

**Personnel**

**ADMINISTRATIVE AND SUPERVISORY PERSONNEL**

The Governing Board recognizes that effective management is vital to the success of district students and programs. Management personnel are expected to demonstrate initiative and good judgment in the development, implementation and oversight of district programs. Supervisors shall promote the productivity, professional growth and teamwork of district staff.

The Board shall adopt policies related to administrative and supervisory personnel insofar as they are needed to comply with law and describe terms of employment within the district.

The Board may by resolution establish or abolish any or all positions of senior management of the classified service. Any employee occupying a senior management position abolished by Board action shall become a member of the classified or certificated service in a position to which he/she would otherwise be entitled if he/she had not been in a senior management position. (Education Code 45104.5)

(cf. 4000 - Concepts and Roles)

Legal Reference:

**EDUCATION CODE**

35031 Term of employment

45100.5 Senior management positions

45104.5 Abolishment of senior classified management positions

45108.5 Definitions of senior classified management employees

45108.7 Waiver of provisions of 45108.5

45128 Overtime

45130 Exclusion from overtime provisions

45256.5 Designation of certain positions

**GOVERNMENT CODE**

3540 Purpose

3540.1 Definitions

3543.4 Management position; representation

3545 Appropriateness of unit; basis

**COURT DECISIONS**

Auer v. Robbins, (1997) 117 S.Ct. 905

(1/85 9/90) 10/96

6/11/97

(6/98 11/03) 3/07

11/14/07

**Personnel**

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**Classified Senior Management and Supervisory Employees**

A senior management employee is either a fiscal advisor to the Superintendent or an employee in the highest position not requiring certification in a principal district program area, with district-wide responsibility for formulating policy or administering the program. (Education Code 45108.5)

Employees holding positions designated as classified senior management and supervisory positions are entitled to all of the rights, benefits and burdens of other classified employees, except that each senior management and supervisory employee shall not obtain permanent status in a senior management positions. (Education Code 45100.5, 45256.5)

If assigned to a position within a bargaining unit, classified management and supervisory employees shall be reclassified at the discretion of the Governing Board subject to provisions of the applicable collective bargaining agreement or, for districts incorporating the merit system, the rules of the personnel commission.

Positions in the senior management of the classified service shall be filled from an unranked list of eligible persons who have demonstrated managerial ability and who have been found qualified for the positions as specified by the Superintendent and determined by the personnel commission. (Education Code 45256.5)

(cf. 4312.1 - Contracts)

(1/85) 10/96  
Revised 6/11/97  
11/03  
3/07  
11/14/07