education Code Sections 88076, 88080, 88081, 88088, 88089, 88091, 88100, 88120, 88121 and 88124

9.3.C SUBSEQUENT PROBATION FOR PERMANENT EMPLOYEES: A permanent classified employee who has been promoted, shall serve a new probationary period in the class before attaining permanency in the new class.

1. During such new probationary period, the employee may be demoted to a position in his/her former class which is equivalent to the one held before the change in classification.
2. The person to be so demoted shall be notified in writing of the impending action and the reasons for it.
3. The permanent employee shall have the right to appeal the action in accordance with the provisions of Personnel Commission Rules and Regulations 12.4.

REFERENCE: Education Code Sections 88076, 88080, 88081, 88088, 88089, 88091, 88100, 88120, 88121 and 88124

9.4 PERMANENCY

9.4.A PERMANENT STATUS: Upon successful completion of the prescribed initial probationary period outlined in Chapter 9.3.A, a classified employee shall be deemed to be a part of the permanent classified service.

REFERENCE: Education Code Section 88120

9.4.B RIGHTS/BENEFITS/BURDENS OF PERMANENT EMPLOYEES: Every permanent classified employee shall be entitled to all rights, benefits, and burdens conferred by law, the Personnel Commission's Rules and Regulations, or by action of the Board of Trustees for classified employees in the same or like classification; including a vested right in his/her position or classification. Such vested interests provide that a permanent classified employee may only be removed for cause or as a result of layoff because of a lack of work or lack of funds.