

Personnel – Series 4000

4400 The Merit System

4430 The Classification Plan

4433 Reclassification

4433.4 Effects of Reclassification Changes on Incumbents

- A. For an employee to be reclassified upward with his/her position, the reclassification must have been occasioned by a gradual accretion of duties and not a sudden change resulting from reorganization or duty changes by the Superintendent or designee. The Commission shall decide at the time the reclassification occurs as to whether the reclassification meets this rule.
1. When all of the positions in a class are reallocated to a higher class, the incumbents of the position who have been in the class for two or more years may be reclassified with their positions by the Commission.
 2. When a portion of the positions with a class are reclassified to a higher class, an incumbent who has a continuous employment record of two or more years in one or more of the positions being reclassified may be reclassified with his/her position.

Incumbents with less than two years of service may be required to take a qualifying examination or provide other evidence of qualification.
 3. An employee who has been reclassified shall be ineligible for subsequent reclassification with his or her position for a period of at least two years from the initial action.
- B. Any displacement of a regular employee resulting from a reclassification of a position or class of positions shall be considered a layoff for a lack of work and reemployment rights shall be provided in accordance with the law and Personnel Commission Rule 4465.2 Rights of Employees Laid Off or Reduced for Lack of Work or Lack of Funds.
- C. When a position or group of positions is reclassified to a position with an equal or lower wage or salary range, an incumbent regardless as to the length of service in the class shall have the following rights:
1. The right to displace the employee in the same class of equal time with the lowest seniority in the class provided that the incumbent has greater seniority in the class.
 2. The right to displace the employee in the same class of less time with the lowest seniority in the class, provided that the incumbent has greater seniority in the class.

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4433.4 Effects of Reclassification Changes on Incumbents (Continued)

3. The right to displace the employee with the least seniority in any equal or lower class in which the incumbent formerly served and gained permanency, provided that he/she has greater seniority in that class.
 4. The right to be demoted or to transfer, without examination, to the class to which his/her position is reclassified. The employee may choose to transfer, demote or exercise displacement rights at his/her option and his/her choice shall not affect his/her right.
- D. An employee who is reclassified to a higher class shall be placed on that step of the adjusted salary range that will provide a pay increase of not less than five percent, except when the maximum rate of the higher salary range is less than five percent. Transactions resulting in the reclassification of an employee or an adjustment of salary within class shall not affect an employee's anniversary date.

Reference:

Education Code Sections 45256 and 45285

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