

Lompoc Unified School District
Merit System Rules for the Classified Employees

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CHAPTER 10

DEFINITIONS AND PRELIMINARY STATEMENT

10.100 Definitions, General

Unless otherwise required by context and/or prevailing law, words used in these rules are understood to have the following meanings:

ACT or THE ACT: The act shall mean those sections of the EDUCATION CODE of the State of California applying the merit system to classified employees in school districts. It shall include all of the provisions of Article 6, Chapter 5, Division 3.

ALLOCATION: The official placing of a position in a classification or the assignment of a classification to a salary schedule or rate by the Personnel Commission.

ANNIVERSARY DATE: The date upon which an employee is granted an earned salary increment. This is the first day of the pay period next following completion of the required period of service.

APPEAL: A request for review by an applicant or employee relative to an administrative decision detrimental to the employee.

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APPLICANT: A person who has filed an application to take an examination.

APPOINTING AUTHORITY or POWER: The Board of Education of the Lompoc Unified School District.

APPOINTMENT: The official act of the appointing authority in approving the employment of a person.

ASSIGNMENT: (1) Placement of an appointee in a position; and/or (2) the position into which a person is placed.

BEREAVEMENT LEAVE: A paid leave of limited duration granted to an employee upon the death of a member of his/her immediate family or household.

BOARD: The Board of Education of the Lompoc Unified School District.

BUMPING RIGHTS: The right of an employee, under certain conditions, to displace another employee with less seniority within his/her classification or class.

CANDIDATE: A person who has competed in one or more portions of a merit system examination.

CAUSE: Those specific activities, behaviors, or events which are listed within these rules as being subject to disciplinary action.

CERTIFICATED SERVICE: All positions and employees required by law to possess credentials issued by the State Department of Education.

CERTIFICATION: The submission by the Commission of the names of eligibles from an appropriate eligibility list or from some other source of eligibility to the appointing power or to the manager or supervisor who selects employees prior to approval of the appointing power.

CLASS or CLASSIFICATION: A group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be assigned by the Personnel Commission to designate each position allocated to the group; substantially the same requirements of education, experience, knowledge, and ability are demanded of incumbents; substantially the same tests of fitness may be used in choosing qualified appointees; and the same salary range may be applied with equity.

CLASS SPECIFICATION: (Sometimes referred to as a "class description") A formal

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statement of duties and responsibilities of the position(s) in the class; illustrated by examples of typical tasks, as well as the qualification requirements for employment in the position(s) in the class.

CLASS TITLE: A definite descriptive title or name applied to a class and to all positions of the class.

CLASSIFIED SERVICE: All positions in the District's service to which the Act applies and which are not excepted by the Act. See Rule 30.100.

CLASSIFICATION STUDY: A study or review of a position or group of positions to determine if the requirements of education, experience, knowledge, abilities and duties, have remained consistent with the class specification or class description or if there has been a gradual accretion of duties which may result in a reclassification.

COMMISSION: (See Personnel Commission) A three member committee established pursuant to the requirements of "the Act" to establish rules and regulations to govern the classified service of the school district, and to oversee the actions of the school board and/or administration in carrying out the requirements of "the Act" and the rules and regulations of the Commission.

CONFIDENTIAL EMPLOYEE: "Confidential employee" means any employee who, in the regular course of his or her duties has access to, or possesses information relating to his or her employer's employer-employee relations. Government Code 3540.1 (c)

CONTINUOUS EXAMINATIONS: A procedure or procedures authorized by the Personnel Commission for the frequent testing of applicants in certain specified classes (or classifications).

DAY: Means a day in which the Education Center is open.

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary rate.

DESK AUDIT: A personnel job evaluation technique by which the analyst personally observes an employee in the actual performance of his/her daily work routine in order to evaluate the employee's job duties and responsibilities. NOTE: this procedure is rarely used at the present time since it is extremely time-consuming and provides insufficient and/or misleading data. (see "Job Audit" for alternative procedure).

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DIFFERENTIAL (OR DIFFERENTIAL PAY): A salary allowance in addition to the basic salary rate or schedule based upon additional skills, responsibilities, or specifically scheduled hours. It also relates to the size of the interval(s) between steps on a salary range and/or the salary rates (ranges) of related classes.

DISCHARGE or DISMISSAL: Separation from service for cause in accordance with the Rules and Regulations of the Personnel Commission.

DISCIPLINARY ACTION: The term “discipline” for the purpose of this Rule shall be consistent with applicable law and is limited to any action whereby a permanent classified employee is dismissed, suspended without pay, or demoted from a class for which the classified employee has acquired permanence, except a layoff for lack of work or lack of funds. Any suspension without pay shall not exceed thirty (30) work days.

DISTRICT: The Lompoc Unified School District.

DUAL CERTIFICATION: A procedure authorized by the Personnel Commission which provides for simultaneous certification, under certain specific conditions, from an open eligibility list and a promotional eligibility list in accordance with the examination scores attained by the candidates.

DUTIES STATEMENT: A listing of specific duties assigned to an individual position. It is sometimes referred to as a “position description” or “class description.”

ELIGIBILITY LIST: A list of the names of persons who have qualified in a competitive examination and are eligible for certification for a specific classification.

ELIGIBLE: Adjective: Legally qualified to be appointed. Noun: A person whose name appears on an eligibility list.

EMERGENCY APPOINTMENT: An appointment for a period not to exceed 15 working days to prevent the stoppage of public business when persons on eligibility lists are not immediately available.

EMPLOYEE: An individual who has been approved by the Governing Board to be an employee.

EMPLOYMENT LIST: A list of names from which certification may be made. Includes eligibility lists, reemployment lists, and lists of persons who wish to transfer, demote, be reinstated or reemployed after resignation.

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EMPLOYEE ORGANIZATION: “Employee organization” means any organization which includes employees of a public school employer and which has as one of its primary purposes representing those employees in their relations with that public school employer. “Employee organization” shall also include any person such an organization authorizes to act on its behalf. Government Code 3540.1 (d).

EMPLOYMENT STATUS: The condition of an employee's present appointment indicating the degree of permanency with the District.

ENTRY LEVEL: The lowest paid classification in an occupational series or job family.

EXCLUSIVE REPRESENTATIVE: “Exclusive representative” means the employee organization recognized or certified as the exclusive negotiating representative of certificated or classified employees in an appropriate unit of a public school employer. (Government Code 3540.1 (e))

EXAMINATION: The process of testing and evaluating the fitness and qualifications of applicants.

FIELD OF COMPETITION: Applicants who have been identified by the Personnel Commission or its designated representative as possessing the necessary qualifications for participation in the District's selection process.

FISCAL YEAR: July 1 (of one year) through June 30 (of the following year).

FULL-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is equal to or greater than eighty-seven and one half percent (87½%) of the normally assigned time of the majority of employees in the classified service of the district.

GOVERNING BOARD: The Board of Education of the Lompoc Unified School District. (Synonymous with appointing authority or power.)

GRIEVANCE: An employee complaint concerning conditions of employment. This term does not apply to appeals from disciplinary actions, requests for classification studies, or salary review.

GROUP: (Occupational Group or Series) A number of classes related in duties and responsibilities, as set forth in the list of classes as established by the Personnel Commission.

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HEARING: A formal review of evidence, in the presence of the parties involved, in connection with an action affecting an employee and concerning an appeal which the employee has filed.

HIRE DATE: Date of original or date of return from a break in service with the District.

ILLNESS LEAVE: Paid or unpaid time off from work provided an employee because of personal illness or injury. Paid illness leave (also known as sick leave) may also be used for specified personal emergencies of limited duration.

INCUMBENT: An employee assigned to fill a particular position within a class.

INTERVIEW:

- a. Appraisal Interview: Part of a selection process, usually the final portion of an examination, for the purpose of evaluating the education, experience, and personal qualifications of the candidate(s); also known as an “oral interview or oral appraisal.”
- b. Selection Interview: A meeting between an eligible and the appointing power, or its designated representative, to discuss appointment to a specific position vacancy within the District. Process by the appointing power to select the successful candidate to fill the vacant position.

INVOLUNTARY LEAVE: A mandatory leave of absence (paid or unpaid) imposed by the Board of Education.

JOB AUDIT: A personnel job evaluation technique by which an analyst uses various combinations of job audit questionnaires, personal interviews, as well as work site observations and conversations, to collect data on the duties, tasks, and responsibilities of a position. NOTE: This is the job analysis technique most often used by personnel analysts because of the efficient use of time and effort, and the amount of appropriate data that can be collected relative to a position. (See "Desk Audit" for alternative method.)

LAYOFF: Loss of employment due to a lack of work or a lack of funds.

LEAVE OF ABSENCE: An approved absence from duty, with or without pay, for a

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prescribed period of time from a class, but not necessarily from a specific position within the class.

LIMITED TERM: A term used in the EDUCATION CODE to designate employment for periods not to exceed six months or employment of a temporary employee during the authorized absence of a permanent employee.

LIMITED TERM EMPLOYEE: An employee who is serving in a provisional appointment, or as a substitute for a regular employee, or in a position established for a limited period of less than six months.

LOYALTY OATH (OR AFFIRMATION): A statement required for each new employee concerning his/her support for the United States and California Constitutions as required by State law and/or school district policy.

MERGING: The act of combining two or more eligibility lists for the same class, which were established not more than a year apart, in the rank order of the scores of the eligibles.

MERIT SYSTEM: A personnel management system governed by the California Education Code.

PART-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than eighty-seven percent and one half (87½%) of the normally assigned time of the majority of employees in the classified service.

PERFORMANCE EVALUATION: A formal written statement of the quantity and/or quality of the work performed or the manner in which duties and responsibilities are carried out by a person employed in the District's classified service.

PERMANENT EMPLOYEE: In reference to District employment status, an employee who has completed the initial probationary period in the classified service. In reference to employment status in a specific class, an employee who has completed a probationary period for that class.

PERMANENT POSITION: A position established for a continuing and indefinite or unlimited period of time or for a fixed period in excess of six months.

PERSONAL NECESSITY LEAVE: A leave of absence with pay for a limited duration

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which may be taken for reasons of personal need as specified in the Education Code, Collective Bargaining Unit Agreement, and the Rules and Regulations of the Personnel Commission. Such leave is charged against the employee's earned cumulative sick leave bank.

PERSONNEL COMMISSION: (also referred to as "Commission") A three member Committee established pursuant to the requirements of "the Act" to administer the "Merit System" in the Lompoc Unified School District.

PERSONNEL DIRECTOR: (Also referred to as "Personnel Director for the Personnel Commission") As used in these rules, the term refers to the person appointed by the Personnel Commission to act as its designated representative in administering the "Merit System" under the provisions of law and the Rules and Regulations established by the Personnel Commission.

PERSONNEL COMMISSION STAFF: Those persons employed by the Personnel Commission to carry out the day-to-day operations of the Personnel Commission.

POSITION: A group of duties and responsibilities assigned by competent authority requiring the full or part time employment of one person on a permanent or limited term basis. A position can only be established by action of the Board of Education or the Personnel Commission.

POSITION CLASSIFICATION: The process of categorizing jobs by occupational groups, series, class, and grade according to similarities and differences in duties, responsibilities, and qualification requirements.

PRIVILEGE: A benefit that is discretionary (that which may or may not be granted) in contrast to a right (that which must be granted).

PROBATIONARY PERIOD: The trial period as established by the Personnel Commission and Education Code immediately following an original or promotional appointment to a permanent position from an eligibility list.

PROBATIONARY EMPLOYEE: An employee who has not completed the probationary period established for the classification to which assigned.

PROFESSIONAL EXPERT: A person employed by the District in a professional capacity for a specific limited-term project. Such persons are excluded from the classified service.

PROMOTION: A change in the assignment of an employee from a position in one class to a position in another class with a higher maximum salary rate.

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PROMOTIONAL LIST: An eligibility list resulting from a promotional examination limited to qualified employees of the District.

PROVISIONAL APPOINTMENT: A temporary appointment to a permanent or limited term position made in the absence of an appropriate eligibility list, not to exceed 90 working days except in specified circumstances.

PROVISIONAL EMPLOYEE: An employee employed under a provisional appointment.

QAI (Qualifications Appraisal Interview): Commonly referred to as an oral appraisal.

QAI BOARD: (Qualifications Appraisal Interview Board): Commonly referred to as an oral appraisal panel.

QUALIFIED APPLICANT: A person who has passed the application screening process and is eligible for further consideration in the selection process.

RANK: When referring to "rank" on an eligibility list, it shall mean all of those eligibles whose scores fall within a single whole number.

REALLOCATION: Movement of an entire class from one salary schedule or hourly rate to another salary schedule or hourly rate.

RECLASSIFICATION: The removal of a position or positions from one class and placement into another. A change in class assignment (upward or downward) as a result of a gradual change in duties or responsibilities.

REEMPLOYMENT: Reappointment of an employee who has been laid off.

REEMPLOYMENT LIST: A list of employees (in rank order of seniority) who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolishment or reclassification of positions, or other reason specified in these rules, and who are eligible to reemployment without examination in their former class or classes (within a period of thirty-nine months following the last day of employment within the District.)

REGULAR APPOINTMENT: An appointment made from an eligibility list to fill a regular full-time or part-time position vacancy.

REGULAR EMPLOYEE: An employee who has probationary or permanent status.

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REGULAR STATUS: Probationary or permanent status in the classified service of the District.

REHIRE DATE: The date of the most recent regular employment with the District.

REINSTATEMENT: A reappointment of a former employee within a period of thirty-nine months following the date of his/her resignation, without examination, to a position in one of the person's former classes, or in a related lower class. Such reappointment requires the District to restore all rights and benefits previously earned by the person prior to the resignation.

RESIGNATION: Voluntary termination by an employee of his/her employment.

RESTORATION: The reinstatement to duty of an employee or former employee with all of the rights, benefits, and burdens held prior to the break in service. This term includes reemployment as well as reinstatement following demotion or dismissal when an appeal has been sustained by the Personnel Commission.

RIGHT: A benefit which is bestowed on a person by law or rule and must be granted to the person.

RULE OF THREE: The scope of choice available to the appointing authority or power for making its selection from an eligibility list. More specifically, it refers to selection from the first three (3) ranks of eligibles who are ready, willing, and able to accept appointment to a specific position.

SALARY ANNIVERSARY DATE: The date on which the employee is granted an earned salary increment.

SALARY RANGE: A series of consecutive salary steps that comprise the rates of pay for a classification. A salary range normally consists of five salary steps.

SALARY RATE: A specific amount of money paid for a specified period of service; i.e., dollars per hour or month.

SALARY SCHEDULE: The complete list of ranges, steps, and rates established for the classified service.

SALARY STEP: A specific location in a salary range. One of the consecutive

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rates that comprise a monthly or hourly salary range.

SALARY SURVEY: The collection of current wage and salary data for the purpose of determining the prevailing wage for certain types of work. The data is usually secured from other public agencies and from private sector businesses in the labor market area. The term also includes the written report containing the data collected.

SENIORITY: Status secured by length of service (in a classification) to which certain rights attach.

SEPARATION: Leaving a position; includes resignation, dismissal, layoff, retirement, etc.

SERIES: A number of classes closely related in occupational hierarchy and arranged in a list in order to indicate occupational levels in a group.

SPECIFIED TEMPORARY ASSIGNMENT: The appointment of a regular classified employee to a permanent or limited-term position on a temporary basis; the duration of which is spelled out in the personnel action and made known to the employee at the time of appointment to the position.

STATUS: An employee's present standing in the classified service.

STEP ADVANCEMENT: Movement to a higher step on the salary range for the class as a result of having served the required number of months in that class during the preceding year until the maximum step has been achieved.

SUBSTITUTE EMPLOYEE: An employee occupying a permanent position during the absence of the incumbent.

SUSPENSION: An enforced absence of an employee (may be with pay or without pay) for disciplinary purpose or pending investigation of charges made against an employee.

TASK: An individual assignment within a duty.

TEMPORARY: Employment on a basis other than permanent or probationary; i.e., in limited term or provisional status.

TRANSFER: The reassignment of an employee without examination from one

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position to another position in the same class or to a position in a similar or related class with the same salary range.

UNCLASSIFIED SERVICE: All positions which (by law) are not a part of either the classified service or the certificated service of the District.

VETERAN'S CREDIT: Five points (or ten points for persons disabled as the result of military service) for military or related service rendered during time of war or national emergency, and which are to be added to final passing score of such person or persons competing in an "open examination."

WAIVER: The voluntary relinquishment by an eligible of any right to consideration for appointment from an eligibility list.

WORKDAY: That part of a twenty-four-hour period during which an employee is scheduled to work (in accordance with his/her specific assignment.)

YEAR: Denotes fiscal year beginning July 1 and ending June 30.

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10.200 Preliminary Statement

10.200.1 Statutory Authority for These Rules

The rules contained herein are established pursuant to the authority of the Personnel Commission under EDUCATION CODE Sections 45260, 45261, and other provisions governing the Merit System Act in the EDUCATION CODE. It is recognized that certain of these rules venture into substantive matters within the prerogative of the Board of Education. For that reason, the initially adopted set of rules and regulations were submitted to the Board of Education for its approval.

Thereafter, it shall be the policy of the Commission to submit all new rules or amendments or deletion of existing rules to the Board of Education when:

- A. The rule obviously requires Board approval, and
- B. It is difficult to define the division of Commission and Board authority regarding the rule in question.
- C. Whenever there is a complete revision of the Merit System Rules for Classified Employees.

In such cases, the rule(s) in question will not become effective until it has been approved by the Board of Education.

Section 45260 of EDUCATION CODE reads as follows:

- (a) The Commission shall prescribe and amend, and interpret, subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness.....The rules shall be binding upon the governing board.....

Section 45261 of EDUCATION CODE reads as follows:

- (a) The rules shall provide for the procedures to be followed by the governing board as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, suspensions, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analysis class and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article.

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10.200.2 Interpretation and Application of Rules

The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent; however, specific, applicable provisions of the rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. The Commission is open to responsible suggestions to amend the rules with prospective application; however, no rule amendment or new rule shall have retroactive applicability.

10.200.3 Judicial Review (Savings Clause)

If judicial review or a change in law invalidates any portion of these rules, such finding or amendment shall not affect the validity of other rules or provisions.

10.200.4 Effect of Data Contained in Addendum to Rules

The salary schedule, salary placement on the salary schedule, the classification plan, job description and related data contained in the addendum to these rules are to be interpreted as constituting commission rules in the same manner and effect as if they were a part hereof.