

RULES AND REGULATIONS FOR CLASSIFIED EMPLOYEES

Probation and Tenure

1. All original appointments of classified employees shall be to a probationary period of one calendar year.
2. A probationary employee may be demoted, suspended, or dismissed at any time during the probationary period and such action shall not entitle the employee to a hearing before the Governing Board.
3. An employee who serves the required probationary period in a satisfactory manner shall be classified as a permanent employee and shall be subject to dismissal only for cause or lay-off as specified by contract or Education Code.
4. An employee who is promoted shall serve a probationary period of one calendar year in the higher classification.
5. A permanent employee who is serving a probationary period as a result of a promotion and who is found unsatisfactory in the higher position shall be reinstated in permanent status in his/her former position unless there is cause for dismissal as provided for in Rule II.
6. As of the date of the adoption of these rules and regulations by the Board of Education, all classified employees who have served a period of one year or more shall be declared permanent classified employees of the district.

Suspension, Demotion, and Dismissal

1. The continued employment of permanent classified employees is contingent upon proper performance of assigned duties and personal fitness. A permanent employee may be demoted, suspended, or dismissed for cause, which shall include but not be limited to the following:
 - a. Incompetence, inefficiency, dereliction of duty, or failure to perform the assigned duties in a satisfactory manner.
 - b. Insubordination, failure to obey reasonable directions or observe reasonable rules of school district superiors, or willful and persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the governing board of the district.
 - c. Conviction of any felony or of any crime; dishonesty, immoral conduct, drunkenness on duty, or use of narcotics on school district property; or fraud in obtaining employment with this school district.

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- d. Political activity during the assigned hours of duty.
 - e. Persistent discourteous treatment of the public or of fellow employees or other willful failure of good conduct tending to injure the public service.
 - f. Physical or mental incapacity.
 - g. Absence from duty without leave.
2. A permanent classified employee may be suspended, demoted or dismissed by the Board pursuant to the following procedure:
- a. Written charges shall be filed with the Board by the district Superintendent or designee having knowledge of the facts setting forth particulars which constitute cause for disciplinary action against the employee pursuant to these Rules and Regulations.
 - b. A written notice shall be served on the employee personally or by registered or certified mail
 - (1) Advising him/her of the district Superintendent's intention to recommend to the Board that he/she be suspended, demoted, or dismissed on the basis of the charges set forth,
 - (2) Containing a statement of the specific charges against him/her,
 - (3) Specifying that he/she has a right to a hearing on such charges,
 - (4) Informing him/her that if he/she desires a hearing he/she must request it within 5 days after service of the notice upon him/her, and
 - (5) Enclosing a card or paper the signing and filing of which shall constitute a demand for a hearing and a denial of all charges.
 - c. If no request for a hearing is received by the district within the time specified in the notice, the employee shall be deemed to have waived his/her right to a hearing and the discipline may be imposed by the Board as indicated in the notice of the charges or the charges may be dismissed.
 - d. If the employee requests a hearing within the time stated in the notice, the Board of Education shall decide whether the hearing will be conducted by the Board itself or by a referee appointed by the Board.

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- (1) If the Board determines to conduct the hearing itself, the hearing shall be set as soon as practicable and with sufficient time allowed for adequate notice to be given to the employee. A notice of the time and place of the hearing shall be delivered or mailed to the employee and to all parties concerned at least five days prior to the hearing. The amount of time allowed for the hearing shall be prorated based upon the considerations of the matters to be presented.
- (2) If the Board determines that the hearing should be conducted by a referee, it will appoint either one of its members or the district Superintendent to serve as the referee. The referee shall hold the hearing at the earliest practicable time which allows adequate notice to the employee and to district administrators and others concerned with the hearing. The hearing shall be held at such place as may be most convenient to the referee, to the employee, and to all parties.
- (3) Following the hearing the Board or the referee shall make findings of all facts pertinent to a decision in the matter. Where the hearing is conducted by a referee, the referee shall transmit in writing to the Board his/her proposed findings of fact, recommendations, and a recommended decision. Prior to making findings or rendering a decision based upon a hearing conducted by a referee, the Board may require a transcript or summary of all testimony, plus other evidence received by the referee, may refer the matter back to the referee for further proceedings, or may set the matter for additional hearing before itself.
- (4) After the Board has made its findings following the conclusion of a hearing, the Board will render its decision to impose the punishment or dismiss the charges, the decision being final.
- (5) A copy of the written findings and decision of the Board in the case shall be served on the employee in the same manner as service of the notice described in subparagraph 2 above.

Performance Evaluation

The Superintendent or designee shall establish and maintain a continuing program of classified employee evaluation. The program shall include provisions for preparation of written evaluations by the appropriate administrator and a means of making the results of such evaluations known to the employee.

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It is justifiable for the district to require the best possible performance from each employee in order for the district to operate smoothly. Any classified employee found, in the judgment of the supervisor, to be unsatisfactory in any area on their Classified Employee's Evaluation Report shall have an early evaluation filed on him/her by the supervisor in writing. He/she then will be given 90 days in which to remove this unsatisfactory rating. The employee will be re-evaluated in writing at the end of the 90 days by his/her supervisor. If the employee has not improved by the end of the 90 days, he/she will be notified in writing as per the evaluation article in the negotiated agreement. Any employee not agreeing with the evaluation may use the avenue of appeal already built into the evaluation system.

Staff Development

The superintendent shall establish and maintain a program of staff development for classified employees which shall provide orientation for new employees and continuing inservice training for all employees.

Legal Reference:

EDUCATION CODE

13583

45113 Rules and regulations for classified service in districts not incorporating the merit system

45201

Policy
adopted: April 14, 1966
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SANTEE SCHOOL DISTRICT
Santee, California