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CHAPTER IX

EMPLOYMENT STATUS

Rule 9.1 CERTIFICATION OF PAYROLLS (EDUCATION CODE SECTION 88129)

9.1.1 PROCEDURE FOR CERTIFICATION OF PAYROLLS

- A. No person shall be appointed to a position in the classified service unless the assignment order is approved by the Personnel Director. The Personnel Director shall certify that the person who was named and the assignment are in accordance with these rules and the provisions of the Education Code.
- B. The Personnel Director shall audit all changes of status for classified employees. He/she shall certify that all changes are in accordance with existing law and these rules.
- C. All time sheets, payroll reports or other financial or employment documents shall be made available to the Personnel Director upon request. He/she may audit all payrolls to insure that these assignments are in accordance with the law and these Rules. He/she shall immediately notify the Superintendent or his/her designee of any irregularities and attempt to resolve these problems.
- D. When irregularities remain unresolved, the Personnel Director shall notify the Personnel Commission, who may, after a public hearing, order that no salary warrant be thereafter drawn to the employee.

Rule 9.2

EMPLOYEE ASSIGNMENT

9.2.1

ASSIGNMENT DATA

- A. Upon initial assignment and upon each change in class thereafter, each regular classified employee shall be furnished:
 - 1. An offer of employment or change of status notice listing his/her salary including the pay period; the hourly daily, monthly, annual, overtime and differential rates of compensation, as applicable; the duty hours, prescribed work week, work year, and work location.
 - 2. A copy of his/her class description and a duty list for his/her position, if available.
 - 3. The terms and conditions of the probationary period, including evaluation procedures and dates.
- B. The employee shall sign an acknowledgement of receipt of the data; one copy shall be retained by the employee, one copy shall be sent to the employee's supervisor and one copy shall be placed in the employee's file.
- C. The District shall have the right to make reasonable changes in the employee's work schedule. When such a change is to be made, the supervisor shall notify the employee and the Personnel Director in writing at least five (5) days prior to the effective date of the change.

9.2.2

ORIENTATION OF NEW EMPLOYEES

- A. Within five (5) working days of assignment, each employee shall receive a work orientation at which he/she shall be advised of all information relating to his/her employment status, including specific duty hours, break time and lunch period, work rules and department regulations, procedure for reporting absences, the terms and conditions of probation, and performance evaluation procedures.

9.2.3

WORK SCHEDULE (EDUCATION CODE SECTIONS
88026, 88010.5, 88180, 88031)

- A. The standard workweek shall be 40 hours, consisting of one of the following work patterns:
1. Five (5) consecutive workdays of eight (8) hours per day in one (1) calendar week (5/40).
 2. Eight (8) workdays of nine (9) hours per day and one (1) workday of eight (8) hours in a two (2) calendar week period (9/80).
 3. Four (4) workdays of ten (10) hours per day in one (1) calendar week. (4/40).

An employee may request any of the above work schedule patterns through the District's flextime policy. See Rule 9.2.5.

- B. For purposes of payroll computation, the work week shall begin either at 12:01 AM on Sunday and shall end at 12:00 Midnight the following Saturday or at 12:00 Noon on Friday and shall end at 11:59 the following Friday.
- C. When a department supervisor proposes to permanently reassign a classified employee to a workweek, which includes Saturday or Sunday, he/she shall notify the employee in writing and secure the employee's written consent. No classified employee shall be assigned at any time to perform services on Saturday or Sunday if the classified employee certifies in writing that the assignment would conflict with his/her religious practices or beliefs.
- D. Each employee who works five (5) or more hours per workday shall be entitled to an unpaid lunch period consisting of at least one-half (1/2) hour as scheduled by his/her immediate supervisor.
- E. With the consent of his/her supervisor, an employee assigned to a work schedule of five (5) hours per day may be allowed to waive his/her lunch period.

Section 9.2.3.F

- F. Each employee who works four (4) or more hours per day shall be entitled to one paid 15 minute break per four (4) hours as scheduled by his/her immediate supervisor.
- G. The starting and ending times of the workday and the lunch and break periods shall be determined by the immediate supervisor. The lunch period for full time employees shall be scheduled as near as possible to the middle of each workday and break periods shall be scheduled as near as possible to the middle of each four (4) or five (5) hour shift.
- H. Employees assigned to a four (4) day, ten (10) hour per day week or a nine (9) hour day, 80-hour biweekly work pattern shall be eligible for overtime compensation as provided in Rule 12.3.2.

9.2.4

PART-TIME EMPLOYMENT (EDUCATION CODE SECTIONS 88035, 88036)

- A. A part-time position is an assignment of less than 35 hours per week.
- B. Part-time employees, hired into regular positions, shall be entitled to all the rights, benefits, and burdens of full-time classified employees serving in the same job family. These benefits shall be prorated.
- C. Whenever a regular part-time employee is required to work for 30 minutes or more per day in excess of the regular assigned time of his/her position for 20 consecutive workdays, the assigned time of his/her position shall be changed to reflect the increased assignment. (See Rule 9.6.2.)

9.2.5

FLEXTIME (ADMINISTRATIVE POLICY)

- A. It shall be the policy of the Santa Monica Community College District to allow employees and their supervisors to rearrange the employee's work schedule to allow each individual greater control over when hours are worked.
- B. Flextime shall include:
 - 1. The work patterns listed in Rule 9.2.3. (9/80, 4/40), when these work patterns are employee-initiated.
 - 2. A work schedule with nonstandard starting and ending time; example: Monday - Friday, 6:00 AM - 2:45 PM.
 - 3. A work schedule with regularly alternating work hours on different days: example: M, W, F, 7:00 AM - 3:45 PM; T, Th, 10:00 AM - 6:45PM.
 - 4. A nonstandard lunch schedule within the workday; example: 7:45 AM - 4:15 PM (1/2 hr.); 7:30 AM - 4:15 PM (3/4 hr.); 7:30 AM - 4:30 PM (1 hr.)

Section 9.2.5.C

- C. Flextime scheduling shall be approved/disapproved by the immediate supervisor, the department head, and the Personnel Director. In approving/disapproving the request, each supervisor shall take into account the needs of the employee as well as the student, faculty and public service needs of the department and the District.

Rule 9.3

PROBATIONARY STATUS (EDUCATION CODE SECTION 88120)

9.3.1

INITIAL PROBATIONARY PERIOD

- A. Each new employee appointed from an eligibility list shall serve an initial probationary period of six (6) months or 130 working days, which ever is longer, in one class, before attaining permanency in the classified service.
- B. For classes designated by the Personnel Commission as executive, administrative, or supervisory, or for employees designated as peace officers, the probationary period shall be one calendar year.
- C. Credit toward completion of probation shall be granted only for service in a regular position in a class after appointment from an eligibility list, and shall not include time while an employee is absent from his/her work for ten (10) or more consecutive workdays.

9.3.2

COMPLETION OF INITIAL PROBATION

- A. Each probationary classified employee shall be evaluated on job performance by his/her immediate supervisor.
- B. The schedule of evaluation shall be at the end of the second, end of the fourth and prior to completion of the sixth month of employment.
- C. A new employee may be disqualified at any time during the probationary period.
- D. A new classified employee shall be given a written notice of acceptance into or disqualification from the permanent classified service prior to the date on which the probationary period ends. Whenever a new employee is to be disqualified, the immediate supervisor shall prepare a written report, which shall be submitted for approval to the next level supervisor and the District Personnel Administrator who, upon approval, shall notify the employee of the action taken. A copy of the notice shall be filed simultaneously with the Personnel Director.
- E. A new employee who is to be disqualified may be allowed the opportunity to resign in lieu of disqualification, prior to board action.
- F. A new employee shall not have the right to appeal disqualification, suspension, or dismissal unless the appeal is based on a claim of discrimination because of his/her affiliations, race, color, national origin, age, marital status, sexual orientation, gender, physical or mental disability, ancestry, medical condition (as defined in Government Code Section 12916), employee organization membership or non-membership, or religious or political beliefs or acts.
- G. A new employee who resigns in good standing during his/her initial probationary period shall, upon request, have his/her name restored in proper rank to the eligibility list. However, such action shall not extend the life of the list or the period of eligibility of the person.

9.3.3

SUBSEQUENT PROBATION FOR PERMANENT
CLASSIFIED EMPLOYEES (EDUCATION CODE SECTION
88124)

- A. A permanent classified employee who has been promoted, transferred, or who has demoted voluntarily to a new class in which the employee has not previously served, shall serve a new probationary period in the class, before attaining permanency in that class.
- B. A permanent employee who has been promoted to a higher class, or transferred to a new class, may be involuntarily returned to his/her former class due to unsatisfactory work performance in the event he/she receives an unsatisfactory second or third performance evaluation. The employee shall not have the right to appeal, unless the demotion will result in separation of the employee from the classified service, or the employee alleges the action is based on discrimination as listed in Rule 9.3.2 above.
- C. Suspension, or dismissal of a permanent classified employee serving a probationary period in a new class shall constitute disciplinary action and the employee shall retain his/her full right of appeal as provided in Rule 14.2.

Rule 9.4

PERMANENCY

9.4.1

PERMANENT STATUS DEFINED (EDUCATION CODE SECTION 88120)

- A. Upon successful completion of the prescribed initial probationary period, a classified employee shall be deemed to be in the permanent classified service.
- B. Except as provided below, the probationary period shall be 6 calendar months or 130 working days, whichever is longer.
- C. For classes designated as executive, administrative or supervisory, and for law enforcement and security classes, the probationary period shall be one calendar year.

9.4.2

RIGHTS, BENEFITS AND BURDENS OF PERMANENT CLASSIFIED EMPLOYEES

- A. Every permanent classified employee shall be entitled to all the rights, benefits and burdens conferred by law or by the action of the Board of Trustees for classified employees of like classification, including a vested right to his/her position. A permanent classified employee may be removed only for cause as listed in Rule 14.1, due to lay-off or as otherwise specified in these Rules.

Rule 9.5

TRANSFER (EDUCATION CODE SECTION 88097)

Transfer procedures for unit members are contained in Article 6 of the District/CSEA Contracts.

9.5.1

DEFINITIONS

- A. A position transfer shall mean the reassignment of an employee from one position to another position in the same class.
- B. Lateral transfer shall mean the reassignment of an employee to a position in a similar or related class with the same salary range.
- C. Transfer in lieu of layoff shall mean the reassignment by transfer without examination of an employee who meets the minimum qualifications, to a vacant position within a different classification with the same salary range or to a vacant position in a different classification with a lower salary rate provided that:
 - 1. the position has not been designated by the District as ineligible to be filled by transfer in lieu of layoff, and
 - 2. the employee has not previously achieved permanent status in the classification in which the position resides.

9.5.2

POSITION TRANSFER

- A. Position transfers may be made within the classified service from one position in a class to another position in the same class. A position transfer may be initiated by the Administration or at the request of the employee.
- B. Administration initiated position transfers may be made at any time for the good of the service upon approval of the District Personnel Administrator and the department supervisor(s) affected, and shall be governed by the following procedures:
 - 1. An employee who is about to be transferred shall be notified in writing by his/her immediate supervisor of the reason(s) for the transfer at least five (5) working days prior to the effective date of the transfer.

2. Employees shall not be transferred solely for punitive or preferential reasons.

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- C. An employee may initiate a position transfer if he/she has permanent status in the classified service and is performing satisfactorily in his/her position. An employee currently under evaluation for unsatisfactory work performance may initiate a transfer request only upon the approval of the Personnel Director.

9.5.3

LATERAL TRANSFER

- A. Transfers from a position in one class to a position in another related class must first be approved by the Personnel Director subject to ratification by the Personnel Commission at the next regular meeting. Such approval may be given only when the transfer is lateral. Determination of whether classes are sufficiently related to permit transfer between them shall be based on similarity of:
 - 1. Entrance qualifications.
 - 2.. Examination content.
 - 3. Duties and responsibilities.
- B. The extent to which the two classes must be comparable may depend on additional factors. In general more latitude is allowed:
 - 1. As an employee's length of service with the District increases.
 - 2. When the request for transfer is based on layoff, reclassification, or health.
- C. A permanent employee who transfers to a new class in which he/she has not completed a probationary period shall serve a new probationary period in the class. Seniority in each of the classes shall be counted separately.

9.5.4

Transfer in Lieu of Layoff

A. Authorization

1. Transfer in lieu of layoff may be considered by the District upon passage by the Board of Trustees of a Resolution for Layoff of positions in the classified service due to lack of work or lack of funds.
2. Transfer in lieu of layoff shall only occur for employees who do not have displacement (bumping) rights and will be separated from the classified service as the result of a layoff.
3. Transfer in lieu of layoff may only occur to positions at the same salary range or lower.

B. Eligibility

1. Employees who have gained permanent status are eligible to be considered for transfer in lieu of layoff.
2. Employees with fewer than six months of service in their position are not eligible to be considered for transfer in lieu of layoff.

C. Minimum Qualifications

An employee considered for transfer in lieu of layoff must meet the minimum qualifications of the classification of the position for which he or she is being considered.

D. Subsequent Probation (Education Code Section 88124)

1. shall serve a new probationary period in the position into which they transferred before attaining permanency in the classification. In those instances where an employee has already attained permanency in the classification into which he or she is proposing to transfer in lieu of layoff, he or she will not serve another probationary period.
2. Failure to pass the probationary period shall result in dismissal from the position. The employee's

name will remain on the reemployment list of the position from which he or she was initially laid off.

3. Successful completion of the probationary period shall mean that the employee is deemed to be in the permanent classified service and will enjoy all the rights, benefits and burdens associated therewith.

E. Salary

Salary placement of an employee who accepts transfer in lieu of layoff shall be at the same step as the employee's current salary of the lower or equal salary range of the position into which he or she will be transferring.

F. Seniority (Education Code Section 88127)

Seniority will accrue to persons who are transferred in lieu of layoff in the new classification beginning on the first day of service in the class and as defined in Merit System Rule 13.1.

G. Longevity

Longevity credits earned prior to transfer in lieu of layoff shall be retained.

H. Procedure

1. Within two (2) working days of the passage of the Resolution for Layoff by the Board of Trustees the District Human Resources office will notify the Personnel Commission in writing of vacant positions ineligible to be filled by transfers in lieu of layoff. In the absence of a list of ineligible positions, the Personnel Commission will deem all positions eligible to be considered for transfer in lieu of layoff.
 - a. The Personnel Commission will certify layoff lists to the District within five (5) working days after confirmation of the Resolution for Layoff. These layoff lists will contain the names of persons who could be separated from service as the result of displacement (bumping).
 - b. The District Human Resources Office will send the initial notice of layoff to those

persons occupying the position identified by the Board of Trustees. This initial notice of layoff shall be given at least 45 calendar days prior to the effective date of the layoff. The Personnel Commission will within the 45-day notification, contact all those persons whose names are on a layoff list and advise them they may submit an application for an evaluation of their experience and education for possible transfer in lieu of layoff.

2. Determination of whether an employee meets the minimum qualifications of a position to be filled by transfer in lieu of layoff shall be done by the Personnel Commission within the 45-day notification of layoff period.
 - a. Employees seeking transfer in lieu of layoff must submit an Application for Classified Employment to the Personnel Commission within five (5) working days of the date of the receipt of the District's initial notification of layoff.
 - b. An employee who meets the minimum qualifications of vacant position will have his or her name placed on a transfer in lieu of layoff list, which shall be formally ratified by the Personnel Commission before names are certified to the District.
 - (1) A transfer in lieu of layoff list shall be considered an employment list as defined by Merit System Rule 6.1
 - (2) An employment list established pursuant to the provisions of this rule shall consist of the names of current employees who are eligible for transfer in lieu of layoff into a vacant position without competitive examination.
 - (3) A transfer in lieu of layoff list shall take precedence over all other employment and eligibility list. This list shall contain the names of all

regular classified employees who meet the minimum qualifications for the classification for which the list is established and who, because of lack of work or lack of funds, will be separated from the classified service.

I. Certification

If two or more persons are eligible to transfer to a vacant position, the person with the greatest total seniority in the classification service who meets the minimum qualifications of the classification, shall be offered the first transfer in lieu of layoff opportunity. If that person declines the opportunity his or her names shall be removed from the transfer in lieu of layoff list and he or she will be laid off. Upon declination by the first person eligible for transfer in lieu of layoff, the next person with the next greatest total seniority in the classification of the vacancy, will be offered the transfer in lieu of layoff. If the second person declines the opportunity his or her name shall be removed from the transfer in lieu of layoff list and he or she will be laid off. Each subsequent offer made will be made to persons, in seniority order, who meet the minimum qualifications of the vacant position(s) as defined above.

J. A final notice of layoff will be sent by the Personnel Commission to persons who are unable or unwilling to transfer in lieu of layoff

K. Reemployment

Persons who attain permanency in a position into which they transferred in lieu of being laid off will have their names placed on a reemployment list for the classification into which they transferred in the event a subsequent reduction in force (layoff) in that classification due to lack of work or lack of funds. The reemployment list established shall have the same force and effect as any other reemployment list pursuant to Education Code Sections 88117 and 88127 and Merit System Rules 6.1.1 and 13.4.1

9.5.5

TRANSFER PROCEDURE (Non Fiscal Crisis)

- A. Transfer opportunities in vacant positions during periods of non-fiscal crisis, which shall be defined as periods when no layoffs are pending as the result of the passage of a Resolution for Layoff by the Board of Trustees shall be announced to employees by a written bulletin which shall be distributed and posted for ten (10) working days at work locations pursuant to the negotiated Agreement between the District and CSEA.
- B. A permanent employee may request a transfer by submitting a transfer request to the Personnel Director. A permanent employee may request to be notified of transfer opportunities, which occur during his/her non-work recess or leave period(s) by submitting a written request to the Personnel Director. Notification shall be sent by U.S. mail to the last mailing address listed for the employee in the Personnel Commission Office.
- C. The Personnel Director shall certify the names of qualified position transfer applicants to the department supervisor for interview as provided in Rule 6.3.4. The department supervisor shall consider transfer applicants based on specific skills and qualifications, and prior job performance as evidenced by the employee's most recent job performance evaluation. A selection may be made from the transfer applicants, or the department supervisor may request certification from the appropriate eligibility list.
- D. The department supervisor shall notify the Personnel Director of his/her decision within three (3) working days after completion of the interviews. An employee selected for transfer shall be released within 10 working days after the date of selection, unless otherwise agreed to by all parties. The effective date of transfer shall be communicated in writing to all parties by the Personnel Director.
- E. A transfer shall not change the employee's range and step placement on the salary schedule, salary increment date, accumulated leave and vacation

credit, nor in any other manner adversely affect his/her rights, as provided in law and these Rules.

9.5.6

APPLICATION OF TRANSFER PROCEDURE FOR UNIT MEMBERS

- A. Transfers for unit members shall be made in accordance with these rules and the provisions of Article 6 of the collective bargaining agreement between the Santa Monica Community College District and Santa Monica Chapter 36 California School Employees' Association.

Rule 9.6

CHANGES IN ASSIGNED TIME

9.6.1

GENERAL RULE

- A. When a class contains permanent positions of varying hours of work per day, week, or month, the position shall be filled by certifying requesting employees and eligibles from the eligibility list as provided in Rule 6.3.

9.6.2

INCREASES IN ASSIGNED TIME (EDUCATION CODE SECTION 88036)

- A. When a part-time employee is required to work for 30 minutes or longer per day in excess of the regular assigned time of his/her position for 20 consecutive workdays, the assigned time of the position will be increased to reflect the longer hours.
- B. For purposes of this rule, when an increase in time of more than one hour per day is assigned to an existing permanent position the position shall be considered vacant.
- C. Such a vacant position shall be filled in accordance with Rule 6.3.
- D. An increase in time of one hour or less per day assigned to an existing permanent position shall not cause the position to be considered vacant, and the increased time shall be assigned to the existing incumbent.

9.6.3

DECREASES IN ASSIGNED TIME (REDUCTION)

- A. For the purpose of this Rule, a decrease in the assigned time per day, hours per week, or months per year of an existing permanent position shall be considered a layoff for lack of funds or lack of work.
- B. When the regular assigned hours of a position or positions are to be reduced, the District Personnel Administrator shall:
 - 1. Determine the class(es) and location(s) to be affected by the reduction.
 - 2. Notify the employees affected and the Personnel Director of the effective date of the reductions and the Board approval date. Notifications shall be made at least 30 days prior to the effective date.
 - 3. Process reductions according to the paragraph below and Rule 13.2.
- C. When the Board of Trustees has approved a reduction in the assigned time of a permanent position, the incumbent shall be transferred into any vacant position in the class, which is not greater in assigned time than the employee's original position. If a vacant, permanent position of equal time is not available, the incumbent shall have the right to displace (bump) into the position with equal time held by the employee with the least seniority in the class, provided that the employee exercising the bumping has greater seniority. If neither option is available, the employee may displace (bump) into a position with less time, provided he/she has greater seniority than the least senior incumbent. The employee who is displaced (bumped) shall have the same displacement (bumping) rights.

Section 9.6.3.D

- D. Every employee shall have the opportunity to voluntarily accept a reduction in assigned time in order to remain in his/her position, before he/she is transferred to another position. Employee-initiated requests for voluntary reduction to another position with lesser hours shall be processed as a voluntary demotion in accordance with Rule 9.7.

Rule 9.7

DEMOTION AND RESTORATION

9.7.1

VOLUNTARY DEMOTION

- A. A permanent classified employee may request a voluntary demotion to a vacant position in a class with a lower maximum salary rate provided that:
 - 1. The employee has previously achieved permanent status in the class, or;
 - 2. The request for demotion is to a related class in the same occupational group.

The request shall be subject to approval by the Personnel Director.

- B. An employee may request a voluntary reduction in assigned time in lieu of layoff in order to remain in his/her present position rather than to be reclassified or reassigned.
- C. A permanent employee may accept a temporary demotion on a voluntary basis to fill a limited-term position or a summer assignment.
- D. A voluntary demotion is a privilege available to a probationary employee only in cases when he/she would otherwise be laid off.
- E. An employee who demotes to a position in a class in which he/she does not hold permanency shall complete the appropriate probationary period in the new class.
- F. Salary placement for employees who voluntarily demote to a class with a lower salary rate, shall be in accordance with Rule 12.2.9.

9.7.2

INVOLUNTARY DEMOTION (EDUCATION CODE SECTION 88121)

- A. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent procedures listed in Rule 14.1.
- B. A permanent employee who has been promoted to a higher class, or transferred to a new class may be involuntarily returned to his/her former class during the probationary period due to unsatisfactory work performance without the right of appeal. (See Rule 9.3.3.)
- C. A permanent employee who is involuntarily demoted at any time other than the probation period(s) listed in paragraph B above, shall have the right to appeal. See 14.2.
- D. Salary placement upon involuntary demotion shall be in accordance with Rule 12.2.9.

9.7.3

RESTORATION (EDUCATION CODE SECTION 88117)

- A. An employee who has taken a voluntary demotion may be restored to a vacant position in his/her former class within 39 months. Restoration shall be discretionary with the appointing authority except when demotion or reduction was chosen in lieu of layoff.
- B. Employees, who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or to remain in their present position rather than to be reclassified or reassigned, shall be granted the same 39 month reemployment rights as all laid off employees and shall also be given an additional 24 month reemployment period, provided that the same qualifications for the class still apply. The Personnel Commission shall make a determination of the specific eligibility period for each class. See Rule 13.4.

Section 9.7.3.C

- C. Employees who take voluntary demotions or reductions in assigned time in lieu of layoff shall have the option to return to a vacant position in their former class or to a vacant position with increased time without time limitation.
- D. Salary placement shall be in accordance with Rule 12.2.13.

Rule 9.8

ASSIGNMENTS OF DISABLED EMPLOYEES
(EDUCATION CODE SECTION 88098)

9.8.1

GENERAL POLICY

- A. When a permanent employee becomes unable to perform the duties of his/her classification because of illness or injury as determined by medical authority designated by the District, the employee may be reassigned to new duties, which are within his/her capabilities. Reassignment, if any, shall be at the discretion of the appointing authority, with the approval of the Personnel Commission as prescribed in this Rule.

9.8.2

REASSIGNMENTS

- A. A disabled employee's duties in his/her regular position may be altered in accordance with his/her disability. Such changes in duties shall be reported to the Personnel Director, and are subject to classification by the Personnel Commission.
- B. A disabled employee may accept demotion or transfer to a less demanding position in another class, with the approval of the Personnel Commission.
- C. A disabled employee may be assigned to a position in a higher class, with the approval of the Personnel Commission, but shall receive no salary benefit from such assignment until he/she is appointed to the higher class from an eligibility list resulting from a competitive examination.

9.8.3

EFFECT OF REFUSAL BY EMPLOYEE

- A. A disabled employee may refuse assignments to other classes without effect on his/her rights under sick leave provisions of the law and these Rules. However, there is no obligation for the appointing authority to renew offers of reassignment, which have been refused, or to make alternative offers.

Rule 9.9

EMPLOYEE PERSONNEL FILE (EDUCATION CODE SECTION 87031) (GOVERNMENT CODE SECTION 6250)

9.9.1

GENERAL POLICY

- A. The District shall maintain an official employee personnel file for each classified employee. The file shall be confidential.
- B. The employee personnel file shall be available for inspection by the Superintendent, the District Personnel Administrator and the Personnel Director and designated members of their designated staffs, a line manager above the employee, and the employee or his/her representative. When an employee wishes to inspect his/her personnel file, he/she shall request the approval of his/her supervisor for release time and make proper arrangements with the Classified Personnel Department.
- C. Materials in the employee's personnel file which may affect the status of his/her employment are available for inspection by the employee, except that, such materials shall not include confidential ratings, reports or records which were:
 - 1. Obtained prior to the employment of the employee.
 - 2. Prepared by examination committee members.
 - 3. Obtained in connection with a promotional examination.
- D. Whenever information of a derogatory nature is to be entered into an employee's personnel file, he/she shall first be given written notice that he/she has five (5) working days to review the information and submit a written comment on it. Such a review shall take place during normal business hours and without loss of pay to the employee.