

**CLASSIFIED PERSONNEL**

The Tuolumne County Superintendent of Schools Office shall fill each of its classified positions with qualified persons, consistent with position requirements and collective bargaining agreement.

*(cf. 0200 - Goals for the School District)*

*(cf. 4211 - Recruitment and Selection)*

Each classified staff member shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with collective bargaining agreements.

*(cf. 4215 - Evaluation/Supervision)*

**Classification of Employees**

The Tuolumne County Superintendent of Schools shall classify all employees and positions not requiring certification qualifications as the classified service, except for those employees and positions specifically exempt from classified service. (Education Code 45103)

Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position. (Education Code 45104)

*(cf. 4211 - Recruitment and Selection)*

*(cf. 4212 - Appointment and Conditions of Employment)*

Each position shall have a designated title and regular minimum number of assigned hours per day, days per week and months per year. A job description shall be established for each position.

**Assignment**

Classified employees shall be assigned by their immediate supervisors with the approval of the County Superintendent or designee. They shall be required to perform those duties prescribed by the County Office for the position the employee holds, in accordance with applicable job descriptions and collective bargaining agreements.

*(cf. 4141/4241 - Collective Bargaining Agreement)*

*Legal Reference: (see next page)*

**CLASSIFIED PERSONNEL** (continued)

*Legal Reference:*

EDUCATION CODE

45100-45139 *Employment of classified staff*

45160-45169 *Salaries and differential compensation*

45190-45210 *Resignation and leaves of absence*

45220-45320 *Merit system*

49406 *Examination for tuberculosis*

51760-51769.5 *Work experience education*

*Management Resources:*

WEB SITES

*California School Employees Association: <http://www.csea.com>*

**CLASSIFIED PERSONNEL**

**Exemption from Classified Service**

Individuals hired solely for the following purposes are exempt from the classified service: (Education Code 45103)

1. Substitute or short-term employees, as defined, who are employed and paid for less than 75 percent of the school year

*Substitute employee* means any person employed to replace any classified employee who is temporarily absent from duty. In addition, if the County Office is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the County Office may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.

*Short term employee* means any person who is employed to perform a service for the County Office, upon the completion of which the service required or similar services will not be extended or needed on a continuing basis.

*Seventy-five percent of the school year* means 195 working days, including holidays, sick leave, vacation and other leaves of absences, irrespective of the number of hours worked per day.

2. Apprentices and professional experts employed on a temporary basis for a specific project regardless of length of employment
3. Full-time students employed part time
4. 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 and which is financed by state or federal funds

Persons hired solely for purposes which are exempted from the classified service shall nevertheless fulfill the obligations of classified employees related to physical examinations pursuant to Education Code 45122, fingerprinting pursuant to Education Code 45125, and tuberculosis tests pursuant to Education Code 49406. (Education Code 45106)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)  
(cf. 4212 - Appointment and Conditions of Employment)  
(cf. 4212.5 - Criminal Record Check)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT**

Upon recommendation of the Superintendent, the Tuolumne County Superintendent of Schools Office shall approve the appointment of all classified employees.

Individuals appointed to the classified staff shall, at a minimum:

1. Submit to fingerprinting as required by law (Education Code 45125)
2. Not have been convicted of a violent or serious felony (Education Code 45122.1)

*(cf. 4212.5 - Criminal Record Check)*

3. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 45123)

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

4. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 45124)
5. If the individual will be working directly and in an unaccompanied setting with minor children on a more than incidental and occasional basis or will have supervision or disciplinary power over minor children, not be required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)

*(cf. 3515.5 - Sex Offender Notification)*

6. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 45123)
7. Submit to a physical examination or provide proof thereof as required by law and County Office policy (Education Code 45122, 49406)

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

8. File the oath or affirmation of allegiance required by Government Code 3100-3109

*(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)*

9. Submit to drug and alcohol testing as required by County Office policy

*(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)*

10. Fulfill any other requirements as specified by law, collective bargaining agreement, County Office policy or administrative regulation

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT** (continued)

*(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)*

**Notification of Classification and Compensation**

When first employed and upon each subsequent change in classification, classified employees other than short-term, limited-term or provisional employees shall be given two copies of their class specification, salary data, assignment or work location, duty hours and prescribed work week. Salary data shall specify pay period (monthly, semimonthly or other) and applicable rates of compensation (daily, hourly, overtime and differential rates). Employees shall keep one copy of this information and shall sign and date the other copy and return it to their supervisor. (Education Code 45169)

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

*(cf. 4151/4251/4351 - Employee Compensation)*

*Legal Reference:*

EDUCATION CODE

35161 Powers and duties

44010 Sex offense - definitions

44011 Controlled substance offense - definitions

44066 Limitation on certification requirements

45103 Classified service in districts not incorporating the merit system

45104 Positions not requiring certification qualifications

45105 Positions under various acts not requiring certification qualifications

45108 Restricted positions

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

45122 Physical examinations

45122.1 Classified employees, conviction of a violent or serious felony

45123 Employment after conviction of sex offense or controlled substance offense

45125 Use of personal identification cards to ascertain conviction of crime

45169 Employee salary data

49406 Examination for tuberculosis

60850-60856 High school exit exam

GOVERNMENT CODE

3100-3109 Oaths or affirmations

12940-12950 Unlawful employment practices

PENAL CODE

290 Registration of sex offenders

290.95 Disclosure by person required to register as sex offenders

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

1203.4 Discharged petitioner, change of plea

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

Regulation  
approved: May 30, 2008

**TUOLUMNE COUNTY SUPERINTENDENT OF SCHOOLS**  
Sonora, California

**CRIMINAL RECORD CHECK**

**Applicants for Employment**

Each person to be employed in a classified position, including temporary, substitute and part-time positions, shall be required to submit fingerprint identification data. However, secondary school students attending a Tuolumne County Superintendent of Schools Office program who are to be employed in a temporary or part-time position shall not be required to submit fingerprint identification data. (Education Code 45125)

The Tuolumne County Superintendent of Schools or designee shall ensure that each person to be employed submits fingerprints through the Live Scan system for processing by the Department of Justice.

The County Superintendent or designee shall request the Department of Justice to forward one copy of the applicant's fingerprint identification data to the Federal Bureau of Investigation for the purpose of obtaining any record of previous convictions if the applicant: (Education Code 45125)

1. Has not resided in the State of California for at least one year immediately preceding the application for employment
2. Has resided for more than one year, but less than seven years, in the State of California and the Department of Justice has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor

The County Superintendent shall not employ an applicant until the Department of Justice completes its check of the state criminal history files. (Education Code 45125)

*(cf. 4212 - Appointment and Conditions of Employment)*

The County Superintendent or designee shall ensure that no person is hired who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation or pardon. (Education Code 45122.1)

The County Superintendent or designee may hire a classified employee without waiting for the disposition of the employee's criminal history files upon a determination that an emergency or exceptional situation exists and that a delay in filling the position would endanger student health or safety. (Education Code 45125)

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

*(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)*

**CRIMINAL RECORD CHECK** (continued)

**Subsequent Arrest Notification**

The County Office shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 45125)

**Current Employees**

Upon notification from the Department of Justice that a current temporary, substitute or probationary classified employee has been convicted of a violent or serious felony, the County Superintendent or designee shall immediately place that employee on leave without pay, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

Upon receipt of written notification of the fact of conviction from the Department of Justice, the County Superintendent or designee shall terminate the temporary, substitute or probationary employee without regard to any other procedure for termination specified in the Education Code or County Office procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the County Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits. (Education Code 45122.1)

*Legal Reference: (see next page)*

**CRIMINAL RECORD CHECK (continued)**

*Legal Reference:*

EDUCATION CODE

44332.6 *Criminal record check, county board of education*  
44346.1 *Applicants for credential, conviction of a violent or serious felony*  
44830.1 *Certificated employees, conviction of a violent or serious felony*  
44830.2 *Certificated employees; Interagency agreements*  
45122.1 *Classified employees, conviction of a violent or serious felony*  
45125 *Use of personal identification cards to ascertain conviction of crime*  
45125.01 *Classified employees; interagency agreements*  
45125.1 *Fingerprint for contractors*  
45125.5 *Automated records check*  
45126 *Duty of Department of Justice to furnish information*

GOVERNMENT CODE

6200-6203 *Crimes related to public records*

PENAL CODE

502 *Unauthorized access to computers*  
667.5 *Violent felonies*  
1192.7 *Serious felonies*  
11075-11081 *Criminal record dissemination*  
11105-11105.75 *Criminal identification*  
11140-11144 *Furnishing of state criminal history information*  
13300-13305 *Local summary criminal history information*

CODE OF REGULATIONS, TITLE 11

703 *Release of criminal offender record information*  
708 *Destruction of criminal offender record information*

*Management Resources:*

WEB SITES

*Department of Justice/Attorney General's Office:* <http://www.caag.state.ca.us/app>  
*CSBA:* <http://www.csba.org>