

Lompoc Unified School District
Merit System Rules and Regulations for the Classified Employees

CHAPTER 1 - DEFINITIONS

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

ADVANCED STEP PLACEMENT: An initial hiring rate other than the beginning range for the class, which must be specifically authorized by the Personnel Commission for the particular class. Such rates are based upon anticipated or actual recruitment difficulties. See also shortened range.

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 and such other provisions of the Education Code that are specifically applicable.

ADJUSTMENT CLASS: One of the classes meeting the criteria outlined in the rule on overtime. Incumbents of positions in such classes do not receive payment or compensating time off for overtime work.

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.

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.

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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.

ADMINISTRATIVE CLASS: See Executive class.

ALLOCATION: The official placing of a person in a given class by the Personnel Commission and the placement of a class on a salary schedule, rate range or a flat range.

ALTERNATE ELIGIBILITY LIST: Designation of an eligibility list as appropriate for certification of names for use in making appointments in an equal or lower class.

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

APPEAL: A protest by an employee or applicant regarding either these rules or a disciplinary action imposed by the Governing Board.

APPLICANT: A person who has filed an application to take a merit system examination. See also Qualified Applicant.

APPOINTMENT: The act of appointing authority in approving the employment of a person in a specific position, subject to official approval by the Governing Board.

APPRENTICE: An employee assigned to an established apprenticeship position requiring paid on-the-job and unpaid classroom training in accordance with the Apprenticeship Standards of the District.

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ARMED FORCES: The United States Air Force, Army, Coast Guard, Marine Corps, National Guard, Navy and Reserved Forces thereof.

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

ASSIGNMENT BASIS: Authorized employment in relationship to the number of hours per week and months per year for a specific position.

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

BREAK IN SERVICE: Severance of an individual's employment relationship with the District. The break in service may be cancelled by subsequent reemployment or reinstatement within 39 months.

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

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

CAUSE: The grounds of discipline identified within these Rules as being subject to disciplinary action or offenses enumerated in the law. No disciplinary action may be maintained for any "cause" other than as defined herein.

CERTIFICATED SERVICE: All employees required by law to possess credentials issued by the State Department of Education and the position, which are limited to those who possess such credentials (Ed Code 4465).

CERTIFICATION: The submission of names by the Personnel Administrator, of candidates from an appropriate eligibility list established by the Personnel Commission or from some other source of eligibility, to the appointing power or to the department head authorized to make selections subject to the approval of the appointing power.

CHANGE OF LOCATION: The reassignment of an employee from one position to another position in the same class, but in a different administrative unit or site.

CHANGE OF SERVICE ASSIGNMENT: An employee's change from the certificated to the classified service of the District or vice versa.

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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 DESCRIPTION: A formal statement, approved by the Personnel Commission, of the nature and level of responsibilities of the position(s) in the class and containing the qualification requirements of the positions in the class (also known as Class Specification.

CLASS SPECIFICATION: A formal statement of duties and responsibilities of the position(s) in the class, illustrated by examples of typical tasks, as well as the qualification requirement for employment in the position(s) of the class.

CLASSIFICATION: The act of placing a position in a class, meaning that each position in the classification shall have a designated title, minimum qualifications and placement on the appropriate salary schedule.

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

CLASSIFIED SERVICE: All persons and positions not included in Ed Code 44065 or otherwise exempted by Education Code.

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 Personnel Commission established pursuant to the merit system provisions of the Education Code.

COMPLAINT: An employee concern regarding violations or alleged violations of these rules. This term does not apply to appeals from disciplinary actions, requests for classification study or salary review.

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)

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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.

DESK AUDIT: A personnel job evaluation technique by which the Human Resources Analyst-Classified 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.

DIFFERENTIAL (OR DIFFERENTIAL PAY): A salary allowance in addition to the basic salary rate or schedule based upon additional skills, responsibilities.

DISABILITY: A physical, cognitive/mental, sensory, emotional or developmental impairment, which limits an employee from performing duties/responsibilities of their position.

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

DISCIPLINARY ACTION: Includes any action whereby an employee is deprived of any classification or any incident of any classification in which he/she has permanence, including dismissal, suspension, demotion or any reassignment, without his voluntary consent, except a layoff for lack of work or lack of funds.

DISCRIMINATION: The actual behavior towards members of a protected group involving the exclusion or restriction of members of that group from opportunities that are available to other groups.

DISTRICT: The School District.

DUAL CERTIFICATION: A procedure authorized by the Personnel Commission, which combines the promotional and open eligibility lists into a single list according to examination scores. In addition to the examination scores, promotional candidates also receive seniority credit in a dual certification.

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

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ELIGIBILITY LIST: A rank order list of the names of persons who have qualified in a merit system examination for the selection of classified employees for a specific class. In the event of tie scores, more than one name may hold the same rank.

ELIGIBLE: Adjective: 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.

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: An employee’s present appointment indicating whether an employee is probationary, permanent, emergency or temporary (includes limited term and provisional).

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

ENTRANCE QUALIFICATIONS: Mandatory and desirable experience and education qualifications prescribed for those who wish to compete in merit system examinations for a specific class.

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

EXECUTIVE SECRETARY EXEMPTION: A position approved by the Board of Education and the Personnel Commission which exempts a recruitment from specific provisions in accordance with Education Code 45272.

EXECUTIVE CLASS: One of the classes meeting the criteria outlined in the rule on overtime whose incumbents do not receive payment or compensating time off for overtime (also known as Administrative Class).

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EXEMPT CLASSIFIED: Refers to those positions and employees exempt from the regular classified service as provided by Education Code sections 45256(b), 45257 and 45258.

EXHAUSTED LIST: A list of eligibles from which it is impossible to fill a regular full-time or part-time vacancy. A list may be considered exhausted when only two ranks remain. A list may be exhausted for part-time positions, yet remain in effect for full-time positions or vice-versa.

FIELD OF COMPETITION: Those categories of persons (either from within or outside the District authorized by the Personnel Commission to participate in a merit system examination for a specific class.

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 School District. (Synonymous with appointing authority or power.)

GRIEVANCE: An employee complaint concerning a violation of the collective bargaining agreement.

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.

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.

HEARING OFFICER: A qualified person employed by the Personnel Commission to hear and make recommendations on appeals from disciplinary action.

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

ILLNESS: Any physical or mental condition preventing an employee from being at work.

ILLNESS LEAVE: Paid or unpaid leave given to an employee because of illness or injury.

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

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

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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.

INVESTIGATION: A fact-finding procedure related to an appeal or complaint.

INVOLUNTARY LEAVE: A mandatory leave of absence resulting in the temporary removal of an employee from the workplace (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.

JOB FAMILY: Those classes similar in type of duties and responsibilities or related by other criteria as set forth by the Personnel Commission.

JOB TITLE: The title assigned to a classification by the Personnel Commission. The District may suggest titles for new positions.

LATERAL TRANSFER: The reassignment of an employee without examination from one position to a position in a related class with the same salary range or hourly rate.

LAYOFF: Separation from a permanent position because of lack of work or lack of funds. A layoff shall also include any reduction in hours of employment or assignment to a class or grade lower than that in which the employee has probationary or permanent status, voluntarily consented to by the employee, in order to avoid interruption of employment by layoff.

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 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.

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

LOYALTY OATH (OR AFFIRMATION): A statement required for each new employee concerning his/her support of the United States and California Constitutions.

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 system in which merit and fitness determines an individual's selection and progress through the classified service.

MILITARY LEAVE: Authorized absence to engage in military duty.

MINIMUM QUALIFICATIONS: See Entrance Qualifications.

MULTIPLE ASSIGNMENTS: An employee holding more than one regular assignment.

NEPOTISM: Favoritism shown to a relative on the basis of relationship versus merit.

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

OVERTIME: Authorized time worked by an employee in excess of eight hours a day or forty hours a week.

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: An employee who has completed an initial probationary period of 130 days, or six months, whichever is longer, of paid regular services in the classified service (excluding days absent for illness or injury) or 260 days, or one year whichever is longer, for positions designated by the Commission rule as executive, administrative or supervisory. This does not apply to positions designated as senior management.

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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 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: See Commission.

PERSONNEL ADMINISTRATOR: 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 appointed 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 or the Personnel Commission in a professional capacity for a specific limited-term project. Such persons are excluded from the classified service.

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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 following an appointment from an appropriate promotional list.

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 days or 126 working days in any fiscal year except when no one is available on an appropriate eligibility list.

PROVISIONAL EMPLOYEE: A person employed while the examination process is being conducted to fill the position for less than ninety consecutive days or one-hundred twenty-six (126) days per fiscal year.

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 meets the minimum qualifications, or the classification, who has filed an application within the established time frame.

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 on the basis of either internal or external alignment or a change in the salary-setting basis for the class..

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: Mandated return to duty 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.) In certain

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specific cases of reduction in class or time in lieu of layoff, the period of reemployment is extended an additional 24 months.

REGULAR APPOINTMENT: An appointment made from an eligibility list or from some other list of persons who are legally qualified; i.e. reemployment or reinstatement to fill a regular full-time or part-time position vacancy.

REGULAR EMPLOYEE: An employee who has probationary or permanent status in the classified service.

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. Also refers to a return to work after appeal from disciplinary action when so ordered by the Personnel Commission.

RESIGNATION: Voluntary statement, preferably in writing, from an employee to be separated from one or all of his/her assignments.

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.

RIGHTS: An entitlement bestowed by law or rule and that must be granted.

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 authorized to be paid on an hourly, daily, weekly, monthly or annual basis for a particular classification, assignment or contract.

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SALARY SCHEDULE: The complete list of ranges, steps, and rates established for the classified service (often referred to as the salary matrix).

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

SENIOR MANAGEMENT: Positions designated by the School Board which meet the requirement of Education Code 45108.5.

SEPARATION: The ending of all status as an employee with the District including 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.

SHIFT DIFFERENTIAL: Additional pay for unusual work schedules.

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 time in paid status.

SUBSTITUTE: An employee temporarily occupying a regular position during the absence of the incumbent.

SUSPENSION: Disciplinary action resulting in the temporary removal of an employee from a position for cause without pay.

TASK: An individual assignment within a duty.

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

TERMINATION: A disciplinary action resulting in the ending of employment with the District.

TRANSFER: The reassignment of an employee without examination from one 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.

UNSATISFACTORY SERVICE: The performance of assigned duties in a manner or the failure to perform them, or the performance of actions while on duty, that are detrimental to the good 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 the 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.

WORKWEEK: Forty (40) hours, usually served in five consecutive days within a seven-day cycle, is the regular workweek for the majority of full-time classified employees.

WORK YEAR: The portion of the year for which work is authorized.

"Y" RATE: A rate above the established rate or range of salary for a class, paid under certain circumstances to an employee upon authorization by the Personnel Commission, in accordance with established rule.

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