

Lompoc Unified School District
Merit System Rules for the Classified Employees

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CHAPTER 80
MISCELLANEOUS PROVISIONS

80.100 Procedure for the Resolvment of Grievances or Conflict of Classified Personnel

800.100.1. Purpose for Adjusting Grievances/Complaints

The purpose of this article is to establish an orderly process through which classified employees may receive timely consideration of their grievances/complaints. Although specific steps and time limits are set forth in these procedures, it is recognized that the settlement of grievances/complaints may require that these procedures be altered to meet certain situations. However, it is also the intent of this article to emphasize the need for employee grievances/complaints to be submitted through established channels, and for resolution at the lowest possible level in the chain of command. Employees may utilize the provisions of this article of the Rules and Regulations to seek adjustment of grievances/complaints arising in the following areas:

- A. Established Commission Rules and Regulations
- B. Established Board Policies
- C. Administrative Procedures
- D. Established Provisions of the Education Code
- E. Complaints Against Other Employees of the District

800.100.2 Matters Excluded from these Procedures

The following subjects and matters are not covered by this grievance/complaint procedure:

- A. An alleged violation of any specific provision of a collective bargaining agreement. Such allegations shall be adjudicated through the provisions contained in the collective bargaining agreement.
- B. An alleged violation of the disciplinary action section 60.800 of these Rules and Regulations. In the event that a formal disciplinary action has been initiated, all matters relative to such action shall be adjudicated through the disciplinary action appeal process. (See 60.800.11.)
- C. Complaints about the subject matter contained in a rule, regulation, policy, law, or administrative procedure. Any employee with such a complaint should direct his/her concerns and suggestions for change through administrative channels to the responsible authority.

80.100.3 Adjudicating Body Determined by Subject Matter

The subject matter of a particular grievance or complaint will determine whether it will be submitted to the Board of Education or the Personnel Commission for a final determination or decision. Generally, grievances or complaints dealing with established Board policies and administrative procedures will be adjudicated by the Board of Education, and those dealing with established Commission Rules and Regulations and/or interpretations of the Education Code will be handled by the Personnel Commission. In the event that there is any question regarding which official body (Board of Education or Personnel Commission) is to hear the grievance or complaint, the Personnel Director for the Personnel Commission will make the decision regarding which official body (Board or Commission) is to review the employee's appeal.

80.100.4 Steps in the Resolution Procedure

Classified Bargaining Unit employees refer to Classified Bargaining Unit Contract - Article V. Non Bargaining Unit employees refer to Board Policy P9135.4.

80.200 Employer-Employee Relations

80.200.1 General Provisions

The Board of Education, agents, and the Personnel Commission, its officers and agents, are governed, as are employees and employee organizations, by the provisions of part 25, Chapter 5 of Division 3. (commencing with Section 45220) of the EDUCATION CODE.

80.200.2 Board Rules

The Employer-Employee Relations Rules for classified personnel adopted by the Board, in accordance with law, are made a part of these regulations. They shall apply in the same manner as if adopted by the Commission.

80.300 New Employee Clearances

80.300.1 Physical Examination

A. Initial Employment

Upon offer of employment, each person is required to submit adequate proof that he/she has undergone a test for tuberculosis and has been found to be free of active tuberculosis. Examinations conducted within 60 days preceding the date of employment may be accepted. Additionally, certain physical demand classifications may require a medical examination.

B. After Employment

1. Every employee is required to undergo an examination to determine that he/she is free from active tuberculosis at least once every four years after employment.
2. The District shall maintain adequate records on each employee which indicate compliance with these rules and the law.

C. School Bus Drivers

1. In addition to any other examination that may be required by these rules, school bus drivers must have a valid school bus driver's certificate which requires a separate medical examination to meet the minimum medical requirements set forth by the Department of Motor Vehicles.
2. The District shall arrange for and defray the cost of school bus drivers' examination for its employees and shall reimburse employees for the cost of the required examination. The school district shall stipulate the physicians who are approved for such examinations. If an employee chooses to use his/her own personal physician for the examination, the school district will reimburse the employee only for the amount charged by its authorized physician.
3. In accordance with Board Policy 9140 and Regulation 9140, any person who operates a school bus must submit to mandatory drug testing.

80.300.2 Criminal Records Check

A. Fingerprinting

In accordance with Education Code 45125, no person may be hired by a school district prior to fingerprint/background clearance.

B. Review of Criminal Records

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.
2. The criminal records report from the California Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation will be reviewed together with the person's application form. If there is a criminal record, the Superintendent or designee shall decide whether or not the person should be employed or retained in employment. If the record discloses no information beyond that supplied by the person on his/her application form, and he/she was accepted for examination and/or appointment, he/she shall be considered employable.
3. If an employee is to be dismissed because of information disclosed on the criminal records report or if the Superintendent or designee desires that an eligible be removed from an eligibility list because of such information, the Personnel Commission shall be notified of the recommended action and the reasons therefor.

If it approves the recommendation, the Commission shall notify the employee or eligible of the action taken or contemplated and the reasons therefor. The Commission shall provide the person with an opportunity to appeal the decision in writing within 10 days of notification and may hold a hearing at its discretion. The decision of the Commission shall be final.

80.400 Penalties

80.400.1 Violations

Any person who willfully or through culpable negligence violates any of the provisions of this article (commencing at Section 45240) is guilty of a misdemeanor. It is also unlawful for any person:

- A. Willfully by themselves or in cooperation with another person to defeat, deceive, or obstruct any person with respect to his/her right of examination, application, or employment under this article or Commission rule.
- B. Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article or Commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.
- C. Willfully to furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under this article or Commission rule.