



**ORANGE COUNTY DEPARTMENT OF EDUCATION  
MANAGEMENT  
EMPLOYEE GUIDELINES**

**Effective Date: January 1, 2020**

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## Orange County Department of Education Management Employee Guidelines

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## I. DEFINITIONS

- A. **Certificated Management Employee** - an employee in a position requiring certification under the California Education Code who has responsibilities pursuant to provisions of Section 3540.1(g) of the California Government Code. Certificated management positions are non-teaching in nature, and service in certificated management positions is not credited toward the attainment of permanent status as a teacher.
- B. **Classified Management Employee** - An employee in a position not requiring certification under the California Education Code who has responsibilities pursuant to provisions of Section 3540.1(g) of the California Government Code. Classified management positions are part of the classified service, and service in classified management positions is credited toward the attainment of permanent status as a manager.

## II. EMPLOYMENT

- A. **Certificated Management**
  - i. Certificated management employees serve at the will of the Superintendent. The number of working days will be specified on a salary worksheet at the beginning of the school year. Work days are arranged by the employee with the approval of the appropriate Cabinet representative.
  - ii. The Superintendent, or designee, reserves the right to terminate the contract of a certificated management employee at any time with appropriate notice, as provided for in these Management Employee Guidelines.
- B. **Classified Management**
  - i. Classified management employees will serve an initial probationary period. The probationary period will not exceed six months or 130 days of paid service, whichever is longer. Time spent on paid or unpaid leave, with the exception of paid holidays, shall not be included when calculating the probationary period.
  - ii. There will be no promotional probationary period for permanent management employees receiving promotions subsequent to the completion of the initial probationary period.
  - iii. A classified management employee can be terminated during the probationary period for failing to meet the expectations of the job. Termination during the probationary period does not require that the provisions of Section XXV, Dismissal, be met. Section XXV is applicable only to employees who have completed the initial probationary period.
  - iv. Non-management employees of the Department selected for promotion to a classified management position will serve a probationary period not to exceed six months or 130 days of paid service, whichever is longer, subsequent to appointment. Failure to satisfactorily complete the probationary period will result in the employee being returned to the classification held prior to the promotion to the management position.
- C. **Salary Placement**
  - i. Employees with satisfactory performance records are eligible for a two-step increase in salary at their one-year anniversary date until the maximum step of the salary range is attained. When an employee's anniversary date occurs on or before the fifteenth of the month, the salary increase will be effective on the first day of the month. When the anniversary date occurs on or after the sixteenth of the month, the salary increase will be effective on the first day of the following month.
  - ii. The salary anniversary date is established by the date the employee first served in a management position.

### III. LONGEVITY PAY

- A. A management employee who has completed fifteen (15) or more years of administrative service (management, supervisory, or confidential service) to the Department will receive longevity pay.
  - i. Longevity pay as described above will be paid at the following rates:

Completion of 15 or more years	3%
Completion of 20 or more years	5%
Completion of 30 or more years	7%
- B. A management employee at the Senior Management II level and above will receive longevity pay for the completion of fifteen (15) or more years of administrative service in the field of education.
  - ii. Longevity pay as described above will be paid at the following rates:

Completion of 15 or more years	6%
Completion of 20 or more years	8%
Completion of 30 or more years	10%

### IV. WORKING HOURS

- A. Management employees of the Department are required to work such hours as directed by the Superintendent or a designee. Each management employee is expected to spend the hours per day of the work week necessary to perform assigned job duties.
- B. It is recognized that the management employee will normally be at work during the regular business hours of 8:00 a.m. to 5:00 p.m. Also, certain professional responsibilities will be performed during other than regular business hours, such as at night or on weekends. To provide some tangible recognition of time worked beyond the normal day, Cabinet Representatives may on occasion authorize modification of the management employee's normal work day.
- C. Management employees will not have their salary reduced for absences of less than one (1) day in the event they have no leave time to charge.

### V. HOLIDAYS

- A. Certificated and Classified
  - i. Holidays for management staff will be observed in accordance with the appropriate program/site calendar.
- B. Classified
  - i. Classified management staff members receive pay for a holiday as part of their regular monthly compensation provided the holiday occurs during the employee's scheduled work year.
  - ii. A classified management employee must be in a pay status on his/her last scheduled working day before or after a holiday in order to receive pay for that holiday. Time during which a classified management employee is excused from work because of sick leave, vacation, or other paid leave of absence shall be considered time worked by the employee for the purpose of determining paid status.
  - iii. A holiday falling within a prescribed vacation shall be deemed a holiday and not chargeable as vacation.

## VI. BENEFITS

- A. The Department shall provide a contribution toward the cost of the current medical, dental, vision, and life insurance plans for employees and eligible dependents not to exceed the maximums listed below. Said contribution will apply for the period October 1, 2020, to September 30, 2021.

PLAN	OCDE Maximum Contribution
<b>Trio ACO HMO</b>	
Employee Only	\$672.03
Two Party	\$1,354.99
Family	\$1,933.81
<b>Access+ HMO</b>	
Employee Only	\$826.57
Two Party	\$1,679.51
Family	\$2,397.39
<b>PPO</b>	
Employee Only	\$1,141.64
Two Party	\$2,224.29
Family	\$3,341.21

- B. Management employees working ten (10) months (i.e. 180 days) or more per year are eligible for the maximum Department contribution for health benefits. An employee working less than ten (10) months (i.e., 90 or more, but less than 180 days) per year is eligible for the benefits contribution provided the employee contributes to the premium on a prorated basis. Specific information concerning benefits is available from the Benefits office.
- C. Employees on personal leave may remain in the group plan for medical, dental, and vision insurance provided they assume the full premium cost.
- D. Employees who qualify for STRS, PERS, and OCERS and retire may remain in the group plan for medical insurance provided they assume the cost of all premiums. The Department retains the right to implement experience-rated premiums at its discretion.

## VII. PERFORMANCE EVALUATIONS

- A. The Human Resources unit will forward performance evaluation forms to the appropriate supervisor two (2) months prior to the due date.
- B. Frequency of Evaluations
- i. A new certificated management employee will be evaluated at the conclusion of the first school year of employment if hired prior to January 1. If the new employee is hired after January 1, the initial evaluation will be accomplished at the conclusion of the following school year. Subsequent evaluations will be completed at least every other year.

- ii. All new classified management employees will be evaluated prior to the completion of the initial probationary period. Subsequent evaluations will be completed one year after the completion of probation and at least every other year thereafter.
  - iii. A permanent classified management employee receiving a promotion, reclassification, or demotion will be evaluated one year after the effective date of the position change, and subsequent evaluations will be completed at least every other year thereafter.
- C. Management employees also participate in the Assessment and Growth Plan process with their supervisors to set goals and development plans for the identified period. Performance evaluations should provide for:
- i. Discussions to reach understanding on duties, responsibilities, and objectives.
  - ii. Review of progress and performance to date and, as appropriate, planning for more effective performance.
  - iii. The opportunity for each employee to ask questions about his/her interest in upgrading present skills and in future development.
  - iv. Written performance reviews sufficiently specific to inform and guide the employee and
  - v. The rating and appraisal of the services rendered by the management employee.

## **VIII. NON-WORK DAYS (CERTIFICATED)**

- A. Employees will request and receive approval for non-work days prior to the beginning of the school year. Approval will be by their supervisor.
- B. Each certificated management classification has a designated number of contract days indicated on the management salary schedule. Adjustments to the number of contract days may occur from year to year. No certificated management employee will work in excess of 225 days in a school year. Certificated management employees working fewer than the number of days indicated on the certificated management salary schedule will have their salaries prorated accordingly.
- C. Certificated managers will have the responsibility for working the designated number of days in the school year. Failure to work the specified number of days will result in an adjustment in pay and may result in the certificated manager receiving less than a full year of service credit for retirement purposes.
- D. A certificated management employee may carry over five (5) unused non-work days into the next school year based on the following criteria.
  - i. The certificated management employee must work at least 180 days per school year.
  - ii. No more than five (5) days may be carried forward into the next school year.
  - iii. The days carried forward cannot accumulate, i.e., no more than five (5) extra days will be allowed in any year.
  - iv. Any unused days in excess of five (5) at the end of the school year will be lost.

## **IX. VACATION LEAVE (CLASSIFIED)**

- A. Regular, full-time classified management employees shall have a basic work year not to exceed 225 days in a school year. Non-holiday weekdays in excess of the number of required workdays in the classified manager's work year shall be vacation days. Non-holiday weekdays that are neither work days nor vacation will be non-duty days.
- B. Each classified management classification has a designated number of workdays indicated on the management salary schedule. A classified management employee may be authorized to work days in excess of the number of days designated for the classification on the management salary schedule. However, it will not be considered a layoff or demotion for a management employee if the number of workdays is reduced from the previous school year to the following school year, provided the number of days assigned for the new school year does not fall below the number of days for the management

classification which is indicated in the classified management salary schedule. No classified management employee will work in excess of 225 days in a school year.

- C. The classified management salary schedule is based on a 225 day work year. Any classified manager with a work year less than 225 days will have their salary prorated accordingly.
- D. Classified managers working less than the basic work year shall have their vacation days prorated, with non-duty days varying accordingly.
- E. Classified managers have the responsibility for working the required number of days in the school year. Failure to work the specified number of days will result in an adjustment in pay and may result in the classified manager receiving reduced service credit for retirement purposes.
- F. If a classified manager terminates service and had been granted vacation that was not yet earned at the time of termination of his/her service, the Department shall deduct from the final check the full amount of salary that was paid for such unearned days of vacation taken.
- G. It is the expectation of the organization that classified management employees use all of their vacation time in the school year in which it is earned. A classified management employee may carry over five (5) unused vacation days into the next school year based on the following criteria:
  - i. The classified management employee must be assigned an annual work schedule of at least 180 days per school year.
  - ii. No more than five (5) days may be carried forward into the next school year. The balance of any vacation is to be used in the school year in which it is earned.
  - iii. The days carried forward cannot accumulate, i.e., no more than five (5) extra days will be allowed in any year.

## **X. PERSONAL BUSINESS LEAVE**

- A. Leave for three (3) days each year may be granted for the conduct of personal business when prior arrangements have been made with and approval obtained from the immediate supervisor. This leave is not accumulative and shall be deducted from sick leave.
- B. Personal Business days will be deducted from Personal Necessity Leave.
- C. Additional Personal Business days may be earned at the rate of one (1) personal business day for each ten (10) days of accumulated sick leave as of June 30 each year, not to exceed a total of four (4) additional days. This leave is not to be accumulative. Usage of leave under this section shall be reviewed annually by the Department to evaluate continued implementation.

## **XI. PERSONAL NECESSITY LEAVE**

- A. Personal Necessity Leave may be utilized for circumstances that are serious in nature, which cannot be expected to be disregarded, which necessitate immediate attention, and which cannot be dealt with during off-duty hours.
- B. Management employees shall submit a request for Personal Necessity Leave on a Department-approved form to the immediate supervisor normally not less than five (5) working days prior to the beginning date of the leave. Prior approval for Personal Necessity Leave is not required for the following reasons:
  - i. Death or serious illness of a member of the management employee's immediate family.
  - ii. Accident involving the employee's person or property or the person or property of the management employee's immediate family.
- C. A management employee may use not more than seven (7) days per year of accumulated sick leave for purposes of approved Personal Necessity Leave. Personal Necessity Leave shall not be granted for: political activities or demonstrating; vacation, recreation, or social activities; civic or organization activities; routine personal activities; occupational investigation; or religion.

- D. Immediately upon return to active service, the management employee shall complete the Department absence form and submit it to the immediate supervisor.
- E. The management employee shall provide, upon Department request, additional verification of the use of these leave provisions.

## **XII. SICK LEAVE**

- A. Full-time management employees will earn twelve (12) days of sick leave per year. The leave is to be used for absences caused by illness or injury. Part-time management employees will earn sick leave in the ratio their employment bears to full-time service. (210 days is considered full-time for purpose of accumulating sick leave.) Sick leave may be accumulated year to year without limitation.
- B. Management employees may be required to present a physician's statement prior to charging time off to sick leave. The Department reserves the right to require the management employee to have an illness or injury verified by a physician designated by the Department prior to authorizing time off charged to sick leave.
- C. When a management employee has used all of his/her accumulated sick leave, said employee shall then be entitled to 100 days of differential pay.
  - i. If the management employee has over ten (10) years of service and no substitute employee is hired, the management employee will receive his/her regular daily salary rate. If a substitute is hired, the management employee will receive 50% of his/her regular daily salary rate.
  - ii. If the management employee has less than ten (10) years of service, the management employee will receive 50% of his/her regular daily salary rate.
  - iii. Differential pay shall be available only after all sick leave entitlements have been exhausted. When a management employee has exhausted the differential pay allowance, no additional differential pay is authorized for the balance of the school year.
- D. Employee may use his or her sick leave for purposes of parental leave for a period of up to 12 workweeks. Parental leave means leave for reason of the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.
  - i. Employees are eligible for paid parental leave if they have worked with OCDE for 1 year.
  - ii. Employees may use up to 12 weeks of paid parental leave within one year from the day of the baby's birth.
  - iii. Leave can be taken in one block of time or intermittently
  - iv. Intermittent leave must be taken a minimum duration of two weeks at a time; however, on two occasions, it can be less than two weeks duration.
  - v. Employees must first use their sick leave; once exhausted, they will be paid 50% of their salary for the remainder of the 12 weeks.
- E. As specified in these guidelines, there are additional leaves that are deducted from accumulated sick leave.
- F. Management employees shall not accept other employment when receiving sick leave unless such employment is outside their regularly scheduled workday.

## **XIII. CARE OF A FAMILY MEMBER**

- A. Management employees are entitled to use up to six (6) days of accrued sick leave during a calendar year to attend to an illness of a child, parent, sibling, grandchild, grandparent, registered domestic partner, or spouse of the employee. A child includes biological, foster, or adopted children; as well as stepchildren,



legal wards, or the child of a “person standing in loco parentis.” A parent includes a biological, foster, or adoptive parent; a stepparent; or a legal guardian.

- B. If an employee has twelve (12) days of accumulated sick leave as of January 1, one (1) additional Family Care Leave day of the employee's accrued sick leave can be used that calendar year. This leave is not to be accumulative.
- C. An employee who has exhausted their vacation and other eligible leave may use up to an additional 20 days of their sick leave per calendar year to care for a family member who has a verified serious health condition, illness, or injury, provided they have a minimum sick leave balance of 12 days after using the days. An employee exercising this leave of absence shall notify Human Resources and the immediate supervisor of their need to be absent from service as soon as known. The notification described herein shall also include an estimate of the expected duration of the absence.
- D. Management employees shall submit a completed Absence Request form to the immediate supervisor normally within three (3) working days prior to the leave.
- E. Provisions of this section shall remain in effect as long as Section 233 or the Labor Code is applicable to school employers.

#### **XIV. INDUSTRIAL ACCIDENT AND ILLNESS LEAVE (Worker's Compensation)**

- A. Industrial Accident and Illness Leave shall be granted for illness or injury incurred within the course and scope of a management employee's assigned duties.
- B. A management employee who has sustained a job-related injury shall, whenever possible, report the injury immediately. The injury will be reported on the appropriate Department form to the Risk Management unit. In order to qualify for Industrial Accident or Illness Leave coverage, a management employee claiming such leave must be examined by a physician.
- C. Industrial leave shall be for not more than sixty (60) days during which time a management employee would otherwise have been performing work for the Department in any one fiscal year for the same illness or accident. When the leave overlaps into the next fiscal year, the management employee shall be entitled to only the amount of unused leave due for the same illness or injury. The leave shall commence on the first day of absence and shall not be accumulated from year to year.
- D. Industrial Accident or Illness Leave shall be reduced by one (1) day for each day of authorized absence regardless of a temporary disability indemnity award.
- E. If, upon conclusion of an industrial paid leave, a management employee is still unable to return to work, he/she may utilize any available sick leave benefits provided that any sick leave utilization, when combined with any temporary disability indemnity, shall not exceed 100% of the management employee's normal compensation.
- F. A management employee shall be permitted to return to service after an industrial accident or illness upon the presentation of a release from a physician certifying the employee's ability to return to his/her position classification. A management employee may be returned to modified duty provided a position is available within the employee's limitations and return to work would not be detrimental to the employee's physical and emotional well-being. The Department reserves the right to have the employee seen by a Department physician in those instances where the treating physician is the employee's physician of choice. In the event that there is a disagreement by the physicians over whether the employee is able to return to work, the Department retains the final decision as to the employee's status.
- G. A management employee, who is eligible for re-employment and has been medically released for return to his/her duties, but fails to accept an appropriate assignment, shall be terminated.
- H. When all available leaves of absence have been exhausted and the employee is not medically able to assume the duties of his/her position, he/she may request a Personal Leave for a period of up to one (1) year. Any Personal Leave under this provision shall be at the discretion of the Superintendent. If Personal Leave is not granted, the employee shall be placed on a re-employment list for a period of 39 months.

The employee shall be eligible for re-employment in the first vacant position in the class upon submission of a physician's statement that he/she is able to assume his/her duties.

- I. An employee must notify the Department when receiving compensation from any other employment while on Industrial Accident and Illness Leave.

## **XV. PREGNANCY LEAVE**

- A. Absence caused by disability due to pregnancy, childbirth, or recovery therefrom shall be charged to Sick and Differential Sick Leave.
- B. The employee shall furnish Human Resources with a statement from her physician giving the anticipated date of delivery and the opinion of the physician as to her ability to perform her normal work assignment. Such statement shall be furnished as soon as practical after a determination of the pregnancy has been made. A pregnant employee will be permitted to work as long as she is able to safely perform her duties.
- C. A management employee who has been employed for one year or more may use his or her sick leave for purposes of parental leave for a period of up to 12 workweeks in accordance with Section XII, D. Parental leave is leave for reason of the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.

## **XVI. BEREAVEMENT LEAVE**

- A. The purpose of Bereavement Leave utilization shall be for the death of a member of the employee's family. Members of the employee's family includes mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, sister, uncle, or aunt of the employee or of the spouse of the employee, or spouse of the employee's sibling, or any relative living in the immediate household of the employee.
- B. Employees shall be granted necessary leave of absence, not to exceed three (3) days on account of the death of any member of his/her family as defined in XVI.A. Additional bereavement leave for extreme circumstances may be requested for approval by the Executive Director, Human Resources or designee.
- C. Employees may use up to a maximum of three (3) days total per year of Bereavement Leave for other family members not identified in XVI.A. No additional Bereavement Leave for travel or extreme circumstances will be granted for these instances.
- D. Employees exercising this leave of absence provision shall notify their immediate supervisor as soon as possible and state the expected duration of their absence.
- E. If travel in excess of three hundred (300) miles, one-way, or out of state is required, two (2) additional days shall be allowed.
- F. All days of absence used under the provision of Bereavement Leave shall result in no loss of compensation to the employee.
- G. Immediately upon return to active service, an employee shall complete the appropriate absence form and submit it to his/her immediate supervisor.

## **XVII. JUDICIAL LEAVE**

- A. Judicial and official appearance leave may be granted for purpose of regularly called jury duty, appearance as a witness in court other than as a litigant, or to respond to an official order from another governmental

jurisdiction for reasons not brought about through the connivance or misconduct of the management employee.

- B. The management employee seeking an official Judicial Leave shall submit a request for an approved absence accompanied by the official order to the immediate supervisor. Such a request shall be submitted not less than ten (10) days prior to the beginning of the date of the leave.
- C. A management employee may be granted a Judicial Leave of Absence not to exceed the duration or the requirement of the official order for participation and appearance. Proof of service shall be submitted at the conclusion of the use of this leave provision.

## **XVIII. PERSONAL LEAVE**

- A. Management employees may request a Personal Leave without pay at any time. Personal Leaves of five (5) working days or less are approved or denied by the immediate supervisor. Personal Leaves in excess of five (5) working days, but not more than fifteen (15) working days, are approved or denied by the Cabinet representative.
- B. A Personal Leave in excess of fifteen (15) days must have the approval or denial of the Superintendent or designee. Leave requests will be submitted on the Department form at least fifteen (15) days prior to the commencement of the leave. Leave requests must be reviewed by the Cabinet representative prior to consideration by the Superintendent.
- C. The Human Resources unit will receive a copy of all requests for the Personal Leave.
- D. A management employee who has exhausted all paid leave due to a non-industrial medical or physical disability and continues to be disabled, as verified by a physician, may request to be placed on a Personal Leave for six (6) months. Approval is at the discretion of the Superintendent.

## **XIX. TRANSFER**

- A. A transfer is a lateral move, made voluntarily, to another position in the same classification or salary range.
- B. Management employees should make a request for a transfer in writing to the Superintendent via their Cabinet representative and Human Resources. The request should identify the position desired and the reasons for requesting the transfer.

## **XX. REASSIGNMENT**

- A. A reassignment is a change in a management employee's assignment to another position in the same classification or salary range initiated by the Department.
- B. The management employee will be notified in writing of the reasons for the reassignment no less than thirty (30) days prior to the effective date.
- C. No reassignment will be accomplished without the prior approval of the Superintendent or designee.

## **XXI. PROMOTION**

- A. A promotion occurs when a management employee is placed on a range with a higher maximum step on the salary schedule than that previously occupied.

- B. No management employee will be promoted to a vacant position without benefit of a regular recruitment which has been conducted in accordance with Departmental procedures unless a recruitment waiver is authorized by the Superintendent or designee.
- C. Upon promotion a management employee will receive the recruiting step of the new classification or a two-step increase, whichever is greater. The management employee will retain the original anniversary date for annual salary increases on the new schedule.
- D. When a job classification is assigned to a higher range, the management employees in the classification will be considered to have been promoted.

## **XXII. DEMOTION (Unsatisfactory Performance)**

- A. The demotion of a management employee may be enforced when performance deficiencies or the inability to perform the assigned duties exist. A demotion has occurred when a management employee's position has been reduced to a new salary schedule which has a lower maximum range than that previously occupied.
- B. No management employee will be demoted without prior written notification. The management employee will be notified at least forty-five (45) days prior to the effective date that it is the Department's intent to demote him/her. Written notification to the employee shall include the following:
  - i. The reasons for the proposed demotion.
  - ii. Copies of any materials upon which the demotion is based.
  - iii. The date upon which the proposed demotion will take effect.
  - iv. The classification to which it is proposed the management employee is demoted.
  - v. The name of the person to whom the management employee may respond to discuss the proposed demotion.
  - vi. That the management employee has the right to explain, deny, etc. the reasons.
- C. A demotion may be imposed by Cabinet level administrators or above. The demotion of a management employee must be discussed with the Associate Superintendent, Administrative Services or designee and be approved by the Superintendent prior to the notification of the intent to demote the management employee.
- D. When a management employee is demoted, he/she will be placed on the corresponding step of the salary range for the new classification.
- E. Copies of all materials, letters, etc. relating to the demotion will be filed with Human Resources.
- F. The demotion procedures shall not apply to a situation when the Superintendent has determined that a general salary reduction for all management employees is necessary due to fiscal constraints upon the Department.

## **XXIII. VOLUNTARY DEMOTION**

- A. A management employee may request a voluntary demotion. Such a request will be made to the Superintendent through the appropriate Cabinet representative. The management employee's assignment and salary will be determined by the Superintendent.

## **XXIV. SUSPENSION**

- A. A management employee may be suspended without pay for safety-related infractions and violations, and/or for failure to perform duties satisfactorily.

- B. No management employee will be suspended without pay without appropriate notification. A management employee will be notified at least five (5) working days prior to the effective date that it is the Department's intent to suspend him/her without pay, except as outlined in XXV.
- C. Notification of the management employee shall be in writing and include the following:
  - i. The safety infraction or violation committed by the management employee.
  - ii. The length of the proposed suspension.
  - iii. Copies of the materials upon which the proposed suspension is based.
  - iv. The date upon which the proposed suspension will take effect.
  - v. The name of the person to whom the employee may respond to discuss the proposed suspension.
  - vi. That the management employee has the right to explain, deny, etc. the reasons for the proposed suspension.
- D. Suspension without pay may be implemented by Cabinet level administrators or above. The suspension of a management employee must be discussed with the Associate Superintendent, Administrative Services or designee, and be approved by the Superintendent or designee prior to the notification of the intent to suspend the management employee.
- E. The Cabinet Representative or the Superintendent may suspend a management employee without prior written notification in the case of serious infractions or violations. The suspension must be discussed with Human Resources and confirmed in writing as soon as possible, but not later than two (2) days after the suspension is effective. The notice must contain the reasons for the suspension. The management employee shall be paid for the period of suspension if the suspension is subsequently revoked.
- F. Copies of all materials, letters, etc. relating to a suspension will be filed with Human Resources.

## **XXV. DISMISSAL**

- A. A management employee shall at all times faithfully, industriously, and to the best of his/her ability, experience, and talent perform all duties that may be required of and from the employee. In the event the management employee fails to perform his/her duties satisfactorily the employee shall be subject to the dismissal provision contained in this section.
- B. Authority for implementing a dismissal procedure is vested in the Cabinet and the Superintendent. In all cases, recommendations for dismissal must be discussed with the Assistant Superintendent, Administrative Services or designee, and approved by the Superintendent or designee prior to notification of a management employee.
- C. Dismissal shall be preceded by at least one written warning unless the offense is sufficiently serious to warrant immediate dismissal. Prior written warning is not necessary in those situations in which a management employee knows or reasonably should have known that the performance or conduct was sufficiently deficient or unsatisfactory to warrant dismissal.
- D. A management employee will receive written notice of the Department's intent to dismiss him/her. Written notice of the intent to dismiss the management employee shall include the following:
  - i. The reasons for the proposed dismissal.
  - ii. Copies of any materials upon which the dismissal is based.
  - iii. The name of the person the management employee should contact to discuss the proposed dismissal.
  - iv. That the management employee has the right to explain, deny, etc. the reasons for the proposed dismissal.
- E. The management employee will receive a final written notice of dismissal. The notice will contain the reasons for the dismissal and the effective date of dismissal. Unless immediate dismissal is warranted, two (2) weeks notice shall be given to the management employee. Any misconduct or failure to maintain appropriate work performance standards by the management employee during any notice period may result in immediate dismissal.

## XXVI. REDUCTIONS IN STAFF

- A. If a reduction in force becomes necessary at any time during the year, reduction will be determined in accordance with the program needs of the Department. The Superintendent, or designee, will make the final decision on personnel reductions based upon the recommendations of the Cabinet and existing Departmental procedures.
- B. Certificated: For reductions in staff to be effective at the beginning of the succeeding school year, affected employees will be given written notice prior to April 29 if they are not to be retained. For reductions with an effective date other than the end of a school year, employees will be given written notice at least sixty (60) days prior to the effective date of the reduction.
  - i. Reductions will be made within divisions. A division is that organizational unit headed by a Cabinet representative. The positions to be eliminated will be evaluated on a program-by-program basis. Factors including, but not limited to, performance, experience, longevity, credentialing, and funding sources may be considered when determining those staff members to be terminated.
  - ii. A management employee who has achieved permanent status with the Department as a teacher prior to being promoted to a management position has a right to return to a teaching position consistent with their relative seniority in accordance with applicable provisions of the Education Code.
- C. Classified: The layoff of classified management employees shall be for lack of work and/or lack of funds (including the discontinuation of specially funded programs).
  - i. Non-categorically funded positions: The reduction in force of classified management employees in non-categorically funded positions shall be in accordance with the Department's Layoff Procedure for Classified Employees and relevant provisions of the California Education Code. For reduction in staff to be effective prior to the beginning of the succeeding school year, affected employees will be given written notice prior to April 29 if they are not to be retained. For reductions in staff to be effective other than at the end of the school year (June 30), employees will be given written notice at least sixty (60) days prior to the effective date of the reduction.
  - ii. Categorically funded positions: The reduction in force of classified management employees in categorically funded positions shall be in accordance with the Department's Layoff Procedure for Classified Employees and relevant provisions of the California Education Code. For reductions in staff to be effective prior to the beginning of the succeeding school year (effective date of June 30), affected employees will be given written notice prior to April 29 if they are not to be retained. For reductions with an effective date other than the end of a school year, employees will be given written notice at least sixty (60) days prior to the effective date of the reduction.
- D. Notwithstanding paragraphs 1-3 above, any management employee serving in categorical or other programs with limited/restricted funding will receive terms and conditions of employment in writing within thirty (30) days following the date of hire. Any extensions of employment beyond the terms and conditions stated in the initial employment documents will be in written form and communicated to the employee.
- E. Management employees subject to a reduction in staff under this section and receiving insurance benefits at the time of layoff will receive benefits for three (3) months following separation from employment. Laid off employees must contribute to the premium as provided in Section VI.
- F. Management employees subject to a reduction in staff may receive up to three (3) days paid release time to search for alternative employment. Such time must have the prior approval of the immediate supervisor.

## **XXVII. ADMINISTRATIVE REVIEW**

- A. Administrative Review provides a review process for decisions or actions of the Department which involve a management employee.
- B. Requests for review are submitted to the Cabinet representative. If the situation is not resolved at this level, the management employee may submit the request for review through successive administrative channels. The Superintendent will be the final review level.
- C. When an employee requests administrative review, the Cabinet representative to whom the request is submitted shall determine the steps to be taken to best resolve the matter in accordance with the following provisions:
  - i. The request for review shall be submitted in writing to the Cabinet representative.
  - ii. Procedures for review shall be as informal as possible.
  - iii. The Cabinet representative shall respond to the request in writing in a timely manner unless prevented by extenuating circumstances.
- D. Questions or complaints regarding personnel policies and classification standards shall be submitted to the Associate Superintendent, Administrative Services or designee for discussion. Failing resolution, such situations may be submitted to the Superintendent.

## **XXVIII. PERSONNEL FILES**

- A. Personnel files will be maintained by the Human Resources unit. The personnel file may include any materials relating to and affecting the status of the management employee's employment relationship with the Department. Such materials will not include ratings reports or records which (a) were obtained prior to the employment of the person involved, (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional examination.
- B. Each management employee shall have the right to inspect his/her personnel file at any time during normal working hours. The management employee may obtain a copy of materials included in the file at Department expense.
- C. A management employee shall have an opportunity to review all materials, except those mentioned in XXVIII A. above, which will be entered in the personnel file. The management employee has the right to comment regarding materials and have those comments included in the file. No statements of a derogatory nature will be entered into a file without advance notice to the management employee.
- D. All personnel files are kept in confidence and are available for inspection only to Department of Education staff in the direct supervisory chain of the management employee. This does not preclude access to the file by individuals conducting business necessary for the proper administration of the Department's affairs nor does it preclude access to the file by law enforcement officials.

## **XXIX. REPLACEMENT OF PERSONAL PROPERTY**

- A. The Department shall provide for the payment of the cost of replacing or repairing property of a management employee, such as eyeglasses, hearing aides, dentures, watches, and articles of clothing necessarily worn or carried by the management employee, provided such property damage was in the line of duty and not the fault of the management employee.
- B. If the property is damaged beyond repair, the actual value of such property shall be reimbursed up to a maximum of one thousand dollars (\$1000.00). Items such as decorative jewelry or other non-authorized items are not covered.

- C. The Department reserves the right to require proof of the loss and the value of the item prior to authorization for reimbursement. It is understood that if the management employee has personal insurance that would cover the loss, the Department's liability shall be limited to the insurance's deductible clause, if any.
- D. Management employees shall not bring personal property other than clothing and necessary personal items to their work area.
- E. The management employee shall report any loss immediately to the immediate supervisor.