

CHAPTER 2 - POSITION CLASSIFICATION PLAN

SECTION 2. THE CLASSIFIED SERVICE

2.1 POSITIONS INCLUDED

All positions established by the Board of Trustees, which are not exempt from the classified service by law shall be a part of the classified service of the District. All employees serving in the District's classified positions shall be classified employees. The employees and positions shall be known as the Classified Service.

REFERENCE: Education Code Section 88076, 88078, 88005, 88006, 88008, 88079

2.2 EXEMPTION FROM THE CLASSIFIED SERVICE

The following positions and employees are exempt from the classified service:

- (a) Academic positions;
- (b) Full-time students employed part-time;
- (c) Part-time students employed part-time in a college work-study program or in a work experience education program conducted by a community college district which is financed by state or federal funds;
- (d) Apprentice and/or intern positions;
- (e) Positions established for the employment of professional experts on a temporary basis for a specific project by the Governing Board of Trustees or the by Commission when so designated by the Commission; and,
- (f) Individuals employed as community representatives in advisory or consulting capacities for not more than 90 work days in a fiscal year where (a) the authorized duties are not those normally assigned to a class of positions in the classified services, (b) the authorized duties are approved by the Commission in advance of employment, and (c) a regularly classified employment of the District does not receive a concurrent appointment to such a position.

REFERENCE: Education Code Sections 88076, 88078

2.4 EFFECT OF EXEMPTION

Any position or employee entirely exempted from the classified service by law shall be excluded from the benefits and burdens imposed by these Rules, except as otherwise provided by law, including but not limited to Sections 87408.6, 88021, 88022, 88023, and 88024 of the Education Code, Policies as adopted by the Board of Trustees, or these Rules.

REFERENCE: Education Code Section 88006, 88076, 88078, 88080

2.5 INDEPENDENT CONTRACTORS

An Independent Contractor is an individual, company or corporation engaged in an independent business of its own; a separate enterprise or business that performs services pursuant to a fee schedule or on a contractual basis. Individual Independent Contractors retained to perform services for the district must be recognized as professionals requiring advanced degrees and membership in a professional society or professional organization,

or persons that have special skills such as artists, musicians, entertainers, persons with professional recognition such as Staff Development Presenter, etc. A person with an employer-employee relationship as defined under applicable law with the District shall not be an Independent Contractor.

REFERENCE: Education Code Section 88003.1, 88076

2.5 EMPLOYMENT OF COLLEGE STUDENTS UNDER CERTAIN PROGRAMS

Full-time students employed part-time and part-time students employed part-time in any college work-study program, or in a work experience education program conducted by a community college district pursuant to Education Code Sections 51760 – 51770, and which is financed by state or federal funds, shall not be part of the classified service. The District may employ such students pursuant to the Education Code. Employment of either full-time or part-time students in any college work-study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.

REFERENCE: Education Code Sections 88076, 88080, 88081, 51760 - 51769.5

2.6 GENERAL CLASSIFICATION RULES

2.6.1 ASSIGNMENT OF DUTIES

The Board shall fix and prescribe the duties and responsibilities of all positions in the classified service except those of Commission staff. The Board of Trustees may recommend the minimum educational and work experience requirements for classified positions to the Commission, but such minimum qualification shall be subject to the Commission's approval.

In approving minimum educational and work experience requirements for classified positions, the Commission shall ensure that such requirements reasonably relate to the duties of the position, as established by the Board of Trustees. The requirements shall ensure that the field of applicants for a particular position remains competitive. The Commission may not approve requirements that unduly or unreasonably restrict the field of competition. The duties and qualifications prescribed for each position class must be prepared and approved prior to the issuance of an announcement calling for a competitive examination to fill vacant positions.

In the event that the duties being performed by a classified employee are found to be inconsistent with the duties officially assigned to a specific position, the District Director of the Personnel Commission and Classified Employment shall report the facts to the responsible administrator in order that appropriate action may be taken.

The Board of Trustees shall not remove a position from the classified service by title assignment or otherwise unless the position is one for which minimum qualifications have been established by the Board of Governors of the California Community Colleges, pursuant to Section 87356 of the Education Code. District Director of the Personnel Commission and Classified Employment

REFERENCE: Education Code Sections 88009, 88061, 88084, 88095

2.6.2 GENERAL CLASSIFICATION PLAN

The Commission shall classify all employees and positions within the jurisdiction of the Board or the Commission, except those positions that the Commission determines are exempt from the Classified Service pursuant to Rule 2.2. The Commission shall maintain a classification plan for all positions in the Classified Service. To classify shall include, but not be limited to:

- (a) Allocation of all positions to appropriate classes.
- (b) Arrangement of classes into occupational hierarchies (job families).
- (c) Determination of reasonable relationships between classes within the occupational hierarchies.
- (d) Preparation of written class specifications; and
- (e) Recommendation to the Board of Trustees of salary schedules for the Classified Service.

REFERENCE: Education Code Sections, 88005, 88009,, 88076, 88087

2.6.3 ALTERNATE SERIES CLASSIFICATIONS

Employees appointed to the classifications that are designated as alternate series classifications will begin work with the District in the lower level I classification and may be promoted, without competitive examination, to a level II classification in the same series upon successful completion of one year of service and the written recommendation of their supervisor. The Admissions and Records Assistant I, Maintenance Worker I, and Office Assistant I classification specifications have been designated as alternate series classifications.

The employee's anniversary date within the class to which they are promoted shall be the first day of the month following the date of promotion into the higher class. When the first date of promotion is the first working day of the month, the first day of the initial month shall be the anniversary date.

REFERENCE: Education Code Sections 88080, 88081

2.6.4 CLASS SPECIFICATIONS

All class specifications shall be made available on the District's website. For each class, the Commission shall establish and maintain a class specification, which shall include:

- (a) The class title.
- (b) A definition of the class, indicating the type of duties and responsibilities, as assigned by the Board of Trustees or designee, and placement within the organizational scheme.
- (c) A statement of distinguishing characteristics which differentiates the class from other related or similar classes.
- (d) A statement of the examples of duties to be performed by persons holding positions allocated to the class. The Commission shall develop this statement from the list of duties

presented to it by the Board of Trustees.

(e) A statement of the minimum qualifications for service in the particular class. The minimum qualifications may include education, experience, knowledge, skills, abilities, personal and physical traits and characteristics.

(f) A statement about any license, certificates, or other special requirements for employment or service in the particular class.

(g) A statement about working conditions including any physical or mental requirements required of positions in the class, including the essential duties of each classification.

(h) A statement about any additional qualifications considered to be so desirable that any person applying for employment who possesses such qualifications may be given additional credit in the evaluation of their qualifications, even though such additional qualifications were not listed as a prerequisite.

(i) Minimum qualifications shall not require a teaching, administrative, or other credential, nor may they require work experience, which would restrict applicants to credential holders. Titles may not be assigned that would restrict competition to holders of credentials.

(j) The title of the class shall be used as the title of all positions in the class on payrolls submitted to the Commission for auditing and in the records and correspondence of the Commission and the Board of Trustees.

(k) The Commission will recommend a salary range for each new classification. For bargaining unit positions the salary will be determined through the collective bargaining process. For management and confidential positions, the Board of Trustees, after considering the Commission's recommendation, will determine the salary range. Each classification specification will state the salary range for the position.

REFERENCE: Education Code Sections 88080, 88095, 88096

2.6.5 INTERPRETATION OF CLASS SPECIFICATIONS

The class specifications and their various parts have the following force and effect:

(a) The definition and typical tasks are descriptive and explanatory only and not restrictive, indicating the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements and do not prescribe what these details shall be in respect to any position.

(b) The use of a particular expression or illustration as to duties, responsibilities, qualification requirements or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind or quality as determined by the Commission.

(c) The specification for each class is considered as a whole in determining the class to which any position shall be allocated, giving consideration not to isolated clauses, phrases or words, but to the general duties, responsibilities, specific tasks and qualification requirements as affording a picture of the positions that the class includes.

(d) Each class specification is construed in its proper relationship to other specifications,

particularly those of classes in the same series in such manner as to maintain a proper relationship in the series in which the class is located and proper differentiation within the group of classes.

(e) All classes even though not specifically mentioned in the specification are required to actively promote and integrate principles of Diversity, Equity, Inclusion, Accessibility (DEIA), and anti-racism. This commitment is essential to fostering and maintaining a respectful, inclusive, and equitable environment for learning and working. These principles must be reflected in the actions and behaviors of all personnel, contributing to a culture that affirms and values all individuals and their diverse backgrounds.

(f) The statement of qualification requirements, when considered with other parts of the specification, is to be used as a guide in the announcement and preparation of tests and in the evaluation of the qualifications of candidates seeking appointment, but does not require a particular form or content of test or testing procedure.

REFERENCE: Education Code Sections 88076, 88080, 88095

2.6.6 CREATION OF NEW POSITIONS

When the Board of Trustees creates a new position or approves a reorganization that modifies the duties or responsibilities of a classification or position, it shall submit the duties officially assigned to the classification or position, to the District Director of the Personnel Commission and Classified Employment using established operational procedures. The Board of Trustees, or its designee, may recommend minimum educational and work experience requirements for the classification or position. The District Director of the Personnel Commission and Classified Employment shall present recommendations to the Commission for action. The Commission shall:

(a) Determine if the new position shall be a part of the Classified Service or exempt under Rule 2.-2.

(b) Classify the position and determine whether the position should be allocated to an existing class or whether a new class should be established.

(c) If a new class is recommended, the District Director of the Personnel Commission and Classified Employment shall set forth a proposed class specification setting out the title, duties as established by the Board of Trustees, or designee, qualifications, and other requirements of a class specification. The qualifications approved by the Commission must reasonably relate to the duties assigned to the position by the Board of Trustees.

(d) The Commission shall recommend the proper salary placement on the appropriate classified salary schedule to the Board of Trustees.

(e) The District Director of the Personnel Commission and Classified Employment shall notify the Board of Trustees or designee of the Commission's action.

REFERENCE: Education Code Sections 88009, 88076, 88087

2.6.7 ALLOCATION OF POSITIONS TO EXISTING CLASSES

All positions which substantially consist of comparable duties, responsibilities, and qualifications shall be allocated to the same class.

REFERENCE: Education Code Section 88076

2.6.8 CHANGES IN DUTIES OF POSITIONS

Any substantial change in the duties of existing positions shall be promptly reported in writing to the District Director of the Personnel Commission and Classified Employment, who shall conduct a review to determine whether the position should be allocated to a new or different class. Should a change in classification be warranted or necessary, the District Director of the Personnel Commission and Classified Employment shall submit recommendations to the Commission for further action as described in Rules 2.7-2.7.4 below.

REFERENCE: Education Code Sections 88076, 88104

2.6.9 WORKING OUT OF CLASSIFICATION:

Each classified employee should be required to perform the duties approved by the Board of Trustees and classified by the Commission for the class to which the employee is assigned. Classified employees shall not be required to perform duties and responsibilities which are not fixed and prescribed for their positions unless reasonably related to the fixed duties for any period of time which exceeds five (5) working days within a fifteen (15) calendar day period, except as provided by this Rule. An employee may be assigned to work beyond the scope of the duties normally assigned to the employee's position or reasonably related thereto provided that the employee's salary is adjusted as follows:

(a) When a regular employee in the classified service works in a higher classification for a period of time which exceeds five (5) working days within a fifteen (15) calendar day period, the salary of the employee shall be adjusted upward to the entire period of working out of classification. In addition, employees in the Classified Service who are members of the California Public Employees Retirement System (CalPERS) shall not work out-of-class for more than 960 hours in a fiscal year in the performance of duties in a vacant position during the District's recruitment for a permanent appointment, or as otherwise provided in Section 20480 of the Government Code.

(b) If an employee is required to perform duties that are not allocated to an existing class, the assignment shall be reported to the District Director of the Personnel Commission and Classified Employment in writing so that a review may be conducted to determine the appropriate pay differential for the temporary assignment.

(c) Request for differential pay for working out of class shall be submitted to the District Director of the Personnel Commission and Classified Employment as soon as possible after the assignment has been made.

(d) Working out of class assignments are designed for temporary situations and shall not be used to place an employee in a long-term or permanent assignment in a higher or different classification.

(e) A claim for a pay differential for working out of class may be submitted by the employee or the supervisor. The District Director of the Personnel Commission and Classified Employment will notify the supervisor upon receipt of a claim submitted by an employee.

(f) A claim for pay differential for working out of class must contain a list of the assigned duties.

(g) Employees shall be paid for each day in an out of class assignment, pursuant to Rule 2.6.9(a), commencing the first day of out-of-class work by being placed in the step of the higher salary classification which is greater than but nearest to a five percent (5%) increase in rate.

(h) If the review determines that the assigned duties are not at a higher level, the employee will not receive out of class pay. The District Director of the Personnel Commission and Classified Employment, or designee, shall notify the employee and the appropriate supervisor of the determination. The employee may appeal the Director's determination in accordance with applicable complaint procedures as outlined in Chapter 17 of these rules, or in accordance with the provisions of an applicable collective bargaining agreement. The Director shall notify the Commission if an employee files an appeal.

(i) Represented employees shall follow the procedure for claiming out-of-class pay and for appealing decisions regarding pay as set forth in their collective bargaining agreement.

(j) These Rules shall not be construed as permitting an employee to refuse to perform duties assigned by proper authority or as authorized by these Rules, Board Policies, Administrative Regulations, or as required by law.

REFERENCE: Education Code Section 88010, Government Code 20480

2.6.10 POSITIONS REQUIRING SPECIAL LANGUAGE, SKILLS OR LICENSE

The Board of Trustees may request that the Personnel Commission designate certain positions within a class or classes to require the holder of the position to possess a special skill, license, or language. The District must clearly set forth valid reasons for requesting such special requirements.

(a) The Commission shall recommend a differential salary rate to compensate incumbents in such special positions for their special skills. Such differential rates shall correspond to the salary schedule percentages between ranges.

(b) An announcement calling for an examination for a class with a position containing special requirements will contain appropriate information and will indicate that successful candidates possessing the special skill will be given preference over other successful candidates, , but only as to those specific positions.

(c) When a vacancy occurs in a position which has approved special skill requirements, the position shall revert to the standard requirements unless the Board of Trustees states that the position should still possess the special requirements and the Commission concurs.

(d) If a request to designate a position in a class as requiring a special skill is challenged, the Commission shall cause a proper investigation to be made, and shall consider the findings and all other pertinent data presented by any concerned and responsible source prior to taking final action on the request.

(e) Layoffs in classifications with positions established pursuant to this Rule shall be conducted pursuant to Chapter 19.

REFERENCE: Education Code Sections 88081, 88096

2.6.11 CONFIDENTIAL EMPLOYEES

The Board of Trustees pursuant to Government Code Section 3540.1 may designate certain positions as confidential. Employees filling positions designated confidential must, in the course of their regular duties, be required to develop or present management positions with respect to employer/employee relations or have regular access to, or possess information relating to, the District's confidential employer-employee relations. Confidential employees are not represented by an exclusive representative.

The Board of Trustees' determination to make a position "confidential" is subject to review by the Personnel Commission. The Personnel Commission does not possess authority to reject the Board's designation of a position as confidential, but may inform the Board of its position regarding the position's classification as confidential.

The Commission shall recommend a differential salary rate to compensate incumbents in such confidential positions for the uniqueness of the position.

REFERENCE: Education Code Sections 88061, 88076 Government Code Sections 3540.1 and 3543.4

2.7 RECLASSIFICATION

Unless otherwise provided in an applicable collective bargaining agreement, these rules regarding classification will apply to all classified employees.

2.7.1 REQUESTS FOR RECLASSIFICATION

Requests for reclassification will be accepted by the District Director of the Personnel Commission and Classified Employment between October 1 and by close of business December 1, or the last workday prior. Requests may be initiated by the administration with the approval of the Chancellor, or by employees or an employee organization.

Reclassification questionnaires will be provided upon request to the Personnel Commission. The incumbent of the position to be studied shall provide complete job-related information on the questionnaire provided. Once the employee completes the questionnaire and signs it, it will be sent back to the Personnel Commission. Personnel Commission staff will obtain the signatures from the appropriate supervisor and the other members of the position's "hierarchy." A list of the questionnaires received will be provided to the Vice Chancellor, Human Resources or their designee and the respective exclusive representative.

The incumbent's immediate manager shall then review, agree/disagree with its content, add additional information, sign and submit the request to the next level manager for their input. This review will be completed and submitted as soon as practical, but no event later than fifteen (15) working days following receipt from the Personnel Commission.

By the February Commission meeting the District Director of the Personnel Commission and Classified Employment will provide the Commission with a progress update or recommend a timeline and process to complete the studies.

An employee who has been reclassified with their position shall be ineligible for subsequent reclassification with the position for a period of at least two years from the initial reclassification.

REFERENCE: Education Code Section 88081, 88104

2.7.1 BASIS OF RECLASSIFICATION

The following criteria shall serve as the requirement for reclassification of a position:

- (a) Reclassification shall be based on a gradual accretion of duties over at least a two-year period in an existing position. The accretion of duties which justify a reclassification action imply that the knowledge and skills required for the performance of the “accrued duties” have increased in number and require a more difficult level normally associated with the higher classification. Also, the performance of those “accrued duties” is normally considered to require greater problem solving or accountability to justify such a reclassification action.
- (b) A sudden change resulting from an administrative reorganization or a duty change approved by the Board of Trustees shall not be considered a reclassification but rather a classification action of the District. The Commission shall determine whether or not a reorganization or duty change constitutes a reclassification
- (c) No position classification or reclassification plan which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the Commission until the exclusive bargaining representative and the District have been given reasonable notice of the proposed classifications or reclassifications.

REFERENCE: Education Code Section 88081, 88104, 88104.5

2.7.2 EFFECTIVE DATE OF RECLASSIFICATION

Reclassification of a position shall become effective on the date prescribed by the Commission and shall not have retroactive effect. Effective dates may be set sufficiently in the future, but not for more than three (3) months from the date the Commission approves of a reclassification.

2.7.3 EFFECTS OF RECLASSIFICATION

- (a) In the event all positions within a classification are classified to a higher salary range, incumbents with two or more years of service in the class shall be reclassified without successful completion of the qualifying examination process.
- (b) In the event a portion of the positions within a classification are reclassified to higher salary range, incumbents of the positions being reclassified who have two or more years of service shall be reclassified without successful completion of the qualifying examination process.
- (c) In the event a portion of the positions in a classification are reclassified to a class with a lower salary range, incumbents shall have the right:
 - (1) To bump an employee in the same class, provided that the incumbent has greater seniority in the class than the individual being bumped.
 - (2) To bump the employee with the least seniority in an equal (sufficiently similar) or lower class in which the incumbent has served, provided that the incumbent has greater seniority in that class than the individual being bumped.
 - (3) To choose to be demoted or transferred (after successful completion of the

qualifying examination) to the class to which the position is reclassified. The employee's choice shall in no way effect the employee's rights with regard to placement on a reemployment list.

(d) Any displacement of a regular employee resulting from a reclassification of a position or class of positions shall be considered layoff for lack of work and an appropriate reemployment list will be established in accordance with these Rules.

These Rules shall be followed in all instances of reclassification whether it results in upgrading, downgrading, lateral class movement, bumping, or complete displacement of incumbents.

REFERENCE: Education Code Section 88081, 88104, 88104.5

2.7.4 NOTIFICATION TO THE BOARD OF TRUSTEES

The Commission shall notify the Board of Trustees of all approved reclassifications.

REFERENCE: Education Code Section 88081, 88104, 88104.5

2.8 OCCUPATIONAL HIERARCHIES

The Personnel Commission hereby establishes the following:

(a) That the Classified Service is hereby divided into occupational hierarchies.

(b) That hierarchies are, in turn, subdivided into class series. Class series are developed by vertically separating closely related classes into multiple levels. The number of levels in a series is dependent upon class definitions. The number of levels within a class series should reflect substantive differences between jobs, which shall be specifically defined.

(c) Although hierarchical structures are in place, this does not preclude the overlap of duties. Employees are expected to perform duties within their classification and may also be assigned other related duties associated with the job series in accordance with Rule 2.6.9

(d) Changes in salary schedules should not be made in such a manner that the salary for a subordinate position could exceed the amount paid to that position's supervisor or so compact the salary schedule as to make promotions undesirable. Classification decisions, including salary placement, must be made with consideration given to the Classified Service as a whole; not just the impact on one classification or one occupational series.

REFERENCE: Education Code Sections 88080 88081

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