

## **RULE 17 - MISCELLANEOUS PROVISIONS**

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## **RULE 17**

### **MISCELLANEOUS PROVISIONS**

#### **RULE 17.0      ORIENTATION INTERVIEW**

Upon initial employment with the District, the Personnel Commission Director shall conduct the orientation interview with each employee. The employee shall receive the classified salary schedule, the classified calendar, the classified handbook, job description, and asbestos notification.

#### **RULE 17.1      TUBERCULOSIS REPORT**

##### **A.      Initial Employment**

Every person being initially employed by the District, whether in a regular position, as a substitute, limited-term, or provisional employee, shall be required, within sixty (60) days prior to employment, to undergo a tuberculosis test before being allowed to begin employment. This examination must consist of a Mantoux skin test unless the employee can document, in writing, a history of previous positive skin tests. The District shall reimburse probationary employees for the required skin test. Provisional employees will be reimbursed for the skin test upon attaining probationary status.

An employee with a positive skin test must furnish a certificate from a health care provider showing that the employee is free from active tuberculosis. The health care provider may or may not choose to use a diagnostic chest x-ray. A chest x-ray is not required in those who have completed preventative therapy or have a negative history and symptom review.

##### **B.      After Employment**

Every employee is required to comply with the requirements of Rule 17.1.A at least once every four years after employment. All persons with a negative skin test who convert to positive skin test must provide a certification from a health care provider at that time and again every four years thereafter.

#### **RULE 17.2      FINGERPRINTING**

Every new employee must be fingerprinted. The District will fingerprint a prospective employee free of charge or a person may choose to go to the local law enforcement agency. Fingerprint clearance from the Department of Justice must be received by the Personnel Commission Office before a person may start to work for the District.

RULE 17.3

IMMIGRATION REFORM AND CONTROL ACT

Employees hired after November 6, 1966 are required to complete an "Employment Eligibility Verification" form and present their identity and authority to work documents to the Classified Personnel Director. The form will need to be completed and the documents verified before an employee will be allowed to start work.

RULE 17.4

PRE-EMPLOYMENT PHYSICAL EXAMINATION

It is a mandatory requirement that outside candidates for substitute and/or permanent positions and permanent employees outside the below-listed job families must pass a pre-employment physical examination as established by the District for classifications in the following job families:

Custodial	Groundskeeper
Maintenance	Mechanic
Warehouse	

RULE 17.5

PROCEDURES FOR ADJUSTMENTS  
OF CLASSIFIED PERSONNEL GRIEVANCES

A. Purpose of Adjustment Procedure

1. The adjustment procedure is the medium through which permanent classified employees may seek adjustment of complaints arising out of alleged violations of established Board rules or policies and administrative procedures.

Grievances (complaints) are required to be adjusted with a minimum amount of delay. Each step of this procedure has time limits set upon it. The aggrieved employee and the supervisor are required to proceed within the time set for each step.

The aggrieved employee shall make known the existence of the complaint within ten (10) working days of any specific or documented incident, or at the earliest possible date after the recognition of non-specific occurrences.

B. Steps in Adjustment of Grievances

1. Step 1: When an employee believes he/she has a grievance, the employee must first discuss the grievance with the immediate supervisor. This discussion must take place before the employee submits the grievance in writing. If the grievance is resolved, the issue is concluded. If the grievance is not resolved, the employee shall prepare a grievance form (available in the Personnel Commission Office) and must submit three copies to the immediate supervisor. The employee should be sure to keep a copy for his/her own personal record.

The supervisor shall render a decision within five (5) working days after receipt of the grievance.

If the employee is satisfied with the supervisor's decision, the employee will note this satisfaction on the form and the matter will be closed. The closed file will be sent to the Classified Personnel Office for retention.

If the employee does not receive an answer within five (5) working days, or is not satisfied with the supervisor's decision, the employee may appeal, in writing, to the next level of review. This appeal must be made within five (5) working days after receiving a written decision, or within ten (10) working days after filing the grievance.

2. Step 2: The Principal, Department Head, or next level supervisor, who receives the grievance at this second step must reply within five (5) working days of its receipt. This appeal must be made on the appropriate form and should include a copy of the original grievance, the decision rendered, and a clear, concise statement of the reasons for appeal.

If the employee is not satisfied with the decision, or does not receive an answer, the employee may appeal to the next level of review. This appeal must be made within five (5) working days of receipt of the written decision, or within ten (10) working days of the filing on the Step 2 level. This appeal will be to the Superintendent and must be accompanied by all supporting documents.

3. Step 3: The Superintendent must reach a decision on the appeal within ten (10) working days of the receipt of the appeal. The Superintendent's decision must be in writing.

If the decision is satisfactory to the employee, the employee will so indicate in writing and the matter will be closed. The closed file will be sent to the Classified Personnel Office for retention.

If the employee is not satisfied with the decision or does not receive an answer within fifteen (15) working days from the date the appeal was filed, the employee may appeal to the Board of Trustees.

4. Step 4: When appealing to the Board of Trustees, the employee must do so in writing and state the following:

- a. The reason the Superintendent's decision is unacceptable.
- b. What action needs to be taken to resolve the grievance.
- c. What Rule(s), Regulations(s), Policy (ies), or Law(s) are relied on or claimed to have been violated.

The written appeal will be addressed to the Board of Trustees through the Superintendent together with all necessary supportive documents and copies of previous actions on the grievance.

The Board of Trustees will, at its next regular meeting, set a date and a time at which it will consider the appeal. The Board of Trustees will advise the employee of its decision, in writing, within ten (10) working days following its hearing date. The decision of the Board of Trustees is final and binding.

It is not intended that the appeal to the Board of Trustees include a full hearing of all testimony from witnesses. The documents, tapes, transcripts, etc. received and/or presented in Steps 1, 2 and 3 should contain all the necessary information needed to make a decision. However, the Board of Trustees may, if it desires, hear those witnesses or request such additional documents as it believes necessary for it to reach a decision.

C. Grievance Procedure Guidelines

1. At all steps (1, 2, and 3) of the Grievance Procedure, the responsible supervisor, principal, department head, or administrator shall give undivided attention to the grievant. The person shall search for and listen to any person who can provide information that will aid in resolving the grievance. Additionally, any document, report, letter, etc. that will assist will be utilized.
2. The employee filing a grievance has the responsibility of providing all information available concerning the grievance. The employee must make the facts and/or circumstances surrounding the grievance so clear that those making a decision can fully understand the grievance.

Further, the employee shall state just what correction action or remedy is expected. Such remedy or action must be reasonable and within the authority of the District.

3. All concerned with a grievance must meet in good faith in their efforts to resolve the grievance. Each shall have as a goal the resolution at the earliest possible time. Courtesy, good faith and respect must be a part of each grievance step and each decision.
4. At all steps of the grievance procedure, the employee may have another employee, attorney, or employee organization representative present as a witness or to present the case.

D. Personnel Commission Determination

In the event the employee believes that a specific rule or regulation has been violated by the District, the following will apply:

1. The employee, through the immediate supervisor, may request the Personnel Commission to rule on whether or not the rule or regulation has, in fact, been violated. Upon receipt of such a request, the supervisor shall immediately forward it to the Personnel Commission Office. The employee may make such a request at any stage of the grievance procedure when it appears necessary to the resolution of the grievance.

2. All information concerning the alleged violation shall be submitted in writing and/or orally to the Personnel Commission at its next meeting following the date of the request.
3. The Personnel Commission shall receive all documents, testimony, etc. necessary to make a determination. It may also direct that the Personnel Director conduct such inquiry as it believes necessary.
4. The Personnel Commission shall determine only if a rule or regulation has been violated. It shall not fix responsibility or make recommendation for further action.
5. After receiving the determination, the employee may proceed with the steps in the grievance procedure.

E. Retention of Grievance Materials

All materials concerning an employee's grievance shall be kept in a file separate from the employee's permanent file which shall be available for inspection only by the employee, the employee's representative, management, supervisor and confidential employees directly involved in the grievance procedure.

RULE 17.6

AVAILABILITY OF PERSONNEL FILE

The District shall establish and maintain personnel files pertaining to the individual employees of the District. Such files are to be held in confidence with prudent control being exercised. Fingerprint cards and any attached criminal history record are kept apart from the employee personnel file in a confidential file.

Employees and former employees of the District may have access to material in their individual files in accordance with the following:

1. Materials in personnel files of employees which may serve as a basis for affecting the status of their employment are to be made available for the inspection of the person involved.
2. Such material is not to 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.
- 3. Every employee shall have the right to inspect such materials upon request, provided that the request is made at least one working day in advance, and scheduled at a time not in conflict with the employee's work schedule, except when the employee's work schedule and the normal hours of the Personnel Office coincide.
- 4. Information of a derogatory nature, except material mentioned in the second paragraph of this Rule, shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. An employee shall have the right to enter, and have attached to any such derogatory statement, the employee's own comments thereon. Such review shall take place during normal business hours, and the employee shall be released from duty for this purpose without salary reduction.

An employee shall be supplied a copy of all material before it is placed in the employee's file, with the exception of material described in paragraph 2 of Education Code Section 44031. Additional copies of such material in the personnel file will not be provided; however, under unusual circumstances, the Personnel Director may authorize reproduction of selected items in an employee's personnel file. The employee will be billed at the rate of fifty cents per copy for each page reproduced. Material from unidentified sources shall not be included in the file. When an employee is asked to sign any material to be placed in this file, it is with the understanding that the signature signified only that the employee has read the material and does not necessarily indicate agreement with its contents. Employees have the right to attach their comments to any document to be placed in their file.

In the event an employee refuses to sign a given document that is to be placed in this file, the employee shall be advised that it will be placed in this file with a notation of the refusal.

Employees wishing to inspect their personnel file in the Personnel Office must first contact a Personnel Office administrator. An employee may be accompanied by a representative while reviewing this file. Under no circumstances shall any record be removed from a file without joint approval of a personnel administrator and the employee.



Personnel files in the Personnel Office shall be made available for inspection only by a personnel administrator. Personnel files shall remain under the supervision of a personnel administrator at any time that such files are removed from the Personnel Office. In each personnel folder, there shall be a record sheet containing the following information:

- A. Date used.
- B. Person using.
- C. Reason to use.