



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 7407

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CATEGORY: **Personnel, Classified Staff**

EFFECTIVE: **11-10-86**

SUBJECT: **Selection and Appointment of Classified Employees to Confidential Positions**

REVISED: **11-03-2000**

A. PURPOSE AND SCOPE

1. To outline administrative procedure for selection and appointment of classified employees to confidential positions.

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: A-3000, A-3600, I-5000, I-6600, I-7151; Government Code, Title I, Division 4, Sections 3540-3549; Public Employment Relations Board decisions.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Deputy Administrative Officer, Human Resource Services Division, Administrative/Operational Support.
2. **Definition. Confidential position:** A position designated by the Board of Education as one in which the incumbent, in the regular course of his/her duties, has access to, or possesses information relating to, his/her employer's employer-employee relations.
3. **Criteria for Designation as a Confidential Position.** All five of the following criteria must be present in order for a position to meet the test of "confidentiality" and exclusion from the bargaining unit:
 - a. The employee's supervisor must be actively involved in developing recommendations or positions on negotiations matters.
 - b. The employee's duties must involve assisting the supervisor in carrying out his/her responsibilities in the area of employer-employee relations.
 - c. The employee's duties cause him/her to have regular access to or possession of information relating to the employer's employer-employee relations.

(**Note:** Mere access to bargaining materials is not sufficient. There must be a showing of actual work on the materials by the employee.)
 - d. The employee must not only have regular access to information relating to negotiations, but also be involved in the "stream of communication" on negotiations subjects.

- e. The bargaining material must be confidential (i.e., it must not be available to other non-confidential employees and must be specifically related to labor relations policies).
- 4. **Establishment/Renewal of a Confidential Position.** When a position, either new or formerly not confidential, is proposed to be confidential, its establishment as a confidential position must be approved by the Human Resource Services Deputy Administrative Officer (D.1.b.[1]). When a confidential position becomes vacant due to promotion, separation, or reassignment of the incumbent employee, the position's renewal as confidential must go through the same approval process. The position shall not be refilled with another confidential employee until this process is completed.
- 5. **Selection of a Confidential Employee**
 - a. Separate eligibility lists for confidential classes may be established at the request of the requesting division/department head.
 - b. Managers having an approved vacant confidential position may select any current employee, or an applicant on any eligibility list, provided the selected person meets minimum qualifications for the vacant position, as stated in the official class description.

D. IMPLEMENTATION

- 1. **Establishment/Renewal of a Confidential Position**
 - a. **Division/department head** submits "Confidential Status Request Form" (E.2., Attachment) requesting "confidential" designation of a position or renewal of such designation for a vacant confidential position to the Human Resource Services Deputy Administrative Officer for approval.
 - b. **Human Resource Services Deputy Administrative Officer** reviews request and takes appropriate action as follows:
 - (1) Approves "confidential" designation; or
 - (2) Disapproves request for "confidential" designation; or
 - (3) Requests additional information.

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- (4) Notifies requesting division/department head of approval, disapproval, or request for additional information.
- (5) For approved requests for establishing an existing position as confidential, notifies employee via memo of approved confidential status.

c. **Payroll Unit, Employee Services Department**

- (1) Receives assignment authorization with attached approved request for maintaining confidential status or copy of notification memo for designation of employee as confidential.
- (2) Processes assignment authorization, or memo acting as equivalent to assignment authorization, through database entries to place selected employee in a confidential position on the Confidential Employees Salary Schedule.

E. FORMS AND AUXILIARY REFERENCES

1. Assignment Authorization, Stock Item 22-A-7225
2. Confidential Status Request Form, available from Employee Services Department (Attachment)

F. REPORTS AND RECORDS

G. APPROVED BY



Chief of Staff, Terrance L. Smith
For the Superintendent of Public Education