

RULE 10

CERTIFICATION AND APPOINTMENT

1001 Employment by Action of Board

The governing board shall employ, pay, and otherwise control the services of persons in positions not requiring certification qualifications.

EDUCATION CODE SECTION 45241

1002 Procedure in Filling Vacancies

Eligibles shall be taken from appropriate eligibility lists in the following order when a vacancy exists:

- A. Re-employment list for the class in which vacancy exists.

The name of the eligible standing highest on the re-employment list for the appropriate class shall receive the first appointment and eligibles shall be taken in order until the list is exhausted.

EDUCATION CODE SECTION 45298

- B. Promotional Eligibility Lists will be considered.
- C. Promotional and Open-competitive Eligibility Lists will be considered.
- D. Open competitive Eligibility List for the class in which vacancy exists.

When the eligibility list is the result of an open competitive examination, the appointment shall be one of the agreed upon ranks standing highest on the list who are ready and willing to accept the appointment.

EDUCATION CODE SECTION 45272

- E. When fewer than the agreed upon eligibles are available for certification, the available eligibles shall be certified; however, the appointing authority may choose not to appoint any of them and may request a new examination.

1003 Procedure of Certification and Appointment

- A. When a position is to be filled, the appointing power shall notify the Executive Director/Director of Classified Human Resources of that fact and of the date of the

anticipated need. The request for certification shall state the class title, hours and location of employment, and other pertinent information as required by the Executive Director/Director.

- B. The Executive Director/Director of Classified Human Resources shall ascertain the availability of eligibles and shall certify names to the appointing power in accordance with these rules.
- C. The appointing power shall make its selection and shall notify the Executive Director/Director, who shall see that the necessary employment procedures are carried out.

1004 Waivers of Certification

- A. An eligible may waive certification to specific locations or shifts and to part-time or full-time positions and to limited-term or permanent positions by notifying the Classified Human Resources Department.
- B. Certification of eligibles who have waived shall not be made, provided that eligibles may revise or withdraw their waivers in writing.
- C. Eligibles who have waived appointment shall be notified when a new examination for the class is to be held.

1005 Refusals of Appointment

An eligible may refuse appointment to a specific position and retain eligibility, provided that refusal of three offers of appointment or certification within the areas of employment now waived may be cause for removal from the eligibility list. Such action may be appealed in accordance with Section 705.

1006 Certification From List for Another Class

If there is no eligibility list for the class in which the vacancy occurs, certification may be made from a list for another class at the same or a higher level if the duties and qualifications of the class for which the examination was given include substantially all of the duties of the position to be filled, provided that the Personnel Commission finds that the use of the list is in the best interest of the District and that the necessary skills and knowledge were adequately tested in the examination.

1007 Withholding Names From Certification

The name of an eligible may be withheld from certification when the applicant:

- A. Expresses unwillingness or inability to accept appointment.
- B. Fails to respond within one (1) day from sent email or attempted phone call to the eligible regarding availability for permanent employment or request to appear for interview regarding such employment.
- C. Fails to appear for duty at the time agreed upon after having accepted an appointment.
- D. Cannot be reached in time for appointment when immediate temporary employment is required. (This provision shall apply only to such immediate temporary employment.)
- E. Fails to present the license, registration, certificate, or any other credential required. (The name of any such eligible shall be restored by the Director-Classified Human Resources for certification when the particular requirement has been met.)
- F. For any reason listed in sections 703, 704.

1008 Restoration to Certification

When the name of a person has been withheld from an eligibility list or from certification or has been removed from the list, it may be placed on the list or restored thereto by the Personnel Commission under the following circumstances:

- A. When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to availability, to appear for interview, or to appear for duty, and the applicant presents a good and valid reason and certifies to the Personnel Commission that he or she is now willing and able to accept appointment.
- B. When the withholding or removal was for a reason stated in Sections 703 or 704 and such action was improper or the defect has since been corrected.

Revisions and withdrawals of voluntary waivers shall not require approval by the Commission.

1009 Duties of Eligible

- A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification. When the eligible resides in the District, the eligible shall respond within one (1) day after an email is sent or voicemail is left for the eligible. If the eligible resides outside the District, the eligible shall respond within one (1) day when notified by email and/or phone.

1. Failure of an eligible to respond within the above-stated times will be deemed an automatic waiver of certification, and the Director-Classified Human Resources may certify an additional name in lieu of the name of such eligible.
- B. An eligible who has been certified shall be allowed two weeks to report for duty after an offer of appointment to a permanent position has been made. If unable or unwilling to report by the end of two weeks, the eligible may be considered to have refused appointment, and the appointing power may request certification of another name from the eligibility or re-employment list.
1. The date of the offer of appointment shall be the date on which the eligible is notified by the appointing authority of selection.
 2. Notification may be made by telephone, email, or registered or certified mail.
 3. The appointing power may allow a period longer than two weeks at its discretion.
 4. When appointment is to a limited-term position, the eligible must be available on the date specified by the appointing power.
 5. Eligibles offered employment at the end of a school year must accept the permanent position and report for duty on the first day of their employment calendar.
- C. Every person who has been placed on any eligibility list or re-employment list shall promptly and in writing file with the Commission a correct mailing address and place of residence/phone number and/or email address. This address shall be the place to which the Commission and the Executive Director/Director of Classified Human Resources shall direct all notices necessary in carrying out the provisions of the Code and these rules. Whenever such person shall have any change in mailing address or place of residence/phone number and/or email address, the eligible shall promptly notify the office of the Commission, stating the list or lists upon which the name appears, together with a new mailing address and place of residence. Failure or neglect on the part of any such person to file such information may, at the discretion of the Commission, operate as a waiver of an order of certification and/or appointment from any such list or lists.

1010 Inappropriate Questions

No questions relating to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, political opinions or affiliations, or veteran status shall be asked of any applicant or any eligible whose name has been certified for appointment, nor shall any unlawful discrimination be exercised therefore.

EDUCATION CODE SECTION 45293 & GOVERNMENT CODE SECTION 12940

1011 Provisional Appointment When No Eligibility List Exists

- A. When no eligibility list exists for a position in the classified service, an employee may receive provisional appointments which may accumulate to a total of 90 working days. A 90-calendar-day interval shall then elapse during which the person will be ineligible to serve in any full-time provisional capacity.

EDUCATION CODE SECTION 45287

The Personnel Commission may authorize the extension of a provisional employee's assignment for a period not to exceed 36 working days provided the following requirements are met:

1. An examination for the class was completed during the first 90 working days of the provisional assignment.
2. Evidence satisfactory to the Personnel Commission is presented indicating: (a) that an adequate recruitment effort has been and is being made; (b) that extension of the provisional assignment is necessary to carry on vital functions of the District; and (c) that the position cannot be satisfactorily filled by use of other employment lists or procedures.

EDUCATION CODE SECTION 45288

- B. 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 Education Code 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 any one fiscal year.

EDUCATION CODE SECTIONS 45287

- C. Insofar as possible, provisional appointees shall be required to meet the employment criteria for the class of the appointment as stated in the class specifications.
- D. Successive provisional appointments of 90 working days or less each may be made in any class in the absence of an appropriate eligible list, provided that continuous examination procedures for the class have been authorized by the Commission.

EDUCATION CODE SECTION 45289

1012 Termination of Provisional Employees

The services of provisional appointees who fail to establish a status for a position in their class after having taken an examination for such position, shall be terminated within 15 calendar days after the date on which an eligibility list has been established for such positions, provided this 15-day period does not extend beyond their 90-working day provisional assignment.

1013 Emergency Appointments

- 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.

EDUCATION CODE SECTION 45290

- B. When such emergency appointments are made, it shall be the duty of the Board of Education to notify the Director-Classified Human Resources 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. Time served under such emergency appointments shall be considered as part of the period permitted under the Education Code for provisional appointments.

1014 Oath or Affirmation

All new employees of the Chico Unified School District shall subscribe to the Oath or Affirmation before a legally authorized official.

EDUCATION CODE SECTIONS 60, 44334

1015 Certification of Eligibles for Position with Language Requirements

- A. If a position has multiple language requirements, as provided for in Rule 8, Section 821, the appointing authority shall so indicate to the Executive Director/Director of Classified Human Resources when calling for certification of eligibles to fill the vacancy.
- B. In such an instance the rule of agreed upon eligibles is suspended. The Executive Director/Director-Classified Human Resources shall determine which eligibles possess the required language skill and shall certify the names of three qualified eligibles, in the order of their relative standing on the list, who are ready and willing to accept the position.

EDUCATION CODE SECTION 45277

- C. If there is an insufficient number of eligibles who meet the language requirements and who are ready and willing to accept the position, the Executive Director/Director of Classified Human Resources shall certify for appointment the top eligibles plus those possessing the language requirements who are ready and willing to accept the position, provided that the total number certified shall not exceed three ranks.

1016 Summer School Appointments

When the District maintains a summer school program, it shall appoint regular classified employees on the basis of class requirements for each position which is required. The employee shall receive, on a prorated basis, not less than the compensation paid for that class during the regular school year. For purposes of this section, every classified employee shall be deemed to be employed for twelve months during each school year regardless of the number of months normally in paid status; however, no employee whose regular yearly assignment excludes all, or any part of, the period between the end of the academic year in June to the beginning of the next academic year in September, shall be required to perform services during such period.

EDUCATION CODE SECTION 45102

1017 Retirement Age

No minimum or maximum age limits shall be established for the employment or continuance in employment of persons as part of the classified service.

EDUCATION CODE SECTION 45134

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