

4400	The Merit System
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The following terms when used in these rules shall have the meaning indicated below unless the context or prevailing law clearly indicates otherwise.

Abandonment of Position

Non-performance of duties and non-appearance by the employee at the worksite without excuse.

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 or County Offices of Education that have adopted the Merit System. It shall include all of the provisions of Title 2, Division 3, Part 25, Chapter 5, Article 6, (commencing with Section 45240 of the Education Code) as well as the Education Code provisions of Title 2, Division 3, Part 25, Chapter 1 and Chapter 5, Articles 1 to 4.

Allocation

The placement of a class at a particular range on the classified or management salary schedules.

Anniversary Date

The first day of the pay period following successful completion of the probationary period. That month and day (for example, March 1) become the date each year on which eligible employees advance to the next higher step in the salary range for their classification.

Appeal

A request for review by an employee or a recognized employee organization, to have complaints, protests, or points of disagreement heard after which a former decision may or may not be upheld by a hearing officer, the commission, or the superintendent/governing board.

Applicant

A person who has submitted a Santa Barbara County Education Office application to participate or compete in the Office's recruitment process.

Appointing Authority or Power

The County Superintendent of Schools or his/her designee, or the Personnel Commission when referring to Commission employees and positions.

Appointment

The official act by the appointing authority of offering employment to a person and the acceptance thereof.

Assignment

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

Bargaining Unit Member

An employee whose position or class falls within a specified group that is represented in the collective bargaining process by an exclusive representative. Identification of such positions is established by the provision of the Educational Employment Relations Act, Government Code 3540, et seq.

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Bumping or Displacement Rights

The right of a permanent employee, under certain conditions, to displace another employee with less seniority in a class.

Candidate

A person who participates or competes in one or more portions of the Office’s recruitment process.

Cause

Those specific activities, behaviors, or events that are listed within these Rules as being subject to disciplinary action.

Certificated Service

Those persons filling positions that require by law the possession of a certificate issued by the California Commission on Teacher Credentialing.

Certification

The Personnel Director’s submission of names of eligibles from an appropriate list to the appointing authority or to the authorized program/department head to make selections.

Class

(Also referred to as Classification) A group of positions sufficiently alike in respect to their duties and responsibilities to justify common treatment in selection, compensation and other employment processes and sufficiently different from positions of other classes to justify different treatment in one or more of these respects. While defined as a group of positions, class may sometimes consist of but one position where no others of the same kind exist in the service.

Classify or Classification

The action of the Personnel Commission approving a position into a Class.

Classified Service

All positions in the Santa Barbara County Education Office’s service to which the Act applies and which are not exempt according to the Act.

Class Description

See Job Description.

Commission

See Personnel Commission.

Complaint

A statement concerning violations or alleged violations of the Personnel Commission Rules. This term does not apply to appeals from disciplinary actions, requests for classification study or salary review.

Continuous Examination

A method of recruiting applicants in which the last day for filing applications is not specified and examinations are conducted as needed based on the service required.

County Education Office

The Santa Barbara County Education Offices located in Santa Barbara and Santa Maria; may also be referred to as Office.

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C.S.E.A

California School Employees Association. Chapter #817 is the exclusive representative for employees in certain designated classifications as approved by P.E.R.B.

Day

A day in which the County Education Offices are open as reflected in the central office calendar.

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 range on the salary schedules.

Differential or Differential Pay

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

Director

The Director, Human Resources. The Director, Human Resources is appointed by the Personnel Commission to act as its designated representative in administering and monitoring the application of the Merit System under the provisions of law and the Rules and Regulations established by the Personnel Commission.

Discharge or Dismissal

Involuntary separation from the classified service for cause.

Dual Certification

Certification, in specified cases, from an open eligibility list and a promotional eligibility list, in accordance with the examination scores attained by the candidates.

Eligible

A person whose name appears on an eligibility list and who is legally qualified to be appointed.

Eligibility List

A rank ordered list of the names of persons who have qualified for possible employment in a competitive examination process.

Emergency Appointment

An appointment for a period not to exceed 15 working days to prevent stoppage of public business when persons on eligibility lists are not immediately available (Education Code Section 45290).

Employee

A person who is legally an incumbent of a position or one who is on authorized leave of absence.

Employment List

A list of names from which certification(s) may be made. Includes eligibility lists, reemployment lists, and lists of persons who wish to transfer, demote, be reinstated after resignation, be reemployed after layoff, or be restored after voluntary demotion or reduction to limited-term status.

Employment Status

The condition of an employee's present appointment indicating the degree of permanency with the Santa Barbara County Education Office.

Examination

The process of evaluating the fitness and qualifications of applicants.

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Exempt Classified

Refers to those positions and employees exempt from the regular classified service as provided in the law. May also refer to types of classes or positions exempt from overtime provisions, e.g. supervisory, administrative, or executive (Education Code 45130).

Fiscal Year

July 1st of one calendar year through June 30th of the following calendar year.

Governing Board

The Santa Barbara County Board of Education.

Hearing

A formal review of evidence, in the presence of the parties involved, in connection with a disciplinary action affecting an employee and concerning an appeal that the employee, employee representative, or a bargaining unit representative has filed.

Hearing Officer

A qualified person appointed to hear and make recommendations on appeals of disciplinary actions.

Hire Date

Date of original or most recent employment with the Office.

Incumbent

An employee assigned to a particular position within a class.

Industrial Accident or Illness Leave

Absence because of injury or illness that arose out of and in the course of employment.

Job Analysis

A personnel job evaluation technique by which an analyst or designated party uses various combinations of resources not limited to job audit questionnaires, personal interviews, work site observations, and conversations, to collect data on the duties, tasks, and responsibilities of a position.

Job Description

(Also referred to as Class Description or Class Specification) A written description, approved by the Personnel Commission, containing a general description, specific duties and responsibilities, working conditions, and the qualification requirements for employment in a classification.

Job Interest Card

A documented record stating interest by an individual in a certain Classification. These documents are kept on file in the Human Resources Department and used to notify interested individuals of vacancies.

Job Series

A number of classes closely related in duties and responsibilities and arranged in hierarchical order to indicate occupational levels.

Layoff

Separation from a regular position because of lack of work and/or lack of funds. A layoff includes any reduction in hours or workdays of employment, or voluntary demotion in order to avoid interruption of employment.

Leave of Absence

An approved absence from duty, with or without pay, for a specified and approved period of time.

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Limited Term (Also Short-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 employees are exempt from the classified service (Education Code 45286).

Limited Term Employee (Also Short-Term Employee)

An employee who is serving as a substitute for an absent employee or in a position established for a period of six months or less.

Longevity Increment

An amount added to the base salary for employees who have completed a specified number of years of service with the Santa Barbara County Education Office.

Management Employee

An employee in a classification designated as management under the provisions and stipulations of Government Code 3540.1 and by the nature of the assigned duties.

Management Salary Schedule

The salary schedule for classified management employees, who are excluded from the provisions of the collective bargaining law.

Merging

The act of combining two or more eligibility lists, which were established not more than one 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, progress, and retention in the classified service.

Open Competitive Examination

Employment examination in which all persons meeting the minimum qualifications for employment may compete.

Overtime

Hours worked by overtime-eligible employees in any of the following circumstances: in excess of eight hours in a workday; in excess of 40 hours in a workweek; on the sixth or seventh day following the commencement of the workweek for employees having an average workday of four hours or more; on the seventh day following the commencement of the workweek by an employee having an average workday of less than four hours; or on a holiday, as defined in these Rules.

P.E.R.B

Public Employment Relations Board.

P.E.R.S

Public Employee Retirement System in California, or CalPERS.

Performance Evaluation

A formal written document of the quantity and quality of the work performed by a person employed in the County Education Office's classified service.

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Permanent Employee

In reference to the Santa Barbara County Education Office employment status, an employee who has been hired and completed an initial probationary period of 130 days of paid status in a permanent position in a classification of the classified service; one year for positions designated as management. In reference to employment status in a specific class, an employee who has completed a probationary period for that class, or who entered the class by transfer, demotion, reinstatement, or reemployment without the requirement serving a probationary period.

Permanent Position

A position established for a continuing or indefinite period of time in excess of six months.

Personnel Commission

A three-member commission established pursuant to the requirements of the Merit System Act to administer the Merit System in the Office.

Personnel Commission Rules

Rules found herein that include procedures to be followed as they pertain to the classified service regarding all matters within the jurisdiction of the Personnel Commission in order to carry out the provisions and purposes of the Merit System (commencing with Education Code Section 45240).

Personnel Commission Staff

Those persons appointed by the Director, Human Resources, and the Personnel Commission to carry out the day-to-day operations of the Personnel Commission.

Personnel Director

The Director, Human Resources fulfills the duties and responsibilities ascribed to the personnel director in the Act. See Act. See Director.

Position

A job identified as part of an approved Classification that includes a combination of duties and responsibilities assigned by the appointing authority requiring the full-time or part-time employment of one person on a permanent or limited-term basis.

Position Classification

The process of categorizing jobs by occupational group, series, class, and salary level, according to similarities and differences in duties, responsibilities and qualification requirements.

Probationary Employee

An employee serving the probationary period of 130 days in paid status in a permanent position following appointment from an eligibility list established by the Personnel Commission.

Probationary Period

The trial period, as established by the Personnel Commission pursuant to Education Code Section 45301, immediately following an original or promotional appointment to a permanent position from an eligibility list. The probationary period is 130 days of paid regular classified service or one year for positions designated as management.

Professional Expert

A person employed by the County Education Office in a professional capacity for a specific limited-term project. Such persons are excluded from the classified service.

Professional Growth Award

An amount of money added to the base salary based on approved and documented professional growth activities related to the employee’s job classification and overall employment growth in the Office.

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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 at a higher maximum salary range.

Promotional Examination

An examination for a higher classification that is limited to qualified permanent employees of the Office.

Promotional List

An eligibility list resulting from a promotional examination limited to qualified permanent employees of the Office.

Provisional Appointment

A temporary appointment made in the absence of an appropriate eligibility list, not to exceed 90 workdays except in specified circumstances (Education Code Sections 45287, 45288 and 45289).

Provisional Employee

A person employed under a provisional appointment.

Public Notice

Announcements of examinations, meetings, hearings, and other actions of the Personnel Commission or Human Resources Department on bulletin boards and through other appropriate channels of distribution.

Reallocation

The assignment of a classification from one salary range to another salary range, not connected with a reclassification.

Reassignment

Involuntary change of an employee's work location and/or program or department, initiated by the County Education Office. Reassignments may not result in changes to the employee's salary range, full time equivalency (FTE), anniversary date, or leave balances.

Reclassification

The assignment of a position, whether filled or vacant, from one classification to another, because of a significant change in duties or responsibilities. An incumbent may be reclassified along with a position. Reclassification may or may not result in a change in salary range.

Reemployment

Reappointment to duty of a former employee who was laid off.

Reemployment List

A list of names, in rank order of seniority, of persons who have separated from permanent positions because of layoff off from permanent positions by reason of a lack of work and/or lack of funds, abolishment or reclassification of positions, exhaustion of illness or accident leave privileges, or other reasons specified in the Rules and Regulations of the Personnel Commission. These individuals are eligible for reemployment without examination in their former class or classes within a period of 39 or 63 months depending on the circumstances of the layoff following the date of layoff. These individuals may also have rights to new classifications for which they apply and qualify while on the reemployment list over all outside applicants. (Education Code Sections 45192, 45195, 45298 and 45308; Tucker vs. Grossmont Union High School District 2008).

Regular Appointment

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

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Regular Employee

An employee who has probationary or permanent status with the Office.

Regular Status

Probationary or permanent status with the Office.

Reinstatement

Reappointment at the discretion of the appointing authority, within 39 months after resignation, in regular or limited-term status, without examination, to a position in the employee's former class or related lower class if qualified; return to duty or specified status of an employee by order of the Personnel Commission following appeal of an administrative action.

Related Class

Another job class that has similar duties, responsibilities and qualifications for employment. For example, Clerical Assistant I, Clerical Assistant II and Clerical Assistant III are related classes.

Resignation

A voluntary statement in writing from an employee requesting to be terminated from 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 the Personnel Commission sustains an appeal.

Rule of Three

The scope of choice available to the appointing authority or power for making their selections from an eligibility list. Specifically, it refers to selection from the first three ranks of eligibles who are ready, willing, and able to accept appointment to a specific position.

Salary Range

The minimum, maximum and any intermediate pay rates authorized for a given class of employment.

Salary Rate

A specific amount of money paid for a specified period of service. For example, dollars per hour or month.

Salary Schedule

The complete list of salary ranges, steps and rates for all classes in the classified service.

Salary Step

A specific salary rate within a salary range, usually designated by letter or numeral. For example, C -Step, Step 2, etc. (Note: The salary range applicable to a class may change without affecting the step placement rights of employees.)

Senior Management

Positions designated by the Superintendent/County Board of Education that meet the requirements of Section 45108.5 of the Education Code.

Seniority

Status determined by date of hire in a job classification plus any higher job classifications.

Separation

Leaving employment of the Santa Barbara County Education Office. Includes but is not limited to resignation, dismissal, layoff, retirement, and leave exhaustion.

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Series

(Sometimes referred to as Job Series or Related Class) A number of groups of classes closely related in an occupational hierarchy and arranged in a list in order to indicate occupational levels in each group.

Status

A document issued whenever a change occurs which may include but is not limited to probationary or permanent employment, salary range and step, current assignment, work shift, longevity, and differentials.

Step Advancement

Movement to the next higher step in the salary range for the employee’s classification (see also Anniversary Date).

Substitute Employee

An employee occupying a permanent position during the absence of the incumbent or when the position is vacant. Substitute employees are exempt from the classified service.

Suspension

An enforced absence of an employee with or without pay pending the outcome of an investigation of allegations that have been filed against an employee that may lead to disciplinary action.

Teleconference

A meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

Temporary

Employment on a basis other than permanent or probationary. For example, in limited-term or provisional status. Temporary employees are exempt from the classified service.

Transfer

Voluntary change of work location and/or program or department to another position in the employee’s classification, initiated by the employee.

Voluntary Demotion

A demotion requested by an employee in order to retain employment when layoff from the employee’s positions is imminent or for other reasons, where the action is voluntary on the part of the employee.

Waiver

The voluntary relinquishment by an eligible of a right to be considered for appointment from an eligibility list to a certified eligibility list with one or more position locations, or for a specified period of time not to exceed the duration of the eligibility list.

Y-Rating

Retention of an employee’s salary range and step when reclassification or reallocation results in the maximum step of the new salary range being lower than the employee’s current step. The retention of the higher salary range and step may occur until such time as there is a step(s) in the salary range to which the employee’s classification is assigned that is equal to or higher than the employee’s retained range and step. During the period that an employee’s salary placement is Y-rated, the employee is ineligible for annual salary step increases and salary schedule increases. Y-rating is not the same as placement of an employee at step Y in a range on the classified salary schedule.

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