

## CHAPTER 10

### RULE-MAKING AUTHORITY AND DEFINITIONS

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#### 10.1 AUTHORITY AND APPLICATION OF RULES

**10.1.1 STATUTORY AUTHORITY FOR THESE RULES:** Article 6 (Merit System) in Chapter 5 of Part 25 in Division 3 of the California Education Code (commencing with Section 45240) provides the Personnel Commission with the right and responsibility for establishing rules and regulations to govern the District's classified employees.

**10.1.1.1** The rules and regulations contained herein are established by the Personnel Commission pursuant to its authority under Education Code Section 45260; as well as other provisions of law that have been made applicable to classified school employees.

**10.1.1.2** Since the implementation of new rules or amendments to existing rules can impact the Board, the Administration, and the classified employees, the Commission has hereby established the policy of submitting copies of all proposed rules, amendments to, or the deletion of existing rules to the exclusive bargaining representative(s) and the District Superintendent for their review and comments at least fourteen (14) calendar days prior to adoption by the Personnel Commission.

**REFERENCE:** 1. Education Code Sections 45241 and 45260  
2. Government Code Section 3543.2

**10.1.2 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 However, specific and applicable provisions of the rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. In instances where two or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Director of Classified Personnel, subject to appeal to the Personnel Commission. The Commission is open to responsible suggestions to amend rules which prove to be unclear, or subject to more than one interpretation.

However, no rule amendment or new rule shall have retroactive application. When a conflict exists between the Merit Rules and Contract, the Contract language prevails.

**REFERENCE:** Education Code Section 45260

**10.1.3 GENERIC TERMINOLOGY:** As used in these rules, the term "his" refers to the feminine gender as well as the masculine. Singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular.

**REFERENCE:** Education Code Sections 73-74 and 45260

**10.1.4 JUDICIAL REVIEW:** If a judicial review or a change in law causes any portion of these rules to become invalid or unenforceable, such finding or amendment shall not affect the validity or the enforceability of the other rules or regulations.

**REFERENCE:** Education Code Sections 6 and 45260

**10.1.5 PRINTING AND DISTRIBUTION OF RULES AND REGULATIONS:** The rules and regulations of the Personnel Commission shall be printed and distributed to each school, office, and permanent work site, and shall be distributed to all school libraries for loan to employees.

**10.1.5.1** Copies of Article 6 of Chapter 5 of Part 25 of the California Education Code (commencing with Section 45240) shall also be printed and given the same distribution as noted in Section 10.1.5 above.

**REFERENCE:** Education Code Section 45262

**10.1.6 SUBJECTS OF RULES:** The Rules and Regulations shall provide for the procedures to be followed by the Board of Trustees as they pertain to the classified service regarding such matters as applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, re-employment, vacations, leaves of absence, compensation within classification, job examinations and evaluations, rejection of unfit applicants, and any other matters deemed necessary by the Commission to insure the efficiency of the classified service and the selection and retention of employees upon a basis of merit and fitness.

**REFERENCE:** Education Code Sections 45260 - 45261

## 10.2 DEFINITIONS

**ACT or THE ACT:** The Act shall mean those sections of the Education Code of the State of California applying to the Merit System for classified employees in certain school districts (that have adopted the Merit System). It shall include all of the provisions of Article 6, Chapter 5, Part 25, as well as the provisions of Chapter 1 and Articles 1 to 4 of Chapter 5 in Part 25.

**ALLOCATION:** The official placing of a position in a given class by the Personnel Commission, and the assignment of a class title to the position, or the assignment of a class to a salary schedule or rate.

**APPEAL:** A written protest by an employee relative to an administrative action detrimental to him.

**APPLICANT:** A person who has filed an application to participate or compete in the District's Merit System selection process.

**APPOINTING AUTHORITY OR POWER:** The Board of Trustees or its designees, and the Personnel Commission or their designees.

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

**ARMED FORCES:** For the purpose of military leave of absence, the United States Air Force, Army, Navy, Marine Corps, or Coast Guard. For the purpose of veterans credit in an open examination, the United States Air Force, Army, Navy, Marine Corps and Coast Guard.

**ASSIGNMENT:** Placement of an appointee in a position. It also refers to the position in which the employee is placed.

**ASSIGNMENT BASIS:** The portion of the year for which employment is authorized for a specific position or class.

**BASIC RATE OF PAY:** Defined as that amount listed on the Classified Salary Schedule for each salary range.

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

**BREAK-IN-SERVICE:** Severance of an individual's employment relationship with the District. The Break-In-Service may be canceled by subsequent re-employment or re-instatement within 39 months.

**BUMPING RIGHTS:** The right of an employee, under certain conditions, to displace another employee with less seniority in the class.

**CANDIDATE:** A person who has participated or competed successfully in one of more portions of the District's selection process.

**CAUSE:** The grounds for a disciplinary action against an employee as stated in law, written policies and/or the rules of the Personnel Commission.

**CERTIFICATED SERVICE:** Those persons and positions required by law to possess credentials issued by the State Department of Education for the State of California.

**CERTIFICATION:** The submission of names, by the Director of Classified Personnel **Services**, of eligibles from an appropriate eligibility list or from some other source of eligibility, to the appointing authority or their designee.

**CLASS:** 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.

**CLASSIFICATION:** The action of the Personnel Commission in placing a position into a class.

**CLASSIFIED SERVICE:** All persons and positions in the District to which The Act applies.

**CLASS SPECIFICATION:** A formal statement of duties and responsibilities of the positions in the class, illustrated by examples of typical tasks, as well as the qualification requirements for employment.

**COMMISSION:** A three (3) member committee established pursuant to the requirements of The Act, to establish rules and regulations to govern the classified service of the school district, to oversee the personnel management function related to the classified service, and to regulate the actions of the Board of Trustees and/or Administration in carrying out the requirements of The Act and the rules and regulations of the Commission.

**CONTINUOUS EXAMINATIONS:** A procedure authorized by the Personnel Commission for the as needed testing of applicants in specified classes that has no closing date.

**DAY:** A period of time between midnight and the midnight following.

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

**DIFFERENTIAL or DIFFERENTIAL PAY:** A salary allowance in addition to the basic salary rate or schedule, based upon additional skills, responsibilities, or specifically scheduled working hours.

**DIRECTOR OF CLASSIFIED PERSONNEL SERVICES:** The person appointed by the Personnel Commission in accordance with Education Code §45264 to act as its designated manager in administering the Merit System under the provisions of law and the rules and regulations established by the Personnel Commission.

**DISCHARGE or DISMISSAL:** Separation from the classified service for cause in accordance with the rules and regulations of the Personnel Commission. Requires action by the Board of Trustees.

**DISTRICT:** The Victor Valley Union High School District.

**DUAL CERTIFICATION:** A procedure which provides for certification, in specified cases, from a list that contains both open and promotional candidates.

**ELIGIBILITY LIST:** A rank order list of the names of persons who have qualified for all parts of a competitive examination for a specific class.

**ELIGIBLE:** (As an adjective) Legally qualified to be appointed to a position. (As a noun) A person whose name appears on an eligibility list.

**EMERGENCY APPOINTMENT:** The assignment of an individual to a regular classified position for a period of time, not to exceed fifteen (15) working days in order to prevent the stoppage of public business when persons on an eligibility list are not immediately available.

**EMPLOYEE:** A person who is in paid status with the District, or one who is on an authorized leave of absence.

**EMPLOYMENT LIST:** A list of names from which certifications may be made. The term includes eligibility lists, reemployment lists, as well as lists of individuals who wish to be transferred, demoted, or reinstated, or be restored after voluntary demotion or reduction to limited term status.

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

**EXCLUSIVE REPRESENTATIVE:** An employee organization recognized or certified which exclusively represents an approved unit of employees.

**EXEMPT:** Refers to those positions and employees exempt from the regular classified service as provided in The Act.

**FIELD OF COMPETITION:** Those categories of persons (either from within or outside of the District) that have been identified as possessing the necessary qualifications to participate in the District's selection process.

**FISCAL YEAR:** July 1st of one year through June 30th of the following year.

**FULL-TIME POSITION:** A position for which the assigned time, when on an hourly, daily, weekly, or monthly basis, is equal to or greater than eighty-seven and one-half percent (87.5%) of the normally assigned time of the majority of employees in the classified service.

**GOVERNING BOARD:** The Board of Trustees of the Victor Valley Union High School District (Appointing Authority or Power).

**GRIEVANCE:** An employee complaint concerning conditions of employment. The procedure through which regular classified employees may seek adjustment of complaints arising out of alleged violations of the VVUHSD-CSEA Contract Agreement.

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

**HEARING OFFICER:** A qualified person employed or appointed by the Personnel Commission to hear and make recommendations on written appeals from employees regarding disciplinary actions for non-medical reasons.

**HIRE DATE:** Date of original or most recent employment with the District, adjusted for any break in service.

**ILLNESS LEAVE:** Authorized paid or unpaid leave given to an employee because of personal illness or injury.

**INDUSTRIAL ACCIDENT OR ILLNESS LEAVE:** Absence because of injury or illness which arose out of and in the course of employment with the District.

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

**JOB ANALYSIS:** A job evaluation technique by which a Personnel Commission 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.

**LATERAL TRANSFER:** The transfer of an employee to a position in a similar or related class with the same salary range.

**LAYOFF:** Separation from a regular position because of lack of work, or lack of funds, or because an employee has exhausted all leave privileges and is still unable to work following an illness or injury.

**LEAVE OF ABSENCE:** An approved absence from duty, with or without pay, for a prescribed period of time from a class, but not necessarily from a specific position within the class.

**LIMITED TERM:** A position established for periods of time not to exceed six (6) calendar months.

**LIMITED-TERM EMPLOYEE:** An employee who is serving in a position established for six (6) months or less.

**LOYALTY OATH:** A statement required for each new employee concerning his support of the United States and California Constitutions and required by state law.

**MAY:** A verb indicating that an action is permissive.

**MERGING:** The act of combining two (2) 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. The eligibility of each individual expires one (1) year from the date on which it was established by the Personnel Commission.

**MERIT SYSTEM:** A personnel management system in which comparative merit and fitness govern each individual's selection and progress through the classified service.

**MILITARY LEAVE:** Authorized absence to engage in order military duty.

**MINIMUM QUALIFICATIONS:** A statement of the qualifications which are determined by the Personnel Commission to be minimally required and additionally helpful for the successful performance of the duties of the class. The statement may include education, experience, knowledge, skill, ability, and personal and physical characteristics.

**NEPOTISM:** Showing favoritism to a relative on a basis of relationship. Revised 4/18/95

**OPEN EXAMINATION:** An examination which is not restricted to persons who are current permanent employees of the District; i.e. may be taken by any qualified person.

**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 and one-half percent (87.5%) 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 by a person employed in the District's classified service.

**PERMANENT EMPLOYEE:** An employee who has completed an initial probationary period in any classification.

**PERMANENT POSITION:** A position established for a continuing and indefinite or unlimited period of time, or for a fixed period of time in excess of six (6) months.

**PERS:** Public Employees Retirement System.

**PERSONAL NECESSITY LEAVE:** A leave of absence with pay for a limited duration which may be taken for reasons of personal need. Such leave is charged against the employee's earned cumulative sick leave, and is limited to a maximum of seven (7) days per fiscal year.

**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 Victor Valley Union High School District.

**POSITION:** A group of duties and responsibilities assigned by the Board of Trustees requiring either full-time or part-time employment of a person on a permanent or limited-term basis. A position can only be established by action of the Board of Trustees, or by the Personnel Commission for a member of its own staff.

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

**POSITION TRANSFER:** The relocation of an employee between job sites or between departments at the same job site, within the same classification.

**PROBATIONARY EMPLOYEE:** A person serving a trial performance period of six (6) months or one-hundred thirty (130) days paid status, or one (1) year for management employees, following appointment to a regular position. A probationary period must be served in each classification before permanent status is granted.

**PROBATIONARY PERIOD:** A trial period of six (6) months or one-hundred thirty days in paid status whichever is longer, or two-hundred sixty (260) days for executive/administrative/supervisory employees, of paid service following appointment to a regular position.

**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 salary range.

**PROMOTIONAL LIST:** An eligibility list resulting from an examination limited to qualified permanent employees of the District.

**PROVISIONAL APPOINTMENT:** The temporary appointment of a person to a regular position, which is made in the absence of an appropriate eligibility list, for a period of time not to exceed ninety (90) working days, except in specified circumstances.

**RANGE:** A series of consecutive salary steps that comprise the rate of pay for a class.

**REALLOCATION:** The reassignment of an entire class from one salary range to another salary range without significant change in class title, minimum, qualifications, duties, or responsibilities.

**RECLASSIFICATION:** The reassignment of a position or positions from one class into another, as a result of a significant change in duties or responsibilities.

**RE-EMPLOYMENT:** Return to duty within thirty-nine (39) months of a former employee who has been laid off. The thirty-nine (39) month period shall be extended by twenty-four (24) months when an employee has taken a voluntary demotion or reduction in time in lieu of layoff.

**RE-EMPLOYMENT LIST:** A list of names, in rank order of seniority, of persons who have been laid off from permanent positions by reasons of lack of work, lack of funds, reclassification of position, or exhaustion of leave privileges, and who are eligible for re-employment without examination in their former class.

**REGULAR EMPLOYEE:** An employee who has probationary or permanent status with the district.

**REINSTATEMENT:** A reappointment of a former employee, within a period of thirty-nine (39) months following the date of his resignation, without examination, to a position in one of the person's former classes, or in a related lower class.

**RESIGNATION:** A voluntary termination of 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 re-employment as well as reinstatement following demotion or dismissal.

**RESTRICTED POSITIONS:** Positions whose incumbents meet specified criteria and who are not entitled to employment permanency and/or subject to categorical funding.

**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. 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 an employee is granted an earned salary increment.

**SALARY RANGE:** A series of consecutive salary steps that compromise the rates of pay for a classification.

**SALARY RANGE ALLOCATION:** The act of placing a specific classification onto a specified range of the salary schedule by the Personnel Commission.

**SALARY RATE:** That amount of money authorized to be paid on an hourly, daily, weekly, monthly, or annual basis for a particular classification, assignment or contract.

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

**SALARY STEP:** A specific rate in a salary range. One of the consecutive rates that compromise a 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 business in the labor market area. The term also includes the written report containing the data collected.

**SENIORITY:** Status secured by date of hire in a classification.

**SEPARATION:** Terminating one's employment with the District.

**SERIES:** A number of classes closely related in occupational hierarchy.

**STATUS:** The employee's present standing in the classified service, such as, temporary, limited-term, probationary, or permanent.

**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.

**SUBSTITUTE EMPLOYEE:** A person who is temporarily occupying a regular position during the absence of the incumbent.

**SUSPENSION:** An enforced absence of an employee without pay for disciplinary purposes, or pending the outcome of an investigation of charges that have been filed against the employee.

**TEMPORARY:** Employment on the basis of other than permanent or probationary status.

**TRANSFER:** The reassignment of an employee without examination from one position to another position within the class, or to a position in a similar or related class having the same salary range.

**VETERAN'S CREDIT:** Five (5) points for military or related service rendered during time of war or national emergency, or ten (10) points if disability is a result of such service. Veteran's credit is added to the final passing score on open, entry level examinations.

**WAIVER:** The voluntary relinquishment, by an eligible, of right to be considered for appointment from an employment list.

**Y-RATED:** A term applied to the salary of an employee, when frozen, until the salary schedule rises to or above the dollar amount frozen.

**REFERENCE:** Education Code Sections 45103, 45127, 45194, 45256, 45260, 45261, 45262, 45269, 45270, 45275, 45285, 45286, 45287, 45290, 45292, 45294, 45296, 45298, 45301, 45302, 45305, 45307, and 45309