

## **RULE 17**

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### **LAYOFF**

#### 1701 Layoff Procedure

**A. Reason and Order of Layoff:** Classified employees shall be subject to layoff only for lack of work or lack of funds. When it becomes necessary to lay off a classified employee due to the elimination of a classified position, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class (including time earned as a regular employee in higher classes), shall be laid off first. Reemployment shall be in the reverse order of layoff.

Education Code 45308

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**B. Reemployment List:** The names of employees who are laid off shall be placed on a reemployment list for the class from which they were laid off. Names on the reemployment list shall be in relative order of seniority.

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Education Code Section 45308

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**C. Seniority Computation:** As provided in Education Code Section 45308, "length of service" shall mean hire date as a regular employee. An employee's seniority hire date shall be established for paid time served beginning in a regular status (including probation) in each classification in which he/she serves. Length of service" means all time in paid status including paid holidays, paid leave, or school recess periods. No seniority shall be earned during unpaid periods of separation from service with the District. An employee's hire date shall not be interpreted to mean any service performed prior to entering into a probationary status in the classified service, or service performed by permanent employees in temporary assignments outside the employee's regular classification.

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Education Code Section 45117 and 45308

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**D. Layoff Notice:** On or before March 15<sup>th</sup>, the Superintendent shall provide classified employees with written notice of their layoff due to lack of work or lack of funds. Such written notice shall include:

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The written notice will contain:

1. Position eliminated due to lack of work or funds.
2. The reason for the layoff.
2. The effective date of the layoff.

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3. A seniority list.

4. A statement of bumping rights.

5. The voluntary demotion alternative if applicable.

6. The retirement alternative if applicable.

7. A statement of reemployment rights.

8. Upon receipt of a written notice of layoff, a bargaining unit member may request a meeting with the Executive Director-Classified Human Resources and his/her CSEA representative to have questions answered, discuss layoff/placement/bumping options, and to address complaints or concerns regarding seniority and/or other layoff related issues.

9. Copy of the Resolution.

10. Request for a hearing form.

11. Copy of the relevant Ed Code Sections regarding Layoffs.

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If the employee does not timely request a hearing they will receive their final notice of layoff and will be served before May 15<sup>th</sup>. If a permanent classified employee is not given the notice of layoff and right to a hearing as provided for in Education Code section 45117, the employee shall be deemed reemployed for the ensuing school year.

If the employee timely requests a hearing, after hearing proceedings have concluded, final notice of layoff to impacted classified employees must be served before May 15<sup>th</sup>. If a permanent classified employee is not given the notice of layoff and right to a hearing as provided for in Education Code section 45117, the employee shall be deemed reemployed for the ensuing school year.

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### 1. Specially Funded Positions:

The Superintendent shall give classified employees in positions within specially funded programs due to be eliminated at the end of a school year, written notice of layoff on or before May 29<sup>th</sup>. If the termination date of any specially funded program is other than June 30, the notice shall be given not less than 45 working days prior to the effective date of layoff. Ed Code states 60 days however, 45 working days provides a greater period of time. The written notice shall include: 1) the reason for the layoff, any displacement rights afforded the impacted employee(s), and reemployment rights, 2) the layoff resolution, and 3) relevant Education Code sections. Employees laid off due to the expiration of specially funded programs are not afforded the right to an appeal hearing.

Education Code Section 45117

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E. Procedure After Layoff: An employee whose position is eliminated shall first be placed in a vacant position with equal assigned time in the same class as the employee's former position.

1. If the employee's former position is less than full time, and no vacancy exists in the class with equal assigned time, the employee shall be placed in a vacant position that has additional assigned time in the same class as the employee's former position.

Education code 45308

F. Bumping Rights: If no vacancy exists in the class with equal or additional assigned time, an employee who is laid off from a class shall have the right to bump the least senior employee in the same class, or in a previously held equal or lower class in which they attained permanency. The following bumping priority shall apply:

1. The employee will be bumped into a position providing an equal assignment in the same class when compared to the employee's former position, and which is held by the least senior employee. If the employee is unable to be fully reemployed under this opportunity then step 2.

2. If employee's former position is less than full time and a position with equal assigned time is unavailable, the employee will be allowed to bump into a position providing additional assigned time in the same class as the employee's former position, and which is held by the least senior employee. If this option does not make the employee whole then step 3.

3. If the previous options are unavailable, the employee will be allowed to bump into a position in the same class with less assigned time that is closest to the employee's former assigned time, and which is held by the least senior employee.

4. The employee will repeat the sequence of options outlined in this rule for equal positions first. If no alternative is available in the equal class, the employee will repeat the sequence of options for re-employments for less hours or days per year.

5. If none of these options are available then the employee can through Voluntary Demotion or Transfer attempt to remain employed. (see below)

**Deleted:** A. When classified employees are laid off for lack of work or lack of funds, layoff shall be made in inverse order of length of service in the class in which the layoff occurs. The employee who has been employed the shortest time in the class, plus higher classes, shall be considered to have the least seniority and, therefore, shall be laid off first.¶

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EDUCATION CODE SECTION 45308

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Education Code Sections 45260, 45261, 45308

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**G. Voluntary Demotion or Transfer:** Voluntary Demotion or Transfer process steps.

1. An employee whose position is eliminated (despite bumping rights) may bump an employee in a lower classification which the employee previously held position.

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2. If the employee is on the Reemployment list and has no bumping rights in their position and has never held a permanent position in another classification the employee may request transfer to a vacant position in an equal class, or lower class provided the employee is qualified to perform the duties of the job. Voluntary demotion or transfer under this circumstance requires the employee to pass the District competency examination for the classification. Employees under this process will be considered along with internal applicants. When an employee is competing for an equal or lower classification while on reemployment the District must give these employee preferences over outside candidates.

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Education Code Sections 45260, 45261, 45308

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**H. Layoff Versus Temporary Positions:** A classified employee may not be laid off if a short-term employee (Substitute or Limited Term employee) is retained to render service in a position of the same class or in a class that the employee is qualified to render, except in circumstances where a short-term employee was hired to render service for a period not exceeding 60 days after which the short-term service may not be extended or renewed.

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Education Code Section 45117

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**I. Acceptance of Substitute or Temporary Employment:** An employee who has been laid off and who is on a reemployment list may be employed as a substitute or temporary employee in his/her original class or any other class for which qualified, and such employment shall in no way jeopardize or otherwise affect his/her status or eligibility for reemployment.

Education Code Sections 45260, 45261

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**J. Refusal of Temporary Employment:** Refusal of an offer of limited term employment shall not affect the standing of any employee on a reemployment list.

**K. Probationary Employees:** The District may release employees in probationary status without cause. However, if an employee in probation will achieve permanency in his/her classification at any time between March 15<sup>th</sup> and June 30<sup>th</sup>, the employee must be laid off pursuant to Education Code section 45117. A probationary employee may receive a layoff notice in the event that a more senior employee subject to layoff due to lack of work or lack of funds exercises, or has the ability to exercise, his/her bumping rights over the probationary employee. However, the probationary employee who do not obtain permanency between March 15<sup>th</sup> and June 30<sup>th</sup> shall not possess the right to an appeal hearing as provided in Education Code section 45117.

Education Code section 45117

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## **REEMPLOYMENT PROCEDURES**

**A. Laid Off Employees Placed on Reemployment List:** The names of employees laid off shall be placed on the reemployment list for the class from which they were laid off. Names on the reemployment list shall be in order of seniority by these rules. If the employee accepts reemployment within the classification in which the employee was terminated, the employee shall be restored to her/his former step on the salary schedule. Employees who acquire leaves of absence for military reasons and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall take precedence by having their names placed over other names on the re-employment list in any given class.

Education Code Section 45308, 45298

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**B. Employees with Equal Seniority:** If two or more employees subject to rehire have equal class hire date seniority, then the rehire offer shall be made to the employee with the earliest regular hire date with the District.

If the regular hire date is equal, then rehire offer shall be made to the employee with the earliest date of hire with the District. If the date of hire is equal, decision shall be made by lot.

Education Code Sections 45260, 45261

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**C. Eligible for Reemployment for 39 Months:** An employee laid off because of lack of work or lack of funds shall be eligible for reemployment in the class from which laid off for a period of thirty-nine (39) months and shall be reemployed in preference to new applicants. In addition, the employee shall have the right to participate in promotional examinations (& lower level positions) within the District during the thirty-nine (39) month period.

1. An employee who is reemployed in a new position within a classification in which the employee does not hold permanent status shall serve a probationary period in the new position. An employee who fails to complete the probationary period in the new position shall be returned to the reemployment list for the remainder of the 39-month period, which shall be measured as the time remaining in the 39-month period as of the date of reemployment. However, if the employee, during re-employment, is working in an unrelated class and is then released for cause the employee is then removed from the current position(s) and is removed from all reemployment lists. By example, if the employee commits a Group II offense, an offense that if the employee had the same violation while employed prior to reemployment would have resulted in termination, the employee will be removed from employment and from the reemployment list. Removal of the employee from employment will only occur through due process.

D. Eligibility for an Additional 24 Months: An employee who takes a voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to twenty-four (24) months, provided that the same tests of fitness under which the employee qualified for appointment to the class shall still apply.

If the position that the employee accepts in lieu of layoff is eliminated the employee remains on the original reemployment list and until the employee is fully reemployed or time limit for the reemployment window expires.

Education Code Section 45298

1. An employee who takes voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall be, at the option of the employee, be returned to a position in his/her former class or to a position with increased assigned time as vacancies become available, within the reemployment eligibility for the employee. If there is a valid reemployment list, the employee shall be ranked on that list in accordance with his/her proper seniority.

Education Code 45298

E. Retirement in Lieu of Layoff: An employee who is laid off and elects retirement from the Public Employees' Retirement System (PERS) shall be placed on a reemployment list. The District shall notify PERS that retirement was due to layoff. Should the employee subsequently accept, in

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writing, reemployment with the District, the District shall maintain the vacancy until PERS has properly processed the request for reinstatement from retirement.

**F. Response to Offer of Reemployment:** An employee shall have seven (7) working days after receipt of an offer to accept reemployment.

**G. Right of Refusal:** An employee on a reemployment list may decline three (3) offers of reemployment in his/her former classification. After a third refusal of offers that would have fully restored the employee in class and hourly status, no additional offers need be made by the District and the employee shall be considered unavailable unless the employee requests in writing that they continue to receive such offers.

#### 1703 Layoff of Limited-term Employees

A limited-term employee may be separated at the completion of the assignment without regard to the procedures set forth in this rule.

#### 1712 Health and Welfare Benefits

- A. To the extent allowed by the carrier, employees selecting demotion or reduction in hours in lieu of layoffs will have their existing levels of medical, dental, vision, and life insurance benefits continue, on the same pro-rata premium basis, through the last day of the month in which the layoff becomes effective.

Additionally, employees selecting demotion or reduction in hours in lieu of layoff will have existing levels of medical and dental benefits continued on the same pro-rata premium basis, through the last calendar day of the following month.

- B. To the extent allowed by the carrier, employees terminated due to layoffs will have their existing levels of medical, dental, vision, and life insurance benefits continue, on the same pro-rata premium basis, through the last calendar day of the month in which the layoff becomes effective.
- C. To the extent allowed by the carrier, an employee electing early retirement in lieu of layoff will have their eligibility for medical, dental, vision and life insurance benefits continue, on the same pro-rata premium basis, through the last calendar day of the month in which the layoff becomes effective. If, by the end of that month, the employee's early retirement benefit request has not been fully processed, the employee may continue their existing level of medical and dental benefits through the last calendar day of the following month by submitting a written request for continued coverage and their pro-rata share of

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**Deleted:** B. .The names of permanent and probationary employees thus laid off shall be placed upon the re-employment list for the class from which they were laid off. Names on the re-employment list shall be in the relative order of length of service and shall continue for 39 months from the date of layoff.¶

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1702 . Layoff of Emergency, Provisional or Limited-term Employees¶

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No permanent or probationary classified employee shall be laid off from any position while employees serving under emergency, provisional, or limited-term employment are retained in positions of the same class.

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**Deleted:** 1704 . Notice of Layoff¶

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A. .When, as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of any school year, and classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of such school year shall be given written notice on or before April 29 informing them of their layoff effective at the end of such school year and of their displacement rights, if any, and re-employment rights. However, if the termination date of any specially funded program is other than June 30, such notice shall be given not less than forty-five (45) working days prior to the effective date of their layoff.¶

¶

B. .When, as a result of a bona fide reduction or elimination of the service being performed by the District, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than forty-five (45) working days prior to the effective date of layoff and informed of their displacement rights, if any, and re-employment rights.¶

¶

C. .Nothing herein provided shall preclude a layoff for lack of funds in the event of an actual and existing financial inability to pay salaries of classified employees, nor layoff for lack of work resulting from causes not foreseeable or preventable by the Governing Board, without the notice required by paragraphs A or B.¶

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EDUCATION CODE SECTION 45117

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1705 . Computation of Seniority for Layoff¶

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All service in the classification plus higher classifications in the line of promotion shall count as length of service within the classification. All seniority is based on date of employment within the classification or higher related class providing servi...

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the premium to a District Business Office representative before the last working day of the month in which the layoff occurred.

#### 1713 Re-employment Effects

- A. Restoration to the former step in the current salary range for the class, or if restored in a lower class, to the rate closest to that of the step to which they would be assigned if not restored in the former class.
- B. If restored to permanent status, restoration of accumulated sick leave and seniority as of the date of the separation.
- C. Restoration of a new increment date based on the days worked prior to separation but, without step-advancement credit for the off-duty period.
- D. Restoration of all rights, benefits and burdens of a permanent employee in the class to which restored.

#### 1715 Other Sources of Eligibility

In the absence of a re-employment list for a class and with employee consent, a vacancy may be filled by transfer, demotion, reinstatement or restoration to former class after voluntary demotion, or other means provided in the rules, without regard for existence of eligibility lists.

Rule 17 Revised 11/1988, 02/2004, 11/2012, 02/2013, 4/2020, 6/2024

##### **Deleted:** 1714 . Re-employment Lists¶

¶ There shall be established for each class a re-employment list which shall take precedence over all other employment lists in appointment. This list shall contain the names of all permanent classified service employees who have been laid off, demoted, or had their hours reduced in any position because of lack of funds or work. Employees who acquire leaves of absence for military reasons and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall take precedence by having their names placed over other names on the re-employment list in any given class.¶

¶ EDUCATION CODE SECTIONS 45308, 45298

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##### **Deleted:** 1716 . Breaking of Ties on Seniority Lists¶

¶ Any employees who are hired on the same date shall have the tie in seniority broken by lottery.

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## RULE 20

### DISCIPLINARY PROCEDURES--DISCIPLINARY APPEAL

#### 2001 General

A classified employee may be informally or formally disciplined by the District. Informal discipline for a non-permanent employee includes a range of disciplinary actions from a reprimand to dismissal. Informal discipline for a permanent employee includes any disciplinary action which does not involve suspension, demotion or dismissal. Formal discipline involves the suspension, demotion or dismissal of a permanent employee.

In the event that the employee is not part of the bargaining agreement the following process for discipline will be followed. Any reference to CSEA/bargaining agreement will be removed.

#### Notice of Impending Disciplinary Action

The District shall notify CSEA in writing of any impending formal disciplinary action, as defined below, against a bargaining unit member. Such notification shall be forwarded to the President of CSEA at the same time notice is given to the employee facing disciplinary action and prior to the taking of such action. The Classified Human Resources office via CC personnel file will be copied on all Memo's to File, Informal Discipline and Formal Discipline.

Formal disciplinary action as used in this section shall be defined to include any action whereby an employee is deprived of any classification or any incident of any classification in which the employee has permanence, including dismissal, suspension or demotion, without the employee's voluntary consent, except a layoff for lack of work or lack of funds.

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#### 2002 Reasons for Discipline

Following are some of the reasons that the District may deem sufficient for discipline.  
This list is not intended to be exhaustive:

- Unauthorized absences
- Abuse of sick leave. Examples include but may not be limited to a habitual pattern of absences on Mondays/Fridays, and/or before or after holidays or vacation periods, and/or a pattern of excessive absences.
- Unauthorized lateness to work
- Failure to perform regular or other assigned duties
- Conviction of any criminal act involving moral turpitude
- Disorderly or immoral conduct while in a paid status
- Violation of any lawful order by a supervisor
- Insubordination
- Incompetency or inefficiency in performance of duties
- Intoxication while on duty

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Following are some of the reasons that the District may deem sufficient for discipline. The list is not intended to be exhaustive.¶

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- Use of narcotics or drugs illegally
- Damage to or waste of District property or supplies due to negligence or willful acts, or conversion of public property
- Violation of any of the District's regulations regarding duties, conduct, or performance of a classified employee
- Willful conduct tending to injure the public service
- Sexual harassment
- Failure to observe precautions for personal safety, posted rules, signs, written or oral safety instructions, or to use protective clothing or equipment

## 2003 Guidelines for Disciplinary Action

The following examples of reasons for which a classified employee may be disciplined are divided into two groups. Those reasons listed in Group 1 are examples of potentially remedial work behaviors which result in less than satisfactory employee performance. Any classified employee exhibiting one or more behaviors of this type may be disciplined and encouraged to improve their performance so as to eliminate the risk of more severe disciplinary action. The offenses listed in Group 2 are examples of very serious offenses which could warrant very severe disciplinary action. These examples are guidelines only and are not intended to cover every type of offense for which an employee may be disciplined. The examples of discipline are examples only and do not in any way limit the authority of the district to discipline an employee.

### A. Group 1

Examples of Group 1 Reasons	Examples of Discipline for Offenses		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
Unauthorized absences	Reprimand	Reprimand to Short Suspension	Reprimand to Termination
Abuse of sick leave	Reprimand	Reprimand to Suspension	Suspension to Termination
Unauthorized lateness to work	Reprimand	Reprimand to Suspension	Suspension to Termination
Failure to observe precautions for personal safety, posted rules, signs, written or oral safety instructions, or to use protective clothing or equipment	Reprimand to Short Suspension	Reprimand to Removal	Suspension to Termination

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<#>Conviction of any criminal act involving moral turpitude¶  
<#>Disorderly or immoral conduct while in a paid status¶  
<#>Violation of any lawful order by a supervisor¶  
<#>Insubordination¶  
<#>Incompetency or inefficiency in performance of duties¶  
<#>Intoxication while on duty¶  
<#>Illegal use of narcotics or drugs¶  
<#>Damage to or waste of District property or supplies due to negligence or willful acts, or conversion of public property¶  
<#>Violation of any of the District's regulations regarding duties, conduct, or performance of a classified employee¶  
<#>Willful conduct tending to injure the public service¶  
<#>Sexual harassment

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## B. Group 2

These offenses are very serious and, depending on the circumstances, may warrant severe discipline up to and including removal.

Examples of Group 2 Reasons	These offenses are very serious and, depending on the circumstances, may warrant severe discipline up to and including dismissal.
Failure to perform regular or other assigned duties	
Conviction of any criminal act involving moral turpitude	
Disorderly or immoral conduct while in a paid status	
Violation of any lawful order by supervisor	
Insubordination	
Incompetency or inefficiency in performance of duties	
Intoxication while on duty	
Use of narcotics or drugs illegally	
Damage to or waste of District property or supplies due to negligence or willful acts, or conversion of public property	
Violation of any of the District's regulations regarding duties, conduct, or performance of a classified employee	
Willful conduct tending to injure the public service	
Sexual harassment	
Failure to report to duty for three (3) consecutive days without District approval	
Failure to return from a leave of absence within five (5) working days after the expiration of an authorized leave.	

## 2004 Procedure for Informally Disciplining an Employee

Informal disciplinary action may be imposed for corrective purposes and may include written reprimand and/or involuntary transfer to a vacant position.

- A. The employee shall be given a written notice of the informal discipline (i.e., the written reprimand or the involuntary transfer notice).
- B. Contents of the Written Reprimand/Notice

The notice shall include but not be limited to the following:

1. A statement in ordinary and concise language of the specific acts and/or omissions upon which the action is based.
2. A statement of the improvement(s) or correction(s) required.
3. A statement that the employee has the right to respond to the matters raised in the disciplinary action, both orally and in writing, prior to the end of the ten (10) calendar days following the date the written notice was served.
4. A statement of the possible or probable disciplinary consequences should the offense occur again.
5. A statement that the employee, upon request, prior to the end of the ten (10) calendar days following the date the written notice was served, is entitled to appear personally before the Superintendent/Designee regarding the disciplinary action. At such meeting the employee shall be granted a reasonable opportunity to make any representations the employee believes are relevant to the case.

6. A statement of the employee's right to CSEA representation, including contact information for the President of CSEA's Chico Chapter #110.

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7. The Superintendent shall notify the classified employee, within seven (7) calendar days, of his/her final determination of the disposition of the disciplinary action and such decision shall not be subject to the grievance procedure.

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#### 2005 Procedure for Formally Disciplining a Permanent Employee

##### A. Procedural Due Process—Pre-disciplinary Safeguards

Prior to taking formal disciplinary action, the District shall give written notice to the classified employee. This written notice of proposed formal disciplinary action shall be personally delivered or sent to the employee by certified mail at least ten (10) calendar days prior to the date when formal discipline may be imposed. (Service by certified mail shall be deemed complete on the date of mailing.)

In emergency situations, when it is deemed appropriate to remove an employee from the job immediately, the employee will not lose compensation prior to the date when disciplinary action is imposed by the District. Loss of compensation in all cases may occur after the 10th calendar day following the date written notice was served.

##### B. Contents of the Written Notice

The contents of the written notice shall include, but need not be limited to the following:

1. A statement identifying the District.
2. A statement in ordinary and concise language of the specific acts and/or omissions upon which a proposed formal disciplinary action is based.
3. The specific formal disciplinary action proposed and effective date(s).
4. The reason(s) for the specific formal disciplinary action proposed.
5. A copy of the applicable regulations where it is claimed a violation of regulations took place.
6. A statement that the employee has the right to respond to the matters raised in the written notice both orally and in writing, including the submission of affidavits, prior to the end of the ten (10) calendar days following the date the written notice was served.
7. A statement that the employee, upon request, prior to the end of the ten (10) calendar days following the date the written notice was served, is entitled to appear personally before the Superintendent/designee regarding the matters raised in the written notice. At such meeting the employee shall be granted a reasonable opportunity to make any representations the employee believes are relevant to the case.
8. A statement that the District will notify the employee of its decision regarding formal disciplinary action within a reasonable period of time; and that no evidentiary hearing will be held unless a written demand for the hearing is delivered to the Personnel Commission within fourteen (14) calendar days after the employee is notified of the District's decision.
9. A statement that the employee may demand an evidentiary hearing by:
  - (a) filing a written response to the specific acts and/or omissions which led to the formal disciplinary action with the Personnel Commission within fourteen (14) calendar days after being notified of the District's decision;
  - (b) after filing the written demand, the employee is entitled to a full evidentiary hearing conducted by the Personnel Commission before the District's formal disciplinary action becomes final;
  - (c) by demanding a full evidentiary hearing, the employee waives the right to process the disciplinary action under a grievance procedure.

### C. Limitations

No formal disciplinary action shall be taken for any reason which arose more than two years preceding the date of the filing of the notice unless such reason was concealed or not disclosed by such employee when it could reasonably be assumed that the employee should have disclosed the facts to the District.

#### Conference/Meeting

Prior to scheduling any disciplinary conference, investigatory meeting with an accused bargaining unit member or hearing under the provisions the District and/or Personnel Commission shall:

1. Contact the CSEA President to determine who will be representing the employee.
2. Work with all of the parties involved to determine a mutually acceptable date or set of dates for the disciplinary conference, investigatory meeting or hearing.

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### 2006 Appeal

A. A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within fourteen (14) days after having been furnished with a copy of the written charges by filing a written answer to such charges. Appeal can be made on the following grounds:

1. That the procedures set forth in these rules have not been followed.
2. That the action was taken because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decision-making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status of any person and with proper regard for their privacy and Constitutional rights as citizens.
3. That there has been abuse of discretion.
4. That the charges made were not in accord with the facts.
5. Discipline invoked is excessive.

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### EDUCATION CODE SECTION 45305

### 2007 Hearing Procedure

A. The Personnel Commission shall conduct hearings of appeals or may appoint a hearing officer to conduct the hearing, either public or private at the employee's option, and report findings and recommendations to the Commission.

- B. Hearings shall be conducted in the manner most conducive to determinations of the truth, and neither the Commission nor its hearing officer shall be bound by technical rules of evidence.
- C. The Personnel Commission or its hearing officer shall determine the relevancy, weights, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.
- D. Each side will be permitted an opening statement beginning with the Governing Board (Board)/Designee and closing arguments beginning with the employee. The Board/Designee shall first present its witnesses and evidence to sustain its charges and the employee will then present witnesses and evidence in defense.
- E. Each side will be allowed to examine and cross-examine witnesses.
- F. Both the Board/Designee and the employee will be allowed to be represented by legal counsel or other designated representation.
- G. The Commission may, and shall, if requested by the Board/Designee or the employee, allow witnesses and may require the parties to produce records or other material evidence.
- H. The Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.
- I. Whether the hearing is held in a public or closed session, the Commission, after it concludes the hearing, may deliberate its decision in executive session. No persons other than members of the Commission shall be permitted to participate in the deliberations.
- J. The Commission shall render its judgment as soon after the conclusion of the hearing as possible. Its decision shall set forth which charges, if any, are sustained and the reasons therefore.
- K. Decisions made by the Commission shall not be invalidated by an informality in the proceedings.
- L. The Commission's decision will be filed with the Board/Designee and the charged employee.
- M. A verbatim record of the hearing shall be made.

2008 Reinstatement and Employee Compensation; Determination of Terms and Conditions, Notification

If the Commission sustains the employee, it may order paid all or part of the full compensation from the time of suspension, demotion, or dismissal, and it shall order reinstatement upon such terms and conditions as it may determine appropriate. The Commission may modify the disciplinary action, but may not take action more stringent than that approved by the Board. In addition, the Commission may direct such other action as it may find necessary, compensation for all or part of the legitimate expenses incurred in pursuit of the appeal, seniority credit for off-duty time pending reinstatement, and expunction from the employee's personnel record of any 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.

EDUCATION CODE SECTION 45307

| Rule 20 Revised 11/1988, 11/2012, 02/2013, 07/2018, [6/2024](#)



## RULE 21

### MERIT SYSTEM COMPLAINT PROCEDURES

#### 2101 Application of the Complaint Procedure

These complaint procedures are applicable to matters specifically reserved for action or review by the Personnel Commission under Merit System Rules and Regulations.

#### 2102 Matters Not Applicable to the Complaint Procedure

- A. Complaints about matters that are applicable to the District.
- B. Complaints about the subject matter of the Merit System Rules and Regulations rather than the administration of the rule or regulation.

#### 2103 Processing a Complaint to the Personnel Commission

Whenever a matter which is specifically reserved for action or review by the Commission is subject to interpretation or concern, this matter should be discussed with the Executive Director/Director of Classified Human Resources. If an acceptable solution after a reasonable period of time, cannot be reached, the complainant may request consideration before the Commission by submitting a written request outlining the reasons for the complaint. The Commission reserves the right to refer the complaint back to the Executive Director/Director of Classified Human Resources to see if the issue can be resolved.

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Rule 21 Revised 11/2012, 6/2024

## RULE 22

### POLITICAL ACTIVITIES

#### 2201 Political Activity Freedom

Every classified employee may, during off-duty hours, participate in political activities not specifically prohibited by the Education Code.

#### 2202 Causes for Disciplinary Action

Any employee may be disciplined for improper political activity. Improper political activity includes:

- A. The use of any District property, equipment, or facility for any political purpose unless the use thereof is authorized, by law, for such purposes and the employee has obtained prior required approval.
- B. The use of any District property, equipment, or facility for any political purpose or the performance of any political act during regular hours of duty.
- C. Engaging in active campaigning in behalf of any candidate, including himself, for public office, whether by speaking, soliciting funds or support, distributing handbills, or otherwise, during assigned hours of employment.
- D. Attempting to gain any advancement or privilege under the Code or these rules through political activity.

#### 2203 Personal Candidacy

Any employee may be a candidate for any political office for which the employee may file without suffering any loss of employment status in the District unless the employee violates the provisions of Section 2201.

#### 2204 Leave of Absence

An employee who files for a political office may request, and the Board of Education may grant, an unpaid leave of absence which shall commence not earlier than one month prior to the concerned election and continue until the election processes have been completed insofar as the candidacy is concerned.

2205 Election to a Political Office

Any employee who is elected to a political office, the duties of which will clearly conflict with normal duty hours and assignment with the District, may request, and may be granted, an unpaid leave of absence which shall commence on the date the employee assumes the office and shall terminate not later than 30 days after the last day in the elected office. Re-election to the same office or election to a different office which provides reasonable continuity of elected public service may cause extension of the approved leave.

An employee granted a leave under this rule may be used as a substitute employee during the period of the leave. The employee will be placed on (an) appropriate employment list(s) and notified that they may be offered limited term employment.

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2206 Intent

It is the Governing Board's intent and purpose in enacting these rules to allow employees their lawful privilege of political freedom and activity, but to insure that political activities are not engaged in during normal duty hours and normal duty assignments. The District has a reasonable obligation to make certain that personnel are aware of their political rights and can exercise those rights but, at the same time, to insure that its employees do not wrongfully use their duty hours or District facilities for political purposes.

PC – 6/2024

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## RULE 23

### EMPLOYEE CLEARANCES

#### 2301 Criminal Records Check

##### A. Fingerprinting

Every new employee shall submit to a criminal records check in accordance with prescribed procedures, or shall forfeit eligibility for employment. The District will notify each such employee where and when to report for fingerprinting, which shall take place prior to employment.

#### EDUCATION CODE SECTION 45125

##### B. Review of Criminal Records

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.

#### EDUCATION CODE 45125

2. The criminal records report from the California Bureau of Criminal Identification/Department of Justice (DOJ) and Investigation and/or the Federal Bureau of Investigation (FBI) will be reviewed together with the person's application form. If there is a criminal record, the appointing authority shall decide whether or not the person should be employed or retained in employment.
3. If an employee is to be dismissed because of information disclosed on the criminal records report or if the appointing authority desires that an eligible be removed from an eligibility list because of such information, the Personnel Commission shall be notified of the recommended action and the reasons therefore.

The Executive Director/Director of Classified Human Resources staff will review and report any DOJ/FBI arrests/convictions to the employee. The review and approval of all DOJ reports/FBI reports will be determined by the Executive Director/Director of Classified Human Resources. An applicant has the right to appeal and meet directly with the Executive Director/Director of Classified Human Resources. If the decision is made to not accept the applicant based upon the DOJ/FBI report the applicant will be given a copy of the report. The Personnel Commission reserves the right to review and

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consider any applicants rejection from employment by the Executive Director/Director of Classified Human Resources.

## 2302 Physical Examinations

### A. Initial Employment

1. Every person being initially employed by the District, whether in regular position, limited-term, or provisional position, shall be required to submit adequate proof that he/she has undergone a test for tuberculosis. The examination must have been conducted within a 60-day period preceding the date of employment. Examinations can occur through a Registered Nurse employed by the District or may be referred to the Butte County Health Department for a charge which is refundable to the employee. If determined by the District's RN or the Butte County Health Department that an X-ray is required the District will bare the costs of the X-ray.
2. The Chico Unified School District may require physical examinations of new employees to be paid by the District.

EDUCATION CODE 45125

3. In addition, the District administration may require physical examinations and tuberculosis tests and/or fingerprints for classified employees working in other than regular positions.

### B. After Employment

1. Every employee is required to undergo an examination to determine that he/she is free from active tuberculosis at least once every four (4) years after employment. Employees shall be reimbursed for the cost, if any, of this examination.
2. The Personnel Commission will maintain adequate records on each employee which indicate compliance with these rules and the law.
3. District employees in frequent contact with students may be required to take a First Aid course.

EDUCATION CODE SECTION 49406

### C. School Bus Drivers

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1. In addition to any other examination that may be required by these rules, School Bus Drivers must have a valid school bus driver's certificate which requires a separate medical examination. The certificate must allow the employee to transport students (ex: Passenger Endorsement).

EDUCATION CODE 12617.2

2. The District shall arrange for and defray the costs of the Bus Driver's medical examination for its employees and shall reimburse new employees for costs of the required medical examination but not to exceed the amount it pays for the medical examination required of its regular bus driver employees.

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EDUCATION CODE SECTION 45122

D. Medical Review Board

1. Any rejection for medical reasons of an eligible or of an employee who has been on leave of absence may be appealed to the Commission.
2. The Commission may employ outside medical experts to give medical advisory opinion.
3. The Commission, based on evidence submitted and the advice of medical experts to the Commission, shall determine whether or not the denial of appointment or return from leave shall be sustained.

Rule 23 Revised 11/2012, [6/2024](#)

## RULE 24

### TRAINING AND SAFETY

#### 2401 In-Service Training and Safety

The Personnel Commission, through the Executive Director/Director of Classified Human Resources, shall cooperate with appointing powers, supervisors, and employees of the District in devising and fostering programs of training and safety for and in the classified service of the District so that the quality of service rendered by the classified employees may be continually improved.

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Rule 24 Revised 11/2012, 6/2024

## RULE 25

### PENALTIES

#### 2501 Violations

Any person who willfully or through culpable negligence violates any of the provisions of this article is guilty of a misdemeanor. It is also unlawful for any person:

- A. Willfully by themselves or in cooperation with another person to defeat, deceive, or obstruct any person with respect to the right of examination, application, or employment under this article or Commission rule.
- B. Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article or Commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.
- C. Willfully to furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under this article or Commission rule.

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#### EDUCATION CODE SECTION 45317

Rule 25 Revised 11/2012, [6/2024](#)



## RULE 26

### AMENDMENT, DELETION OR ADDITION TO MERIT SYSTEM RULES AND REGULATIONS

#### 2601 Amendment, Deletion, or Addition to Rules

- A. All proposals, from any source, to amend, delete, or add to these rules will be considered a "first reading" at the meeting in which they are first presented to the Commission. They will not, unless a critical emergency exists, be acted upon at that meeting.
- B. At the "first reading" the Commission will set a date for Commission action on a proposal, which date shall not be less than two weeks later. It shall also instruct the ~~Executive Director~~/Director ~~of~~ Classified Human Resources to refer the proposal to interested persons or organizations for comment and recommendation.
- C. Insofar as possible, interested parties shall submit their reactions to proposals in writing on or before the stipulated agenda deadline date and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting.

Rule 26 Revised 11/2012, 6/2024

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