

ARTICLE II

CLASSIFIED PERSONNEL EMPLOYED BY THE BOARD OF TRUSTEES

11201. EMPLOYMENT OF CLASSIFIED PERSONNEL. The Board of Trustees shall employ, pay, and otherwise control the services of persons in classified positions in accordance with the merit system rules as established by the Personnel Commission. Governing boards shall fix and prescribe the duties to be performed by all persons in the Classified Service and other positions not requiring certification qualifications except those persons employed as a part of the Personnel Commission staff.

EC 88009, 88061

Adopted 12-23-69

11202. REMOVAL OF POSITION FROM CLASSIFIED SERVICE. No governing board shall remove a position from the Classified Service by title assignment or otherwise require an incumbent to be credentialed if such position is not required to be designated certificated by the Education Code.

EC 88061

Adopted 12-23-69

11203. RULES GOVERNING MERIT SYSTEM FOR CLASSIFIED EMPLOYEES. Personnel Commission rules which are necessary to ensure the efficiency of the merit system for classified employees and the selection and retention of classified employees upon a basis of merit and fitness shall be binding on the Board of Trustees.

EC 88080, 88081

Adopted 12-23-69

Amended 03-11-81

Personnel Commission rules shall determine the procedure to be followed by the Board of Trustees as they pertain to the Classified Service regarding applications, examinations, layoffs, reemployment, vacations, leaves of absence, compensation within classifications, job analyses and specifications, performance evaluations, public advertisement of examinations, rejections of unfit applicant without competition, and any other matters necessary to carry out the provisions and purposes of the merit system for the classified employees.

Personnel Commission rules which pertain to matters which are subjects of negotiation under the provisions of Section 3543.2 of the Government Code shall be in accordance with the applicable negotiated agreement.

EC 88080, 88081

Adopted 12-23-69
Amended 03-11-81

11204. REASSIGNMENT OF CLASSIFIED EMPLOYEES. The Board of Trustees may reassign a regular classified employee who is determined to be incapable of performing the duties of his/her class because of illness or injury. The position to which he/she is assigned shall be subject to classification by the Personnel Commission.

EC 88098

Adopted 12-23-69

11205. LAYOFF OF CLASSIFIED PERSONNEL BY THE TRUSTEES. The Board of Trustees may lay off persons in the classified service for lack of work or lack of funds. They may not, however, demote or remove a person in the permanent Classified Service except for reasonable cause designated by rule of the Commission as detrimental to the efficiency of the service.

EC 88121

Adopted 12-23-69

11206. SUSPENSION AND DISMISSAL OF A CLASSIFIED EMPLOYEE. The Board of Trustees may suspend for a period of not more than 30 days, demote, or dismiss a classified employee for reasonable cause. In such case the Director of Employer/Employee Relations 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 last known place of address, a copy of the charges.

Whenever an employee of a school district is charged with the commission of any sex offense as defined in Section 12912, or any narcotics offense as defined in Section 12912.5, or a violation of Subdivision 1 of Section 261 of the Penal Code, Sections 11530 to 11532, both inclusive, 11540, or 11910 to 11915, both inclusive insofar as said sections relate to subdivision (c) of Section 11901, of the Health and Safety Code by complaint, information, or indictment filed in a court of competent jurisdiction, the Board may immediately suspend the employee for a period of time extending for not more than 10 days after the date of the entry of the court judgement; provided that the suspension may be extended beyond such 10-day period in case the Board gives notice within such 10-day period that it will dismiss the employee 30 days after the service of the notice, unless he/she demands a hearing.

An 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.

The Commission shall investigate the matter on appeal and may require further evidence from either party, or may, 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/her own defense. The decision shall not be subject to review by the Board of Trustees.

EC 88123, 88124, 88125

Adopted 12-23-69

11207. POWERS OF COMMISSION IN CONDUCTING HEARINGS AND INSPECTING RECORDS OF BOARD OF TRUSTEES. 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 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 by law.

EC 45311, 88130

Adopted 12-23-69

11208. 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/her political acts, opinions, or affiliations. No person in the Classified Service shall engage in political activities during his/her assigned hours of employment.

No member of the Board of Trustees shall directly or indirectly solicit or be concerned in soliciting any assessment, contribution, or political service of any kind whatsoever for any political purpose from any person who is in the Classified Service or who is upon any eligibility list.

No officer or employee of the District shall directly or indirectly coerce or attempt to coerce or in any way bring pressure or attempt to bring pressure upon any other such officer or employee, to support or refrain from supporting any political group for any political purpose whatever.

Adopted 12-23-69