

**BERKELEY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION OF THE MERIT SYSTEM
THURSDAY, FEBRUARY 4, 2010, 3:30 P.M.**

AGENDA

**1835 Allston Way
Berkeley, CA 94703
(Administrative Annex Conf. Room)**

- | | | |
|--|--|---------------------|
| 1. Call to Order | | INFORMATION |
| 2. Commissioner Roll Call | | INFORMATION |
| Shirley Van Bourg, Chair | <input type="checkbox"/> present <input type="checkbox"/> absent | |
| Dan Lee, Vice-Chair | <input type="checkbox"/> present <input type="checkbox"/> absent | |
| Degui Montrice Goodman | <input type="checkbox"/> present <input type="checkbox"/> absent | |
| 3. Move to Closed Session | 3:30 P.M. | ACTION |
| a. Selection of Third Commissioner | | |
| 4. Report from Closed Session | 4:00 P.M. | INFORMATION |
| 5. Approval of Agenda | | ACTION |
| 6. Approval of Minutes | | ACTION 1-6 |
| a. Personnel Commission Meeting of January 14, 2010 | | |
| 7. Public Comments | | INFORMATION |
| 8. Reports | | INFORMATION |
| a. Collective Bargaining Units' Comments | | |
| b. Secretary's Comments | | |
| 1. Current Recruitment Report | | |
| c. Commissioners' Comments | | |
| 9. Approve the Following Eligibility Lists: | | ACTION 7-9 |
| a. Instructional Assistant ECE (Promotional) | | |
| b. Instructional Assistant ECE (Open/Combined) | | |
| c. Instructional Technician EDP (Open/Combined) | | |
| d. Senior Accountant (to be Provided at Commission's meeting) | | |
| e. Instructional Specialist Dance (to be Provided at Commission's meeting) | | |
| 10. Classification Study | | ACTION 10-11 |
| 11. Bilingual Classification - Secretary | | ACTION 12-15 |

12. **Review Goals and Mission of the Personnel Commission**
Placed on Agenda by Ms. Denise Diggs-Ray **DISCUSSION**
13. **Establish Requirements for Typing Certifications for Permanent Employees**
Placed on Agenda by Ms. Denise Diggs-Ray **DISCUSSION/ACTION**
14. **Review Professional Expert Assignments to Ensure Compliance with Ed Code and Merit Rule 30.100.4**
Placed on Agenda by BCCE **DISCUSSION/ACTION 16**
15. **Review and Provide Clarification of Duties /Responsibilities**
 - **Classified Personnel Director**
 - **Personnel Services Director**

Placed on Agenda by BCCE **DISCUSSION/ACTION**
16. **Review Independent Contractor Agreement to Ensure Compliance with Ed Code 45103**
Placed on Agenda by BCCE **DISCUSSION/ACTION 17**
17. **Review Appointments of Provisional (50.300), limited Term, (60.300.1), and Temporary Appointments to Ensure Compliance with Ed Code and Merit Rules**
Agenda by Placed on Agenda by BCCE **DISCUSSION/ACTION 18-20**
18. **Review BUSD Hazardous Communication Program for Commission's Role and Implementation**
Placed on Agenda by BCCE **INFORMATION**
19. **Public Comments** **INFORMATION**
20. **Adjournment**

Personnel Commission of the Merit System Minutes
Thursday, January 14, 2010
BUSD Council Chambers
2134 Martin Luther King Jr. Way– Open Session
Berkeley, CA 94703

Personnel Commission Members

Shirley Van Bourg, Chairwoman
Dan Lee, Commissioner
Degui Montrice Goodman, Commissioner

1. Call to Order

Chairwoman Van Bourg called the meeting to order at 3:30.

2. Commissioner Roll Call

Roll call was taken by Francisco Martinez, Director of Classified Personnel and Secretary of the Personnel Commission.

Present: Commissioners Shirley Van Bourg, Dan Lee and Degui Montrice Goodman

3. Move to Closed Session

4. Report from Closed Session

No report from Closed Session

5. Approve Agenda

Motion: approve agenda

Unanimously approved

6. Approval of Minutes

a. Personnel Commission Meeting of October 1, 2009

Motion: to approve minutes as corrected

Corrections: Item #6, Approval of Eligibility Lists, second paragraph, line 6, "suspecting" changed to "expecting." Second paragraphs, line 10, "have not been considered" changed to "were not considered." Item #9, Salary Market Survey and Classification Study Update, add line: "Ms. Phillips stated other districts COLA payments were not considered." Item #10, Substitutes in Open Positions, change last line to "I am working with the Business Services office regarding this matter."

Unanimously approved

b. Personnel Commission Meeting of November 5, 2009

Motion: to approve minutes as corrected

Corrections: Item #9, Eligibility list (c) Instructional Assistant-Special Education, line 6 add: Director Martinez responded, "There is no expiration on NCLB compliance certificates. Yes, we do accept compliance certificates from other jurisdictions." Item #10, Denise Diggs-Ray's Appeal, approval of the last paragraph was put on hold until Ms. Diggs-Ray had an opportunity to review the tapes.

Unanimously approved

c. Personnel Commission Meeting of November 10, 2009

Motion: to approve minutes as corrected

Corrections: Second page, second line, change "specifications" to "specified."

Unanimously approved as corrected

d. Personnel Commission Meeting of December 10, 2009

Motion: to approve minutes as corrected

Corrections: Item #7, Reports (BCCE), second paragraph add: Ms. Phillips, BCCE, stated to prevent the classification study from being bifurcated between two consultants, the Merit Rules Revision Committee made a revision to the Merit Rules.

7. Public Comments

Tim Donnelly, BCCE, (agenda item 13) stated that some portions of the reclassification study should be salvaged.

8. Reports

a. Collective Bargaining Units' Comments

Paula Phillips, BCCE President, requested that Instructional Assistant-Special Education job announcements list differential pay. A request was made by Ms. Phillips to keep copies of employee transcripts in personnel files so employees did not have to submit them with their applications.

b. Secretary's Comments

1. Current Recruitment Report

Filled Positions

IT (Cragmont)

IA ECE (BAM Bears/ Washington Bears)

IA ECE (King CDC)

School Safety Officer (BHS)

Custodian I (John Muir/Emerson)

Custodian I (King/Hopkins/TO)

Custodian I (BAS)

Clerical Asst III (BAS)

c. Commissioners' Comments

Chairman Van Bourg announced that the issue of a third commissioner would be placed on the February 4th agenda.

Commissioner Goodman thanked the public for bringing forth their concerns and comments. Ms. Goodman requested that all participants respect each other even if they disagree.

9. Approval of Eligibility Lists

a. Instructional Specialist PE

Motion: to approve eligibility list

Unanimously approved

10. School-Linked Programs Manager Hiring Process

This item was placed on the agenda by Ms. Ramona McGary. Ms. McGary was not present at the meeting. Ms. Denise Diggs-Ray, BCCE, spoke on behalf of Ms. McGary. The Commissioners made a concerted effort to understand Ms. McGary's intentions based on the paperwork submitted but were unable to conclude what action she was requesting. The item was accepted as information.

11. Agenda Item Requests

This item was placed on the agenda by Ms. Denise Diggs-Ray. Ms. Diggs-Ray had asked the Commission to overturn the rejection of her application for Administrative Assistant. Ms. Diggs-Ray requested that the requirement for current employees to submit typing certificates be removed from the job postings if the employee currently holds a clerical position that requires the same typing speed. Ms. Diggs-Ray requested that the appeal process be made more clear to employees. Chairwoman Van Bourg stated that she will make sure the appeal process is clear and well communicated.

Chairwoman Van Bourg suggested the appeal process be considered by the Merit Rules Revision Committee.

Anita Thomson, BCCE, requested that current employees in the Instructional Assistant classification have the opportunity to get training to become a Behavioral Instructional Assistant. The position/job classification of Behavioral IA currently does not exist in the district. Paula Phillips, BCCE, stated that

outside contractors are currently performing the work. She requested that all work in the classified service be done by classified employees.

Chairwoman Van Bourg asked the Director of Classified Personnel to collect information regarding the districts use of contract workers. *Chairwoman Van Bourg requested that it be placed on the February 4th meeting agenda.*

12. Re-Employment of Maria Soria (IA ECE, Rule 50.100.2)

This item was placed on the agenda by BCCE

Paula Phillips, BCCE, stated Ms. Soria was an IA ECE with Berkeley Unified Schools. Ms. Soria took a leave of absence as a 1.0 FTE and was placed on the 39-month re-employment list. Ms. Phillips wanted to ensure that Ms. Soria is reinstated at the highest FTE possible. Francisco Martinez, Director of Classified Personnel, stated that he had offered Ms. Soria reemployment. Mr. Martinez asked for time to review what type of leave Ms. Soria had taken.

13. Classification Study

Chairwoman Van Bourg stated that she met with Superintendent Huyett who would like the Merit Commission to take on the task of having a new Reclassification Study performed. The Superintendent also suggested that both parts of the study be conducted simultaneously. Steve Collins, Local 21, stated that Local 21 would like to move forward with the Classification Study. Kris Amaral, Local 39, stated that Local 39 was in agreement with the Superintendent. Paula Phillips, BCCE, stated that BCCE is also in agreement with Local 39 and the Superintendent.

Commissioner Lee requested that the Classification Study be placed on the agenda as an Action item for the February 4th meeting.

14. 2010 Proposed Personnel Commission Meeting Dates

Merit Commission meeting dates were approved as amended and will be handed out at the February 4th meeting.

15. Testing Process for Positions that Require NCLB compliance

This item was placed on Agenda by BCCE.

Paula Phillips, BCCE, requested that applicants not be required to retest for NCLB compliant jobs once they have passed a NCLB qualified exam. Mr.

Martinez, Director of Classified Personnel, stated that the exams are similar but different.

Motion: NCLB compliant applicants do not have to retake the written examination for new classifications.

Unanimously approved

16. Clarity on Vacancy and Transfer Applications

This item was placed on Agenda by BCCE

BCCE requested that all internal applicants be granted an interview with the hiring authority before outside candidates are interviewed. BCCE wants to make sure internal candidates are considered first. BCCE is concerned that this process is not being followed and that internal candidates are not being granted interviews. Chairwoman Van Bourg stated that the Merit Commission did not have jurisdiction over the matter since transfers are governed by the bargaining unit contracts. Director Martinez stated that the language of the contract states that an employee may be granted a transfer but that a transfer is not guaranteed.

Chairwoman Van Bourg requested that this item be tabled and placed on the February 4th agenda.

17. Typing Certifications for Current Employees

This item was placed on the Agenda by BCCE

BCCE requested that employees who currently hold a position where they have met the typing speed requirements not be required to submit a typing certificate when applying for other clerical positions. Director Martinez stated that he does not believe the request to attach a current typing certificate unreasonable.

Chairwoman Van Bourg requested that the item be placed on the February 4th agenda for further discussion.

Meeting adjourned at 8:03 p.m.

Motion Summary

Motion: To approve agenda

Unanimously approved

Motion: to approve October 1, 2009 minutes as corrected

Unanimously approved

Motion: to approve November 5, 2009 minutes as corrected

Unanimously approved

Motion: to approve December 10, 2009 minutes as corrected

Unanimously approved

Motion: to approve eligibility list for Instructional Specialist-PE

Unanimously approved

Motion: NCLB compliant applicants do not have to retake the written examination for new classifications.

Unanimously approved

BERKELEY UNIFIED SCHOOL DISTRICT

MERIT SYSTEM

Eligibility List for: **INSTRUCTIONAL ASSISTANT-ECE –
(Promotional)**

Written Examination: **January 15, 2010**

Performance Evaluation: **n/a**

Technical/General Fitness Oral: **January 26, 2010**

Lists established by Personnel Commission: **February 4, 2010 to expire February 4, 2011**

<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
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1. Bowman, Rachelle

_____	_____
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BERKELEY UNIFIED SCHOOL DISTRICT

MERIT SYSTEM

Eligibility List for:

**INSTRUCTIONAL ASSISTANT-ECE –
Open/Combined**

Written Examination:

January 15, 2010

Performance Evaluation:

n/a

Technical/General Fitness Oral:

January 26, 2010

Lists established by Personnel Commission:

February 4, 2010 to expire February 4, 2011

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Franz, Carly*	_____	_____
2. Leftrict, Crystal	_____	_____
3. Long, Diane	_____	_____
4. Anderson, Courtney*	_____	_____

*Expires August 13, 2010

BERKELEY UNIFIED SCHOOL DISTRICT

MERIT SYSTEM

Eligibility List for: **INSTRUCTIONAL TECHNICIAN – After School Program - (Open/Combined)**

Written Examination: **November 4, 2009**

Performance Evaluation: **n/a**

Technical/General Fitness Oral: **January 20, 2010**

Lists established by Personnel Commission: **February 4, 2010 to expire February 4, 2011**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Shepard, Heather **	_____	_____
2. Crafton, Jerome ***	_____	_____
3. Newman, David *	_____	_____
4. Shuttleworth, David **	_____	_____
5. Ilyas, Joshou **	_____	_____
5. Hass, Benjamin **	_____	_____
5. Wilson, Marqueax **	_____	_____
6. Moore, Jennifer **	_____	_____
6. Peake, Jacob **	_____	_____
7. Hale, Russella **	_____	_____
7. Hilburn-Owens, Lamar **	_____	_____

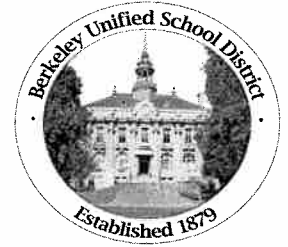
Expires 10/01/10*

Expires 12/10/10**

Expires 2/04/11***

Berkeley Unified School District

2134 Martin Luther King Jr. Way, Berkeley, California 94704-1180
Phone: (510) 644-6150 Fax: (510) 644-6151 www.berkeley.k12.ca.us



William Huyett
Superintendent

To: Personnel Commission of the Merit System
From: Francisco Martínez
Director of Classified Personnel
Date: February 4, 2010
Subject: Classification Study

Background

The Stationary Engineers (Local 39) and the Berkeley Council of Classified Employees (BCCE) have recommended to the Personnel Commission that the ongoing classification study be vacated and a new job classification study commence. The International Federation of Professional and Technical Engineers (Local 21) would like that the Local 21 classifications be moved forward as recommended by Koff and Associates and Rewards Strategy Group, Inc.

The Classification Study has taken a few years to complete. Koff and Associates and Rewards Strategy Group, Inc. conducted the classification study of all classified positions. Koff and Associates performed the salary market survey and Rewards Strategy Group wrote the job descriptions and job titles.

It is not very common for a job classification study to be bi-furcated where one company writes the job descriptions and another company determines the job duties' value. It is more common for one company to conduct the entire classification study.

One of the main concerns regarding the ongoing classification study is the creation of many new single job classifications (i.e. Program Coordinator, CSIS/School Assignment, Program Coordinator, Health Education Program Coordinator, Nutrition Education and Program Coordinator, Student/School Assignment) for employees who perform similar functions. The Berkeley Unified School District and the Berkeley Council of Classified Employees, on various occasions, have stated that the creation of so many new job classifications does not benefit the District nor employees.

In light of these events, it is worthwhile for the Commission to consider whether to vacate the ongoing job classification study and commence a new job classification study.

Merit Commission Rule/Ed. Code

Rule 30.200 (General Classification Rules)

Recommendation

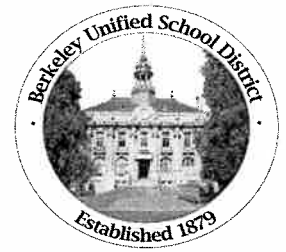
Option # 1: Vacate the entire classification study and commence a new classification study.

Option #2: Vacate the classifications corresponding to Local #39 and BCCE.

Option #3: Advance the classifications corresponding to Local 21.

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William Huyett
Superintendent

TO: Personnel Commissioners
FROM: Francisco Martínez, Director Classified Personnel
DATE: February 4, 2010
SUBJECT: Creation of Bilingual Classification Position - Secretary

Background Information

In 1968, Berkeley Unified School District (District) voluntarily integrated all schools. Our commitment to this important and precious legacy continues to be a primary value in our community. The City of Berkeley is rich in cultural, educational, racial, ethnic, economic and linguistic heritage. Unfortunately, a large number of African American and Latino students and families do not receive the full breadth of educational services provided at District schools.

As the District refocuses its efforts to more effectively address the needs of our most disadvantaged students, it must hire staff that can successfully communicate and provide parent and student outreach and engagement to our underserved populations. To further this goal, the District has partnered with United in Action (a community grassroots organization), the Berkeley Alliance and the City of Berkeley in looking for ways to close the achievement gap in District schools. The Berkeley Unified School District Board of Education has approved a resolution to affirm the 2020 Vision for Berkeley's Children and Youth, which aims to remove barriers to educational equity for African American and Latino students by 2020 (see attached resolution).

In order to address the whole child and the District's commitment to the 2020 Vision for Berkeley's Children and Youth, staff must focus and dedicate time and energy in engaging our school communities and provide effective and culturally appropriate communication. For these reasons, District staff and the Board of Education strongly believe that bilingual (Spanish/English) staff must be hired. Moreover, Education Code 48985 mandates that if fifteen percent (15%) or more of the pupils enrolled in a public school speak a single primary language other than English, all notices, reports, statements or letters sent to the parents or guardians be communicated in the parents' primary language.

Merit Commission Rule 30.200.8.A (Positions Requiring Multiple Languages) permits the Board of Education, "with the approval of the Commission, designate positions within a class which require the holder of the position to speak, read and write a language in addition to English."

Berkeley Unified School District administration is requesting that the existing Secretary classification (Class 37) be created as a bilingual (Spanish/English) classification. The Bilingual Secretary position would support the Berkeley's Excellent Academic Road to Success (BEARS) school age child development program. This position would spend the majority of the work day interacting with families, including non-English speaking parents/guardians. BEARS serves a large number of English language learners. Thirty eight percent of the BEARS students are English Language learners, compared to eighteen percent District-wide.

Merit Commission Rule/Ed. Code

Rule 30.200.8(A)

Ed. Code 48985

Recommendation

Approve the creation of new bilingual, Spanish/English, Secretary position (Class 37).

**SCHOOL
Bilingual (Spanish/English)**

DEFINITION:

Under direction of an assigned supervisor, perform a variety of secretarial and clerical duties related to assigned office; organize and coordinate office activities and communications. Incumbents must demonstrate and possess the skill and ability to perform all essential job duties in English and Spanish.

DISTINGUISHING CHARACTERISTICS:

Employees assigned to the Secretary classification performed specialized secretarial and clerical duties for a high school vice principal, head teacher of a child development center or other assigned supervisor(s). The Senior Secretary is a higher level classification in the secretarial series; incumbents perform more complex secretarial duties in support of the manager of a single homogeneous District-wide program.

ESSENTIAL JOB DUTIES:

The following tasks are essential for this position. Incumbents in this classification may not perform all of these tasks, or any perform similar related tasks not listed here.

1. Perform secretarial and clerical duties in support of special operational area(s) to which assigned.
2. Receive visitors and answer telephones.
3. Administer placement tests as assigned.
4. Provide information and assistance to parents, students, staff and the public regarding policies, procedures, regulations, and program requirements.
5. Coordinate communications and organize office activities.
6. Type a wide variety of materials including memoranda, bulletins, lists, correspondence, reports, requisitions and other items.
7. Compile data and prepare a variety of records and reports.
8. Maintain statistical and financial records.
9. Open, sort and route mail.
10. Schedule appointments and conferences.
11. Prepare agendas for meetings.
12. Take and distribute minutes as appropriate.
13. Operate office machines including typewriter, computer, calculator and copiers.
14. May assist other departments as assigned.
15. Perform related duties as required.

Minimum Knowledge Skill and Ability:

KNOWLEDGE OF:

- Modern office practices, procedures and equipment.
- Correct English usage, punctuation, spelling and grammar.
- Telephone and receptionist etiquette and techniques.
- Interpersonal skills including tact, diplomacy and courtesy.
- Financial and statistical record-keeping techniques.

SKILL AND ABILITY TO:

- Speak, write and read Spanish and English fluently.
- Perform secretarial and clerical duties in support of an assigned supervisor.
- Learn to interpret, apply and explain the policies, procedures and regulations related to assignment.
- Communicate effectively orally and in writing.
- Establish and maintain effective and cooperative working relationships with others.
- Work effectively with frequent interruptions.
- Operate office equipment.
- Keyboard at a net speed of 45 words per minute.
- Prepare and maintain reports, records and files.

TRAINING AND EXPERIENCE:

Any combination equivalent to training and experience that could likely provide the required knowledge, skills and abilities would be qualifying. A typical way to obtain the knowledge, skills and abilities would be: graduation from high school including or supplemented by keyboard and office practice courses and two years of increasingly responsible clerical experience.

PHYSICAL REQUIREMENTS AND WORKING CONDITIONS:

- Require vision (which may be corrected) to read small print.
- Require mobility of arms to reach and dexterity of hands to grasp and manipulate small objects. Lower mobility may not be required.
- Perform work which is primarily sedentary.
- Is subject to inside environmental conditions.
- May be required to work at a video display terminal for prolonged periods.

30.100.3 Effect of Exemption

Any position or employee lawfully exempted from the classified service shall be excluded from the benefits and burdens imposed by these rules, except as provided by law or the Board of Education.

30.100.4 Professional Expert Assignments

- A. A professional expert is a District employee hired on a temporary basis pursuant to Education Code 45256(b)(6) for a specific project in an occupation that is not presently or anticipated will become a part of the District's classified or certificated occupational plans.
- B. When a professional expert assignment is to be made, the administration shall submit to the Personnel Director a description of the project, its duration, and the duties to be performed.
- C. Whenever feasible, professional expert positions shall be advertised so that existing certificated and classified employees and the potential applicant pool in the general public will have opportunities to know about the position and apply if they so desire.
- D. Professional expert assignments shall not be made to avoid payment of overtime to the assignment employee,, nor shall a limited-term position be filled as a professional expert assignment if the duties and responsibilities fit an existing class for which a reemployment or eligibility list exists.
 - 1) Professional experts shall not displace existing certificated or classified positions in the same occupation. It is recognized that there may be incidental overlapping duties on a short time, part-time emergency basis.
 - 2) Professional experts who work in instructional programs during the regular school day shall work under the immediate supervision of a certificated staff member.
- E. When the person is known who is to be appointed as a professional expert, his/her name and data relative to his/her qualifications must be submitted to the Personnel Director. Evidence of professional qualifications must be presented to the Commission at the time the written request for appointment is made. Authorization for service as a professional expert shall not exceed the specific time approved by the Commission. It is not the intent of the Commission to approve retroactive appointments. (Adopted May 19, 1988)

45103. (a) The governing board of any school district shall employ persons for positions not requiring certification qualifications. The governing board shall, except where Article 6 (commencing with Section 45240) or Section 45318 applies, classify all of these employees and positions. The employees and positions shall be known as the classified service.

(b) (1) Substitute and short-term employees, employed and paid for less than 75 percent of a school year, shall not be a part of the classified service.

(2) Apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment, shall not be a part of the classified service.

(3) Full-time students employed part time, and part-time students employed part time in any college workstudy program, or in a work experience education program conducted by a community college district pursuant to Article 7 (commencing with Section 51760) of Chapter 5 of Part 28 and that is financed by state or federal funds, shall not be a part of the classified service.

(4) Part-time playground positions shall not be a part of the classified service, where the employee is not otherwise employed in a classified position. Part-time playground positions shall be considered a part of the classified service when the employee in the position also works in the same school district in a classified position.

(c) Unless otherwise permitted, a person whose position does not require certification qualifications shall not be employed by a governing board, except as authorized by this section.

(d) As used in this section:

(1) "Substitute employee" means any person employed to replace any classified employee who is temporarily absent from duty. In addition, if the district is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the governing board may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.

(2) "Short-term employee" means any person who is employed to perform a service for the district, upon the completion of which, the service required or similar services will not be extended or needed on a continuing basis. Before employing a short-term employee, the governing board, at a regularly scheduled board meeting, shall specify the service required to be performed by the employee pursuant to the definition of "classification" in subdivision (a) of Section

45101, and shall certify the ending date of the service. The ending date may be shortened or extended by the governing board, but shall not extend beyond 75 percent of a school year.

(3) "Seventy-five percent of a school year" means 195 working days, including holidays, sick leave, vacation and other leaves of absence, irrespective of number of hours worked per day.

(e) Employment of either full-time or part-time students in any college workstudy program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.

(f) This section shall apply only to districts not incorporating the merit system as outlined in Article 6 (commencing with Section 45240).

50.300 PROVISIONAL APPOINTMENTS (EC 45287) 50.300.1

50.300.1 Restrictions

- A. The appointing authority may make a provisional appointment when the Personnel Director certifies that:
 - 1. No eligibility list exists for the class or
 - 2. An eligibility list exists, but there is an insufficient number of available eligibles (i.e., less than 3) and the appointing authority refused to appoint an available eligible.

- B. An employee may receive a provisional appointment or appointments which may accumulate to a total of 90 working days, after which a 90-calendar-day interval shall elapse during which he/she shall be ineligible to serve in any full-time provisional capacity.

- C. No person shall be employed in provisional capacities under a given Governing Board for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position as defined in Section 45256, successive 90-working-day provisional appointments may be made to the part-time position for a total of more than 126 working days in a fiscal year.

- D. Insofar as possible, provisional appointees shall be required to meet the minimum qualifications for the class of the appointment as stated in the class specifications.

- E. Notwithstanding Rules A and B above, the Commission may extend the 90-working-day provisional appointment for a period not to exceed 36 additional working days provided: (EC 45288)
 - A. An examination for the class was completed during the initial 90 work days of the employee's provisional assignment.

 - B. Satisfactory evidence is presented indicating:
 - a. Adequate recruitment effort has been and is being made.

 - b. Extension of this provisional assignment is necessary to carry on vital functions of the District.

 - c. The position cannot be satisfactorily filled by use of the eligibility list or other employment lists or procedures such as reinstatement, transfer, or other appropriate eligibility lists.

- F. Provisional employees are entitled to all fringe benefits accorded other classified employees.

50.300.2 Terminating Provisional Appointments

- A. The services of a provisional appointee shall be terminated within 15 working days after the date on which an eligibility list has been established, provided that this 15-day period does not extend beyond the 90-working-day provisional assignment or the additional 36 working days if authorized by Rule 50.300. IE.
- B. A provisional appointment may be terminated at any time, at the discretion of the appointing power.

50.300.3 Emergency Appointments (EC 45290)

- A. If it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Board of Education, through its authorized Department Heads, may make emergency appointments, without reference to eligibility lists, for a period not to exceed 15 working days.
- B. When such emergency appointments are made, it shall be the duty of the Board of Education to notify the Personnel Director in writing, naming the appointee or appointees, date of appointment, and nature of duties performed, and giving a statement justifying the emergency nature of such appointments.

60.300 LIMITED-TERM EMPLOYMENT

60.300.1 Types of Limited-term Appointments

- A. A substitute assignment may be made not to exceed in duration the authorized absence of the regular employee, but it need not coincide with the dates of that absence. Also a substitute assignment may be made in a lower class related to that of the absent employee if the assigned duties are reduced in level accordingly.
- B. The appointing authority may establish positions the duration of which is six months or less; such positions shall be designed "limited-term." Such positions are subject to classification by the Personnel Commission, except that the Personnel Director may classify them subject to later ratification if the good of the service demands expeditious action.

60.300.2 Rights and Benefits

- A. Regular employees who are serving in limited-term appointments while retaining regular status in another class shall continue to earn and be granted all rights and benefits of a regular employee.
- B. All other limited-term employees shall be granted only those benefits provided by law, such as paid holidays and bereavement leave. No seniority or credit toward completion of probation or any other benefit shall accrue from service in a limited-term appointment, except as provided under Paragraph A of this rule.

60.300.3 Terminations

- A. Limited-term appointments shall be subject to termination at any time except during an assigned shift.
- B. Limited-term employees may be dismissed for cause, which cause shall be made known to them and to the Personnel Director in writing. The Personnel Director may remove the employee's name from the special list for limited-term appointments, if his/her investigation supports such an action.