

## RULE 3

### CLASSIFIED SERVICE

#### 301 Positions Included in the Classified Service

- A. All positions established by the Governing Board which are not exempt from the classified service by law shall be a part of the classified service. All employees serving in classified positions shall be classified employees. The employees and positions shall be known as the classified service.
- B. No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established in the law shall be employed outside the classified service.

#### EDUCATION CODE SECTION 45256

#### 302 Exemption from the Classified Service

- A. All of the following are exempt from the classified service:
  - 1. Positions required by law to have certification qualifications
  - 2. Full-time high school students employed part-time.
  - 3. Part-time students employed part-time in any college work study or work experience education program conducted by a community college district which is financed by state or federal funds.
  - 4. Apprentice positions.
  - 5. Positions established for the employment of professional experts employed on a temporary basis for a specific project by the Governing Board or by the Commission when so designated by the Commission.

#### EDUCATION CODE SECTION 45256

- B. Special Categories Board Assistants: The Governing Board may create positions of staff assistants or field representatives to directly assist the Board or individual Board members. Such positions, if created, are exempted from the provisions of these Rules insofar as they relate to position classification, recruitment, employment, and salary setting. Persons employed in such positions shall be members of the classified service for all purposes except that they may not achieve permanency in the classified service as a result of this service. Staff assistants shall serve at the pleasure of the Board. A field representative shall serve at the pleasure of the individual Board member.

#### EDUCATION CODE SECTION 45112

If a permanent classified employee is appointed to serve in such an exempt position, the employee shall retain status as a permanent employee. If terminated from the exempt position, the employee shall have bumping rights in the former class in the same manner as if laid off for lack of work or lack of funds.

#### EDUCATION CODE SECTION 45256

#### 303 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.

#### 304 Professional Expert Assignments

When a professional expert assignment is to be made, the administration shall submit to the Executive Director/Director of Classified Human Resources a description of the project, its duration, and the duties to be performed. Professional expert assignments shall not be made to avoid payment of overtime to the assigned employee, nor shall a limited-term position be filled by a professional expert assignment if the duties and responsibilities fit an existing class for which a re-employment or eligibility list exists.

#### 305 Restricted Positions and Employees

- A. If the positions properly a part of the classified service are specially funded and, as a result of the special funding provisions, employment is restricted to persons in low income groups, from designated impoverished areas, or other criteria which precludes employment through the normal competitive process, the positions shall, in addition to the assigned title, be designated as restricted.
- B. Their selection and retention shall be made on the same basis as that of persons selected and retained in positions which are a part of the regular school program, except that persons employed in the following categories of restricted positions shall not be subject to the provisions of Section 45272, Vacancies in Classified Service, or Section 45273, Examinations for the Merit System:
  - 1. The position of instructional aide, as defined in Section 45343.
  - 2. Any other position involving personal contacts with pupils or parents that is established to assist school staff personnel responsible for school-community relations; educational support services for such areas as counseling, library or health; or the correction or presentation of behavioral problems.

- C. Persons employed in "restricted" positions shall be classified employees for all purposes except: (1) they may not attain permanent status, (2) they shall not be accorded seniority rights, (3) they may not serve as provisional employees, and (4) they are not eligible to compete in promotional examinations in the regular classified service.
- D. Notwithstanding Paragraph C above, employees serving in "restricted" positions shall, after completion of six months of satisfactory service, be given the opportunity to take such qualifying examinations as are required of all other persons serving in the same class. An employee who successfully completes the examination and attains placement on the numerical standing on the eligibility list shall be considered to serve in a restricted position, and be accorded full rights, benefits, and burdens of a regular classified employee. Seniority rights shall be counted as of the date of initial appointment to the restricted position.

#### EDUCATION CODE SECTION 45105

#### 306 Business Manager

- A. Any person who, on September 17, 1965, was serving in a position as Business Manager and had been assigned a title listed in Education Code Section shall be deemed to be an employee in a position requiring certification qualifications for so long as the employee holds such position in the same district.
- B. Any person who, on March 4, 1972, was serving in a position of Business Manager and that position had been declared by the Governing Board to be one requiring certification qualifications in accordance with the authority extended in this section prior to the 1971 amendment, shall be deemed to be an employee in a position requiring certification qualifications for so long as they hold such position in the same district.
- C. Except as provided in subdivision (D), on and after the effective date of the 1971 amendment to the section, no person employed in a position of Business Manager shall be required to be credentialed and no title assignment, work, duty statement or other device, including but not limited to educational or other requirements of applicants, which may be established by the Governing Board, may be construed to require certification qualifications for any such position or reasonably related position.
- D. The Governing Board of any school district with less than 3,000 units of average daily attendance in the prior fiscal year may require any person employed in a position of Business Manager to be credentialed.

#### EDUCATION CODE SECTION 44069

307 School Aide Positions and Employees

- A. Selection and retention of School Aide employees shall be made on the same basis as that of persons selected and retained in positions which are a part of the regular school program, except that persons employed in the classification shall not be subject to the provisions of Section 45272, Vacancies in Classified Service, or Section 45273, Examinations for the Merit System.

*Rule 3 Revised 12/1982, 12/2005, 11/2012, 5/2019, 4/2024*