

Personnel – Series 4000

4400 The Merit System

4410 Definitions and Preliminary Statements

4412 Authority for Rules

4412.2 Statutory Authority for These Rules

- A. The rules contained herein are established pursuant to the authority established in Article 6 of Chapter 5 of Part 25 of Division 3 of Title 2 (commencing with Section 45240) and other provisions governing the Merit System in the Education Code.
- B. It is recognized that certain rules venture into substantive matters within the prerogative of the Superintendent of Schools and/or the County Board of Education. Therefore, it shall be the policy of the Commission to submit all new rules or amendments or deletions of existing rules to the Superintendent of Schools or the County Board of Education approval; and (b) it is difficult to define the divisions of Commission, Superintendent of Schools and County Board of Education authority regarding the rule in question. In such cases, the rule in question will not become effective until approved by the County Superintendent of Schools.
- C. The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation as defined in Section 3543.2 of the Government Code and is included in a negotiated agreement.
- D. No rule or amendment that would affect classified employees represented by a bargaining unit shall be adopted by the Commission without reasonable notice to the bargaining unit.

Reference:

Education code Sections 45260 and 45261, Government Code 3543.2

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