

PROMOTION / DEMOTION / RECLASSIFICATION

The Governing Board may promote, demote, and reclassify certificated and classified management employees when such action is determined to be in the best interest of the district.

All decisions concerning promotion, demotion and reclassification shall be based upon the recommendation of the Superintendent or designee and prior consultation with district legal counsel.

The Superintendent or designee shall maintain procedures for the promotion, demotion and reclassification of management employees (certificated and classified) which assure compliance with all applicable statutory deadlines.

Legal Reference:

EDUCATION CODE

35031 Senior management employee in the classified service: nonreelection

44660-44665 Evaluation and assessment of performance of certificated employees

44850.1 No tenure in administrative or supervisory positions

44896 re transfer of administrator or supervisor to teaching position

44951 Continuation in position unless notified (position requiring administrative or supervisory credential)

45101 Definitions (including disciplinary action, cause)

ELLERBROEK V. SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT, (1981) 177

Cal. Rptr. 910

PROMOTION / DEMOTION / RECLASSIFICATION

Promotion - All Personnel

Assuming agreement by the employee and compliance with district procedures, the Governing Board may promote management, supervisory and confidential employees at its discretion.

The following procedure is applicable to all management and/or supervisory positions except when rotation of personnel is used to fill a position:

1. Personnel interested in being considered for promotion shall make application for the position or positions desired through their principal, department or division head.
2. Applications are to be made on the district form. A resume is to be attached.
3. The Personnel Division will acknowledge receipt of each application.
4. The Personnel Division will maintain a listing of applicants for positions. Names may be added or deleted upon request of the applicant.
5. When a vacancy occurs, unless filled by rotation, registered applicants will be individually informed of the position by district mail, or to home address during summer vacation. The vacancy will be announced by the Personnel Division through posting on the school bulletin boards with an indicated period of time for submitting an application. Each verified employee organization president shall receive a copy of the vacancy notice.
6. Applicants will be screened in a manner determined by the Director of Personnel. Those considered to be best suited for the needs of the particular vacancy will be scheduled for interview. In any case, where there is a single candidate identified as being the choice by the immediate supervisor, interviews will not be scheduled. All applicants will be notified of their status.
7. The recommended appointment will be by the Superintendent and the Board.
8. All candidates will be notified of the decision.
9. Following notification to the individual candidates, an announcement of appointment will be sent to the principals, department and division heads, for posting on bulletin boards.
10. The Superintendent may, with the Board's concurrence, waive any or all of these procedures when the district is considering reorganization plans which restructure the total of the management and/or supervisory staff.

PROMOTION / DEMOTION / RECLASSIFICATION (continued)

Demotion/Reclassification - Certificated Management and Supervisory Personnel

"Demotion" means assignment to a position or job class whose salary range is less than that previously received.

"Reclassification" means the removal of an employee from one position and reassignment to another position at the same salary range but with a different job title.

Certificated employees holding an administrative or supervisory credential may be demoted or reclassified for the following year according to the following procedures.

On or before the deadlines specified below, the Board shall meet and determine whether the identified employee may be released from his/her position effective the end of the school year and reassigned elsewhere.

The employee shall be notified on or before March 15, or March 1 if he/she is a school principal, of the Board's action by registered mail or in person. If the notice is presented to the employee in person, the employee's signature acknowledging receipt of the notice shall be obtained on the district's copy of the written notice. (Education Code 44951)

If, prior to the above deadlines, the Board determines and gives notice that the employee may be released, the Board shall take additional reassignment action prior to the next July 1 to actually bring the demotion or reclassification into effect.

If the demotion is to a teaching position, the Board shall give the employee, if requested, a written statement of the reasons for the demotion. If the reasons for the demotion include incompetency as an administrator or supervisor, the district shall have completed an evaluation of the employee within the 60 day period immediately preceding the notice of demotion to a teaching position. (Education Code 44896)

Demotion and Reclassification - Classified Management, Supervisory and Confidential Personnel (Except Senior Management of the Classified Service)

"Demotion" means assignment to an inferior position or status, without the employee's written voluntary consent. (Education Code 45101)

"Reclassification" means the upgrading of a position to a higher classification as a result of the gradual increase of the duties being performed by the incumbent in such position. (Education Code 45101)

Any decision regarding the demotion of a permanent management, supervisory or confidential classified employee shall be subject to the causes, appeal rights, and procedure set forth in district policy, regulation or collective bargaining agreements for disciplinary action against classified employees.

(cf. 4218 -Suspension/Disciplinary Action)

PROMOTION / DEMOTION / RECLASSIFICATION (continued)

Management, supervisory and confidential classified employees shall be reclassified at the discretion of the district subject to provisions of any applicable collective bargaining agreements if the employee is to be assigned to a position within the bargaining unit.