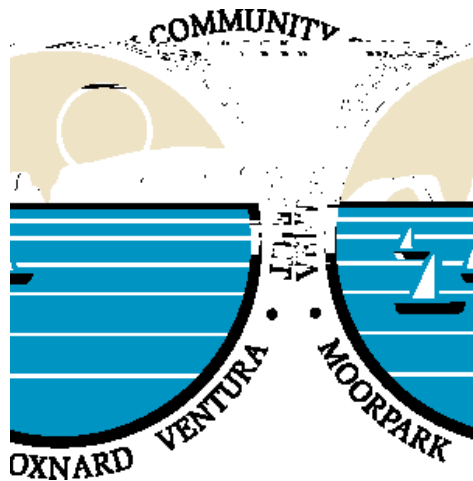


Ventura County Community College District

Rules of the Personnel Commission for Classified Employees



Rules and Regulations as Adopted by the Personnel
Commission Effective March 21, 2024

PERSONNEL COMMISSIONERS

Danny Carrillo • Sherry R. Manley • Matthew Escobedo

The Merit System, as it affects the employment, salary and service of classified employees in the Ventura County Community College District, was adopted by the Governing Board of the Ventura County Community College District in March 1962. Upon the adoption of the Merit System in a public school district, the classified service is governed and subject to the provisions of the California Education Code pertaining to the Merit System (Ed. Code, §§ 88060-88139)* in addition to those provisions applicable to all employees of a public school district. In school districts that have adopted the provisions of the Merit System, a Personnel Commission shall be appointed. (Ed. Code, § 88060.) The Personnel Commission shall prescribe

The Chancellor is the chief administrative officer of the District and, as such, has the final responsibility for the administration of all policies and procedures of the Governing Board and the Personnel Commission as they pertain to academic and classified employees. He/she also serves, by trustee appointment, as Secretary to the Board.



- A person legally holding a position in the Classified Service.
- The process of testing and/or orally evaluating the fitness and qualifications of applicants.
- A series of classifications related logically and meaningfully from the standpoint of

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The Personnel Commission consists of three members who are appointed for three-year staggered terms with the term of one commissioner commencing at noon, December 1, each year.

Members of the Personnel Commission are appointed alternately by:

- One member is nominated by the classified employees of the District;
- One member is appointed by the governing board; and
- One member is appointed by the first two members. (Ed. Code, § 88069.)

The Personnel Commission elects one of its members as chairperson in December each year for a term of one year. Two members constitute a quorum for any regular or special meeting of the Commission. The affirmative vote of two members is required to make any vote effective. The regular meetings of the Personnel Commission are held monthly,

All employees under the jurisdiction of the Governing Board, except positions requiring certification, part-time playground positions, full-time students employed part-time, apprentices, and professional experts shall be included in the classified service. (Ed. Code, § 88076.)

The Commission shall classify all employees and positions within their jurisdiction. No person whose contribution consists in rendering personal services and whose employment does not come within the scope of the exceptions listed above shall be employed outside the classified service. (Ed. Code, § 88076.)

No discrimination shall be exercised in accepting applications, testing, grading, certification, or employment of persons because of race, religious creed, color, national origin, ancestry, disability, medical condition, sex, marital status, age, or sexual orientation of any person. (Gov. Code, § 12940.)

A regular employee is any classified employee who is not designated as limited-term or provisional. A probationary employee is a regular employee who has not completed his/her probationary period. A permanent employee is a regular employee who has successfully completed his/her probationary period.

A part-time employee is a regular employee who is in a position for which the assigned time, when computed on an hourly, daily, weekly or monthly basis, is less than 87.5 percent of the normally-assigned time of the majority of employees in the classified service.

On all examinations, veterans with thirty (30) days or more of service who become eligible for appointment by attaining the passing mark established for the examination shall be allowed an additional credit of five (5) points; an additional ten (10) points for disabled veterans, which shall be added to their combined percentage score. To be entitled to such veteran's preference, applicants must apply for preference by the final testing date by presenting their honorable discharge papers or certificates of honorable active service in the "armed forces" during the periods

The Personnel Director or his/her designee shall score examinations objectively. The Personnel Director or his/her designee shall not consider the identities of the individual participants in determining passing scores. When applicable, the Personnel Director shall determine the number of applicants who will proceed to subsequent phases of the selection process from among the total number of applicants who pass each examination component.

Each applicant taking an examination will receive a written notice of the results of his/her examination, his/her final percentage rating and his/her ranking on the eligibility list, if applicable.

An applicant may contest the outcome of any step in the examination process. To appeal, an applicant must inform Human Resources within five (5) business days following notice of the examination results. The date an applicant is notified of the results counts as a business day. Appeals are accepted by email, mail, and in-person.

The appeal must contain specific proof supported by facts and must be based on one of the following qualifying bases:

Procedural error - Procedural error is a lapse, omission, or breach in the consistency of the administration of the process that may cause some individuals to be unfairly advantaged or disadvantaged in the assessment. To appeal on the basis of procedural error, appellant must identify the specific error and explain the reason that the issue affected their examination outcome.

Fraud - Fraud is a false representation of a matter of fact – whether by words, conduct, false or misleading allegations, or concealment of what should have been disclosed – that deceives and is intended to deceive an individual so that the individual will act upon it to his or her disadvantage. To appeal on the basis of fraud, appellant must identify the specific false representation of facts and explain how the false representation affected their examination outcome.

Unlawful discrimination - Unlawful discrimination is anything written, stated, or otherwise communicated that indicates discrimination on the basis of race, color, religion, national origin, age, gender, gender identity, sexual preference, or any other category of people protected under anti-discrimination law. To appeal on the basis of discrimination, appellant must identify specific evidence of discrimination (e.g., a comment, statement, or act) and explain how the comment, statement, or act affected their examination outcome.

Abuse of discretion or bias - Abuse of discretion is the exercise of judgment made irrespective of the facts. Bias is an express or implicit favoritism or disfavor for specific individuals. To appeal on the basis of abuse of discretion or bias, appellant must identify the divergence of judgment from facts and data or the specific biasing relationship or factor and explain the reason that the conduct affected their examination outcome.

Statements that only express general disagreement with test results or with the judgment of raters are not bases for an appeal.

Review Process and Outcomes:

Examination appeals will be reviewed by the Director of Employment Services/Personnel Commission or his/her designee. All appeals will be thoroughly reviewed and determined to be either valid or denied. Appellants will be notified of the determination in writing. If valid, the Director of Employment Services/Personnel Commission will assess the possible effects of the appeal, if any, on the candidacy of the appellant, the examination process as a whole, and/or appointments from the eligibility list(s). Based on such assessment the Director may:

1. Allow the appellant to participate in the examination process; or
2. Change the rating of one or more applicants; or

3. Temporarily suspend examination activities; or
4. Dispose of the examination results and order for another administration of all or part of the examination to par16dtpe

An eligible individual may have his/her name temporarily removed from an active eligibility list by submitting satisfactory reason in writing to the Personnel Director. Reinstatement may be made by the Personnel Director during the period the list is in effect.

All vacancies in the classified service shall be filled from applicants on eligibility lists. Appointments may also be made by means of transfer, demotion, reinstatement, and re-employment in accordance with the rules of the Commission. (Ed. Code, § 88091.)

Upon initial appointment and upon each change in classification thereafter, each classified employee shall be

The probationary period shall be an essential and continuing part of the new employee process, and shall be utilized for an effective orientation of new employees and to assure the retention of only qualified employees who meet the performance standards for the position.

All appointments from eligibility lists for initial appointment or for promotion, with certain exceptions, shall be probationary for a period of six (6) months or one hundred thirty (130) days of paid service, whichever is longer. Classified management, police, and designated executive classifications shall be probationary for a period of one (1) year of paid service from initial appointment or promotion. (Ed. Code, §88120.)

This probationary period shall not include the time served under emergency, limited-term, or provisional appointments; but shall date from the time of probationary appointment to a permanent position, except as provided below.

If the same person who was certified and served in a limited-term position is appointed to a regular position in the same classification, the individual must have a break in service before appointment to the probationary status, and the individual's time of limited-term service shall not be considered as part of the person's probationary period.

If, at any time after completion of the required probationary period, a person serving in a "restricted" position is appointed to a regular and permanent position in the same classification after passing the qualifying examination, the individual's time in the regular classified service shall be counted from the initial date of employment in the "restricted" position. (Ed. Code, §§ 88079 & 88005, subd. (c).)

Any probationary employee who is terminated upon exhaustion of industrial injury leave or laid off during the probationary period shall, in the event of re-employment, be required to complete a full probationary period.

For classifications with a six (6)-month probationary period, supervisors shall submit written performance evaluations of probationary employees to Human Resources at the end of three (3) months and five and one-half (5-1/2) months of service. For classifications with a one (1)-year probationary period, supervisors shall submit written performance evaluations of probationary employees to Human Resources at the end of three (3) months, six (6) months, and nine (9) months of service. (Ed. Code, §88120.)

If the supervisor finds the probationary employee fully qualified for permanent status, the supervisor shall recommend the employee for permanency by indicating such in the space provided on the final probationary performance evaluation form. This evaluation form must be sent to the Human Resources Department in advance of the date the employee is due to receive his/her permanent status. The change of status from probationary to permanent shall be effective the day following the completion of the probationary period.

A classified employee who has accepted a promotion shall serve a probationary period during which time the individual is subject to the regulations governing probationary employees. (Reference Sections 181-185.) If the individual is found unsatisfactory during the probationary period, the person shall be reinstated to the former classification. No recourse to appeal or hearing before the Personnel Commission is provided in a demotion of this type. (Ed. Code, § 88124.) The employee in the position the promoted employee formerly held may transfer to an equivalent position, if available and approved by the Personnel Commission under Section 241, or exercise bumping rights under Section 252, or terminate in accordance with separation procedures.

If the former position no longer exists, the employee may transfer to an equivalent position, if available and approved by the Personnel Commission under Section 241, or exercise bumping rights under Section 252, or terminate in accordance with separation procedures.

The probationary period shall be extended by the same number of days a probationary employee is absent for any combination of leaves (paid and unpaid) in excess of ten (10) working days over the probationary period.

The purpose of the performance evaluation process is to assist new employees to establish and maintain satisfactory levels of performance during the probationary period. The immediate supervisor evaluating a new employee will explain the purposes of the performance evaluation process in assessing and improving employee proficiency. A copy of the performance evaluation form used by the District will be given to new employees during their orientation.

The purpose of these evaluations is to assist permanent employees in maintaining satisfactory levels of performance, and to encourage growth and improvement of performance. Work performance evaluations must be related to job performance and must provide information to the employee to enable him/her to increase the efficiency of his/her work where this is indicated. Performance ratings may be considered in such matters as promotions and transfers.

Classified employees will be evaluated annually for their performance following the end of each fiscal year (June

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No person who is in the classified service or who is on any eligibility list shall be appointed, demoted, or removed, or in any way discriminated against because of his/her political acts, opinions, or affiliations except as prohibited by the Government Code or by the Oath or Affirmation of Allegiance.

Any person who intimidates, coerces, or discriminates in any way against any classified employee for doing any act authorized by the Education Code shall be personally liable to such employee for all damages suffered thereby and such exemplary damages as the court may allow. (Ed. Code, § 88056.)

Position classification is a system for identifying and describing duties performed by employees, grouping them together under common job titles, creating job families, and placing them in appropriate salary ranges.

A position is a group of duties and responsibilities assigned by the Governing Board and requiring the full or part-time employment of one person.

A classification is

- E. Any additional qualifications considered desirable enough to give additional credit in the examination process even though not prerequisite to employment

The establishment of a new position and the duties to be performed by the employee filling the new position is the responsibility of the Governing Board. (Ed. Code, § 88009.) New positions must be specifically authorized by the Board. When a new position is to be created or filled, the Personnel Director shall determine whether the position should be allocated to an existing classification or whether a new classification should be created. If a new classification is to be established, the job specifications and recommended salary placement of the classification shall be submitted by the

Employees who are reclassified are ineligible for subsequent reclassification within their position for a period of at least two (2) years (Ed. Code, § 88087.) (See also Section 291 – hout(c)T1 .14 (f)2 (y(pos)4. (i)6lby)4 (c0 (nac12 Tw 0.23 0 0 (pl)bu(one (r)7 (d m).3CUMn)10Bc 0.01N216)T

Final approval for a reclassification of the affected position(s) to the new classification is the responsibility of the Governing Board or designee.

A reallocation is the reassignment of an entire classification from one salary schedule or range to another salary schedule or range without significant change in duties or responsibilities.

The Personnel Commission shall recommend to the Governing Board salary schedules for the classified service. The Governing Board may approve, amend, or reject these recommendations. However, no amendment shall operate to disturb the salary relationships between the classes in the occupational grouping as established in the classification plan made by the Personnel Commission. (Ed. Code, § 88087.) (See also Section 291 – hout(c)T1 .14 (f)2 (y(pos)4. (i)6lby)4 (c0 (nac12 Tw 0.23 0 0 (pl)bu(one (r)7 (d m).3CUMn)10Bc 0.01N216)T

Resignations should be submitted in writing to the supervisor, with a copy to the Personnel Director, on the form provided, at least two (2) weeks in advance of the date of termination. A resignation relates only to the specific position from which the employee resigns and does not impair his/her rights on other eligibility lists.

Layoffs of classified employees within each class because of lack of work or lack of funds shall be determined by length of service. Length of service shall mean date of hire within classification exclusive of unpaid leaves of absence. The employee who has been employed the shortest time in the classification shall be laid off first. Re-employment shall be in the reverse order of layoff. Laid-off employees are eligible for re-employment for a period of thirty-nine (39) months and shall be re-employed in preference to new applicants. (Ed. Code, § 88127; and see Section 152.)

- A. When, as a result of a bona fide reduction or elimination of the service being performed by any department, or as a result of the expiration of specially funded programs, classified positions must be eliminated and classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than sixty (60) days prior to the effective date of layoff, and informed of their displacement rights, if any, and re-employment rights.
- B. Nothing herein provided shall preclude a layoff for lack of funds in the event of an actual and existing financial inability to pay salaries of classified employees, nor layoff for lack of work resulting from causes not foreseeable or preventable by the Governing Board, without the notice required by subsection A hereof. (Ed. Code, § 88017.)
- C. In the event of a layoff for lack of funds, the employee shall be notified in writing at least sixty (60) days prior to the effective date of layoff, and shall be informed of their displacement rights, if any, and re-employment rights.

Disciplinary action may result from a wide range of types and severity of rules, regulations, policies, or laws. The types of action may involve suspension, demotion, or dismissal.

- A Suspension refers to exclusion of an employee from his/her job without pay for a prescribed number of days. Suspension must occur only for a reasonable cause and shall not be for

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- Work-related dishonesty, theft, willful destruction or mishandling of District property
- Unauthorized possession of a firearm or other weapon while on duty
- Political activities engaged in by any employee during his/her assigned hours of employment
- Any willful or negligent act or omission that results in the death of a person or the serious injury of a person or the destruction of property or the damage to the District's reputation or the District's financial interests.

The notification shall include a copy of the charges, related rules, contract and Education Code provisions and a statement of the employee's right to request a hearing to appeal the disciplinary action if such right applies.

A permanent classified employee may appeal a suspension, demotion, or dismissal to the Personnel Commission by filing a written request for an appeal hearing. The request for appeal must be postmarked or hand-delivered to the Director of Personnel within fourteen (14) days of service of the copy of the charges and appeal procedures. Probationary classified employees do not have the right of appeal or hearing by the Commission. An employee who is a permanent classified employee and probationary in the class may be demoted to the previous class without right to an appeal or hearing by the Commission, provided the demotion does not result in separation from the permanent classified service. (Ed. Code, § 88124.)

Failure on the part of an accused employee to file an answer within the specified fourteen (14) days shall be construed as an admission of the truth of the charges, and judgment shall be in favor of the complainant.

All appeal hearings shall be scheduled to provide the employee with the most expeditious hearing date(s) which is/are reasonably consistent with the work schedules of all parties involved and the complexity of the disciplinary situation. The employee may utilize a representative at the appeal hearing procedure.

The Commission shall investigate the matter on appeal and may require further evidence from either party, and may—and upon request of an accused employee shall—order a hearing within a reasonable mnnv2 (t)prlp inv

A personnel rule grievance is a complaint alleging misinterpretation or misapplication of Personnel Commission rules.

Matters related to discipline (see Rule 260) are excluded from the grievance process.

A grievance must be submitted within ten (10) working days after the grievant first knew, or should have known, of the condition(s) upon which the grievance is based.

- A. An employee shall discuss the grievance with his/her immediate supervisor in an effort to resolve the matter satisfactorily. The supervisor shall respond to the grievance within ten (10) working days. If the matter is one which can be resolved by the immediate supervisor to the satisfaction of the complainant, this shall terminate the grievance.
- B. Exceptions to this procedure are:
 - 1) A grievance with an immediate supervisor, in which case the employee shall have the right to discuss the grievance directly with the next level of supervision
 - 2) A grievance in which the authority for effective resolution of the matter lies with a higher level of Supervision; the employee shall have the right to discuss the grievance directly with the higher level of supervision
 - 3) If after discussion and an effort to solve the problem at this level fails, the employee shall have the right and should be invited to go to the next level of supervision
- A. If there is no satisfactory resolution in Step 1, the employee may submit the grievance in writing, within five (5) working days of the supervisor's response, on the *Employee Personnel Commission Rule Grievance* form (Appendix A), to the individual with whom the Step 1 discussion originated. The statement of grievance must be specific and must include pertinent dates, times, places, specific rule alleged to have been violated, remedy desired, and the date the Step 1 discussion was held.
- B. The *Supervisor Grievance Response* form (Appendix B) shall be completed and attached to the *Employee Personnel Rule Grievance* form within ten (10) working days.
- A.

- A. If there is no satisfactory resolution to the employee's grievance, the employee submits the *Employee Personnel Commission Rule Grievance* form and the *Supervisor Grievance Response* form(s) to the Personnel Director within five (5) working days.

- A. If the grievance is not resolved to the satisfaction of all parties and further action is desired, the matter shall be referred to the Personnel Commission, to be heard at the earliest possible meeting.
- B. Grievances referred to the Personnel Commission shall follow formal hearing procedures as applicable. (Ed. Code, §§ 88130, 88131.)
- C. Actions of the Personnel Commission shall be final as provided bylaw.

All classified employees receive compensation according to the salary schedules recommended by the Personnel Commission and adopted by the Governing Board.

The Personnel Commission's recommendation will take into account external market salary data paid for similar work and internal salary alignment. The salary schedules will be based on the principle of like pay for like service.

2 031651 06 10 When a salary schedule has been adopted, it shall constitute the official schedule for all classes of positions in the (y)4 ()10
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In no instance shall that placement be higher than the maximum salary step of the range for the classification.

Non-management employees who are serving in

first or second half (See Section 282).

Employees approved for advanced step placement upon promoting shall be subject to probationary procedures and policies. In no instance shall that placement be higher than the maximum salary step of the range for the classification.

All regular classified employees are entitled to paid holidays as provided by law or authorized by the Governing Board if they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday. (Ed. Code, § 88203.)

Any classified employee required to work on any legal or board-authorized holiday shall be paid or given compensatory time off at the rate of time-and-one-half of his/her regular rate of pay in addition to the regular pay received for the holiday. (Ed. Code, § 88205.)

When a holiday falls on a Sunday, the following Monday shall be deemed to be the holiday. When a holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday.

Regular classified employees who are assigned to work in December or January, but not normally assigned to duty during the legal holidays of December 25 and January 1, shall be paid for those holidays if they were in a paid status during any portion of the last/first working day of their normal assignment preceding or succeeding the holiday period. (Ed. Code, § 88203.)

Employees whose normal day off falls on a holiday shall be entitled to equivalent time off within the same workweek.

Regular classified employees on a part-time basis shall be entitled to all benefits granted full

Classified employees accrue vacation time in accordance with their employment classification, i.e., bargaining unit classified employee, classified confidential employee, supervisory employee, or classified manager as approved by the Board. In no instance shall the accrual of vacation credit be less than that specified in Education Code section 88197 for classified employees. Limited-term and provisional employees are excluded from this provision unless specifically authorized. (Regular classified employees serving in a limited-term or provisional assignment shall, during such an assignment, continue to accrue vacation for their regular position.)

Regular part-time classified employees shall be entitled to the same benefits as full-time employees.

Regular classified employees shall be allowed a leave of absence with pay not to exceed five (5) days for a death in his/her immediate family. Immediate family shall include mother, father, grandmother, grandfather, grandchild, of the employee or the employee's spouse, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee or as specified by collective

An employee shall be issued normal wages and salary checks during industrial accident leaves until such times as all paid leaves of absence, as provided by law or the action of the Governing Board, i.e., industrial accident or illness leave, sick leave, earned vacation have been exhausted. The employee, in turn, shall endorse to the District any compensation received in wage-loss benefit checks during a paid leave of absence.

When all available leaves of absence, paid or unpaid, have been exhausted, and the employee is not medically able to assume the duties of his/her position or other available positions, he/she shall be placed on a re-

the absentee report. A physician's certificate of disability shall be requested at regular intervals by an employee's supervisor for extended absences due to illness or injury. Circumstances may warrant a physician's certificate for less than one (1) week's absence.

No employee shall be entitled to sick leave with pay while absent from work for disability arising from sickness or injury caused by any willful misconduct.

When a permanent classified employee is absent from his/her duties because of illness or accident, whether

The Governing Board may, for cause, cancel an authorized leave of absence by giving the employee a two (2) week notification in writing. Failure to report for duty within a reasonable period of time after leave of absence has been cancelled, shall be considered as an automatic resignation.

Any unauthorized absence may be declared absence without leave by the supervisor and reported to the Personnel Director. Absence from duty without leave for any length of time shall be considered cause for discipline under the provisions of Section 264.

Absence from duty without leave for ten (10) consecutive working days shall be considered as an automatic resignation and recorded as such. The employee shall be notified in writing of such action by the Personnel Director, such notification either given to the employee personally or sent by registered mail with postage prepaid and addressed to the employee at his/her last known place of address. If satisfactory explanation is made to the Personnel Director within thirty (30) calendar days from the first day of absence, the Personnel Director, in consultation with the supervisor, may restore the employee to his/her position or place his/her name on an appropriate re-employment list.

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
EMPLOYEE PERSONNEL COMMISSION RULE GRIEVANCE
(Prepare in Duplicate)

Name of Employee

Date

Position of Employee

EMPLOYEE STATEMENT OF GRIEVANCE

(Include specifics such as dates, times, witnesses, etc., as well as the date on which the Informal Grievance Conference was held. Also include the clause of the Contract or Classified Handbook violated and remedy desired.)

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
SUPERVISOR GRIEVANCE RESPONSE

Name of Supervisor

Supervisor's Title

Name of Employee

Position of Employee

Date

SUPERVISOR'S RESPONSE STATEMENT

Supervisor's Signature