

## CHAPTER 1: DEFINITIONS AND PRELIMINARY STATEMENT

**Note:** The ( ) following the definition is the location in the rules where the word is first used.

### 1.1 DEFINITIONS. GENERAL

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

**ABANDONMENT** - Failure to report for duty for a period of three (3) or more consecutive working days without notification to SAMS or supervisor. (8.6.1.A.10)

**ACT or THE ACT** - ACT shall mean those sections of the Education Code of the State of California applying the merit system to classified employees. It shall include all of the provisions of Articles 5 and 6, Chapter 5, Division 3, and applicable provisions of Chapter 1 and Articles 1 to 4, Chapter 5, Division 3. (2.5.2)

**ADEQUATE FIELD OF COMPETITION** - An examination is expected to result in three (3) or more ranks of eligibles to certify an appointing authority for filling known or anticipated vacancies. (5.1.5.1)

**ADMINISTRATIVE LEAVE** - The placing of an employee on a paid or unpaid (suspension) leave of absence pending completion of an investigation and/or hearing. (An administrative practice not specifically referenced with Rules)

**ADMINISTRATIVE OFFICIAL** - Employees with the rank of Department Head and higher in line of authority, and others who may be so designated by the Board of Trustees. (2.4.1.B)

**ADMINISTRATIVE REVIEW** - the review of a protest, complaint or allegation of a misapplication of District policies, regulations or Personnel Commission rules conducted by the Director, Classified Personnel. (4.1.4.C)

**ADMINISTRATIVE TRANSFER** - A transfer initiated at the discretion of District administration for the good of the District. (8.2.1)

**ADVANCED STEP PLACEMENT** - Placement, upon hire into a class, on the salary range established for the class at a step above step 1 or other step provided for in these Rules. (7.2.1)

**AGREEMENT** - The collective bargaining Agreement between the District and Chapter #375, California School Employees Association (CSEA). (2.5.2)

**ALLOCATION** - The official placement of a position in a given class, the assignment of the class title for the class, can also refer to the assignment of a classification to a Salary Range on a Salary Schedule. (3.2.6)

**ANNIVERSARY DATE** - The date upon which an employee is granted his/her annual earned salary increment, also the date the annual performance evaluation becomes due. (2.3.1.B)

**APPEAL** - The process by which a written complaint by an employee, applicant or candidate, after exhausting administrative remedies, may be brought before the Personnel Commission regarding an administrative action which is perceived as actually or potentially detrimental to the employee, applicant or candidate. (2.3.2.C)

**APPLICANT** - A person who meets all of the following criteria:

- Is applying for a valid job classification for which the District or Commission hires.
- Is applying for a position for which applications are being accepted as evidenced by a posting of a job announcement.
- Completes an employment application which includes the job preference.
- Completes all employment procedures required before an offer of employment is given (does not voluntarily withdraw at any selection step before the job offer step).
- Is available to be contacted within three (3) days regarding continuing the employment process.
- Possesses the minimum legal requirements (e.g., age, certification, licensing) for the position being sought where such requirements are defined by law or government regulations.
- Possesses the minimum requirements (i.e., operate equipment, pass physical exam, etc., where such skill or condition is a job requirement) for the position as defined by the Personnel Commission.
- Is a United States citizen, or possesses appropriate documents approved by the Immigration and Naturalization Service which provides for permanent residence and/or employment in the United States? (2.1.5.A.2.b)

**APPOINTING AUTHORITY (OR POWER)** - The Board of Trustees of the Ocean View School District; and/or its designee(s) for Board employees; the Personnel Commission for its employees. (2.1.4)

**APPOINTMENT** - The official act of the appointing authority in approving employment of a person. (2.1.4)

**ASSIGNMENT** - Placement of an appointee in a position. Refers also to the position into which the employee is placed. (3.1.4)

**BARGAINING UNIT** - A group of classified employees represented by an employee organization as the exclusive representative and authorized under laws of the State of California to engage in collective bargaining (negotiations) and representation on behalf of all the employees belonging to or represented by the unit. Refers also to the Employee Organization. (2.5.2.E)

**BEREAVEMENT LEAVE** - A paid leave of limited duration granted an employee upon the death of a member of the immediate family or relative living in the household. (8.9.1)

**BOARD** - The District's elected Board of Trustees. (2.1.1)

**CANDIDATE** - An applicant who has participated in one or more portions of a merit system selection process. (2.1.4.A)

**CAUSE** - The grounds (specific activities, behaviors, or events) upon which a disciplinary action is brought by the Board against an employee as stated within these Rules or enumerated in law. No disciplinary action may be taken for any "cause" other than defined herein. (4.1.3.I)

**CERTIFICATED SERVICE** - Those employees and positions required by law to possess teaching credentials issued by the California Commission on Teacher Credentialing or the County Office of Education. (11.1.1.D)

**CERTIFICATION** - The submission for approval to the Commission by the Director of the names of eligibles from an appropriate eligibility list. Also the submission of a rank of three eligibles from an appropriate eligibility list and/or eligibles from some other source of eligibility to the appointing power for selection interview. (4.1.3)

**CLASS (or CLASSIFICATION)** - A group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be used to designate each position allocated to the class; 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. (2.3.2.B)

**CLASSIFIED SERVICE** - All positions not required to have certification qualifications or otherwise excluded by the Education code, and the incumbents of those positions. (2.3.1.A)

**CLASSIFY** - The act of the Personnel Commission in assigning a position to a class; arranging classes into occupational hierarchy and determining reasonable relationships within occupational hierarchies. (3.1.6)

**CLASS SPECIFICATION (or) JOB DESCRIPTION** - A formal statement of the essential duties and responsibilities of the position(s) allocated to the class, and the minimum qualification requirements of positions in the class. A class may consist of just one position when no equivalent positions exist in the service. (3.2.4)

**COMMISSION** - The Personnel Commission established under the Act for the Ocean View School District. (2.1)

**COMBINATION EXAMINATION (or) DUAL CERTIFICATION EXAMINATION (or) MERGED OPEN AND PROMOTIONAL EXAMINATION** - An open and promotional examination resulting in one eligibility list, with both veterans and seniority points included. (5.1.4)

**COMPLAINT** - An alleged misapplication of policies, regulations or rules which are not subject to a "negotiated" grievance procedure. (2.2.3.A)

**COMPLAINT PROCEDURE** - A problem solving procedure to resolve an employee complaint that a violation has occurred concerning a Board Policy, administrative procedure or Personnel Commission Rule. (10.1)

**CONFIDENTIAL EMPLOYEE** - A classified employee, who in the regular course of their duties, has access to, or possesses information relating to, the District's employer-employee relations. Confidential employees are excluded from representation by a bargaining unit. (3.2.7.C)

**CONTINUOUS EXAMINATION** - A method of recruiting applicants in which the last day for filing applications is not specified and examinations are conducted from time to time as the needs of the service require. (5.1.7)

**DAY/DAYS** - Means working days exclusive of weekends and holidays, unless otherwise specified. (2.1.4.A)

**DEMOTION** - A disciplinary action for cause, subject to the pertinent rules and procedures under the disciplinary action provisions of these Rules. (6.2.2.A)

**DIFFERENTIAL** also **STIPEND** - A fixed salary (dollar amount or percentage) for performing specified duties or working during non-standard hours or conditions. A differential or stipend may be established through negotiations or upon recommendation of the Personnel Commission and approval of the Board of Trustees. (8.7.2)

**DISCIPLINARY ACTION** - Any action whereby an employee is deprived of any classification or any incident of any classification in which the employee has permanence, including dismissal, suspension or demotion without the employee's voluntary consent, except a layoff for lack of work or lack of funds. (2.1.8)

**DISMISSAL** - Separation from service for cause. (2.2.3)

**DISTRICT** - The Ocean View School District. (2.1.1)

**DUAL CERTIFICATION** - See COMBINATION EXAMINATION

**ELIGIBLE APPLICANT** - A person who has satisfied all requirements relating to a position and who has been placed on an eligibility list for future employment. (4.1.4)

**ELIGIBILITY LIST** - A list, certified by the Commission for a limited duration, of persons who have qualified in a competitive examination and are eligible for certification to an appointment interview, subsequent selection, and appointment to a position in a specific classification. (3.1.4)

**EMERGENCY** - Constitutes an unforeseen circumstance, requiring immediate action by the Commission to implement a Rule or change in practice, without which the orderly business of the District would be significantly impaired, or delay would be detrimental to an employee or group of employees. (2.2.4)

**EMERGENCY APPOINTMENT** - An appointment for a period not to exceed 15 working days when persons on eligibility lists are not immediately available, during times of a crippling disaster, work stoppage or other activity which severely impairs public health, safety or both. (Government Code 54956.5) (2.1.4.B.1)

**EMPLOYEE** - A person who is legally an incumbent of a position or who is on an authorized leave of absence. (2.1.1)

**EMPLOYEE ORGANIZATION** - An organization which includes employees of a public school employer and which has as one of its primary purposes representing such employees in their relations with that public school employer, as defined in the California Government Code sections 3540-3549.1. (2.1.4)

**EMPLOYEE RELATIONS** - Employer-employee contact, both formal and informal, to discuss matters of mutual or individual interest between the District and Employee Organization designated as the Exclusive Representative of a bargaining unit of employees. (3.2.7.C)

**EMPLOYMENT LIST** - A list of names from which certification to fill vacancies may be made. Term includes eligibility lists, reemployment (after layoff for lack of work, lack of funds or for medical reasons) lists, as well as lists of individuals who wish to be transferred, demoted, reinstated after resignation, or those who wish to be reinstated to a former class after voluntary demotion or reduction to limited term status. (Chapter 6 Title)

**EMPLOYMENT STATUS** - The condition of an employee's present appointment indicating whether the employee is probationary or permanent. (2.4.3.A)

**ENTRANCE QUALIFICATIONS** also **MINIMUM QUALIFICATIONS** - The minimum qualifications prescribed for those who wish to compete in examinations for a specific classification. (3.2.4.D)

**EXAMINATION** - The process of testing and evaluating the fitness and qualifications of applicants for District employment. (2.4.3.C)

**EXEMPT CLASSIFIED** also referred to as **NON-MERIT EMPLOYEES** - Refers to those positions and employees exempt from the regular classified service as provided in The Act (45256). (3.1.1)

**GRADUAL ACCRETION** - The incremental change in duties or responsibilities of a position, generally as a result of external influences; such as might occur by additions of higher level duties to existing duties/responsibilities of a position if new State of County reporting requirements are added, or changes occurring as a result of the introduction of new technology, equipment or programs. (3.3.1)

**GRIEVANCE** - A formal written allegation by a grievant that he/she/it has been adversely affected by a violation of the specific provisions of the collective bargaining agreement between the District and the exclusive representative of classified employees. (10.1.1.D.5)

**HEARING** - A formal review of evidence in the presence of the parties involved in connection with an action affecting an employee and for which the employee has filed an appeal; also the formal presentation to the Commission of facts gathered pursuant to an investigation ordered by the Commission concerning alleged violations or mis-application of the Rules. (2.5.2)

**HEARING OFFICER** - A qualified person employed by the Commission to hear and make recommendations on appeals from disciplinary actions or other matters for which Commission directs. (2.2.3.B)

**IMMEDIATE FAMILY** - mother, mother-in-law, father, father-in-law, husband, wife, son, son-in-law, daughter, daughter-in-law, brother or sister, brother-in-law, sister-in-law, grandparents of employee or spouse, grandchild of employee or spouse, step-parent/guardian or any naturally or legally adopted relative living in the immediate household of the employee. (8.9.1.A)

**INCOMPETENCY** - failure or inability to perform adequately the minimum standards of duties required for a given position. (4.1.3.J)

**INCUMBENT** - An employee assigned to a position and currently serving in or on leave from that position. (2.1.5.A.1.b)

**INDUSTRIAL ACCIDENT** or **INDUSTRIAL ILLNESS** - Injury or illness which arose out of and in the course of employment with the District. (8.7.2)

**INITIAL PROBATIONARY PERIOD** - A period of 6 months or 130 days of paid service, whichever is longer, following hire into the regular classified service, during which the employee's performance is evaluated to determine if they should be granted permanent status. (5.1.4.2.C)

**INSUBORDINATION** - Willful failure of an employee to comply with a reasonable directive from his/her supervisor, or any act which indicates clearly his/her unwillingness to accept the authority of a supervisor. (8.6.1.A.5)

**JOB ANALYSIS** - The technique or procedure by which job facts, tasks, essential duties, skills, knowledge, and abilities are discovered and recorded. Typically involves a desk audit interview with one or more incumbent(s), discussion with supervisor(s) and review of a classification questionnaire and/or other documentation pertaining to the job(s) being analyzed. (1.2.1[o])

**JOB DESCRIPTION** - See **CLASS SPECIFICATION**

**JOB SERIES** or **JOB FAMILY** - A group of classifications related by similarities in duties and responsibilities. (3.2.7.C)

**LAYOFF** - Separation or reduction in permanent assigned work hours from a permanent position because of lack of work or lack of funds (3.3.5)

**LEAVE OF ABSENCE** - An approved absence from duty with or without pay for a prescribed period of time. (3.2.9.1)

**LIMITED TERM** - Employment for periods not to exceed 6 months, or employment of a temporary (substitute) employee during the authorized absence of a permanent employee. (3.1.4)

**MANAGEMENT EMPLOYEE** - An employee in a position having significant responsibilities for formulating district policies or administering District programs. {Government Code 3540.1. (g)} (7.1.2.D)

**MERGED OPEN & PROMOTIONAL EXAM** - See **COMBINATION EXAMINATION**

**MERGER OF ELIGIBILITY LISTS** - The combination of two or more eligibility lists for the same class. Typically done when a second list must be established to provide an appointing authority a rank of three eligibles prior to the expiration of the existing list. (5.1.7)

**MERIT SYSTEM** - A personnel management system (Civil Service) established in State Law, applicable to school districts adopting the system, governing the selection, retention and various other aspects of employment for classified employees on the basis of merit and fitness. (2.1.2)

**MILITARY LEAVE** - Authorized absence from the District to engage in ordered military duty. (8.10.6)

**MINIMUM QUALIFICATIONS** - See **ENTRANCE QUALIFICATIONS**

**OATH OF ALLEGIANCE** - A statement required (State of California Constitution) for each new employee concerning his/her support of the United States and California constitutions. (4.1.3.P)

**OCCUPATIONAL HIERARCHIES** - The grouping of related classifications into a series or hierarchy, generally arranged in order of salary, highest to lowest, within the series. (3.2.2)

**PERMANENT EMPLOYEE** - An employee who has completed the prescribed probationary period for his/her classification. (3.1.2.B)

**PERS** - The California Public Employees Retirement System to which eligible classified employees mandatorily belong. (Not specifically referenced within the Rules, alluded to in 7.2.10)

**POSITION** - A group of duties and responsibilities established by the appointing power and performed on a full or part-time basis by one individual on a permanent or limited term basis. A position shall be established by Board action. (2.1.4)

**PROBATIONARY PERIOD** - A period of service immediately following appointment to a permanent position from an eligibility list. (5.1.4.2.B)

**PROMOTIONAL LIST** - An eligibility list resulting from a promotional examination limited to qualified permanent employees of the district, or from an open/promotional examination. (6.1.3)

**PROVISIONAL EMPLOYEE** - A person appointed to a position pending the establishment of an appropriate eligibility list for a period not to exceed 90 calendar days. (3.1.5.B)

**RANK OF THREE** - The scope of choice available to an appointing authority in making a selection from an eligibility list. Selection is from among those eligibles having any of the three highest scores, rounded to the nearest whole number percentage, who are ready and willing to be appointed to a specific position. (5.3.3)

**REASSIGNMENT** - The assignment of a permanent employee to a position in a related class with the same salary range. (8.1.2.2.B.1.a.)

**REEMPLOYMENT LIST** - A list consisting of the names of employees laid off by reason of lack of work or funds, exhaustion of accrued illness or accident leave and who are eligible to reemployment without examination in their former class, arranged in order of their right to reemployment (seniority). (3.3.5)

**REINSTATEMENT** - A reappointment, after resignation, in regular or limited-term status, without examination, to a position in the employee's former class, or in a lower related class. (6.2.2.A)

**REORGANIZATION** - The discretionary change in the organization of a department or of the duties and responsibilities assigned a position or group of positions. (3.3.1)

**RESTORATION** - Placement again into a former class after a voluntary demotion. (6.2.2.A)

**RESTRICTED EMPLOYEE** - An employee hired in a position which is limited to the employment of persons from low-income groups or designated geographical areas (Ed Code 45108), or an employee hired pursuant to Education Code 45259 having mental, physical or developmental disabilities. (3.1.5)

**SALARY RANGE** - A series of consecutive salary steps that comprise the rates of pay for a classification (normally 5 steps). (3.2.7)

**SALARY RATE** - A specific amount of money paid for a specified period. (2.3.2.B)

**SALARY STEP** - A specific location within a salary range. (3.2.9.3)

**SAMS** - Computerized Substitute Assignment Management System. (Not referenced within the Rules, but appears in the definition of Abandonment)

**SENIORITY DATE** - The permanent hire date of an employee in each individual classification. (8.2.6.C) (Example A1 within Chapter 8.5 - LAYOFF)

**SEPARATION** - Leaving a position; includes resignation, dismissal, layoff, retirement, etc. (4.1.3.J)

**SUBSTITUTE DIFFERENTIAL** - The amount of pay difference between an employee's pay and the amount paid a substitute employed to substitute for the absent employee. (8.7.2)

**SUPERVISORY EMPLOYEE** - Any employee, regardless of job description, having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct them, or to adjust their grievances or effectively recommend such action. {Government Code 3540.1. (m) (3.2.7.C)}

**SUSPENSION** - An enforced absence of an employee without pay for disciplinary purposes or pending investigation of charges made against an employee. (Section 8.6 Title)

**TRANSFER** - The reassignment of an employee without examination from one position to another position in the same class. May also mean the relocation of an employee from one job site to another with or without a change in the employee's job classification or position. (3.3.4)

**UNIT MEMBER** - A regular classified employee serving in a position and classification represented by an employee organization recognized as the exclusive representative of that classification. (2.5.2.E)

**WAIVER** - The voluntary relinquishment by an eligible of any right to consideration for appointment from an eligibility list and/or to an entitlement under these Rules. (6.1.8.F)

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## **1.2 PRELIMINARY STATEMENT**

### **1.2.1 Purpose**

The purpose of these rules is to insure the efficiency of the classified service and the selection and retention of employees upon a basis of merit and fitness (Ed code 45260). It is further the purpose to provide procedures to be followed as they pertain to the classified service regarding:

- [a] applications
- [b] examinations
- [c] eligibility
- [d] appointments
- [e] promotions
- [f] demotions
- [g] transfers
- [h] dismissals
- [i] resignations
- [j] layoffs
- [k] reemployment
- [l] vacations
- [m] leaves of absence
- [n] compensation within classifications
- [o] job analysis and specifications
- [p] performance evaluations
- [q] public advertisement of examinations
- [r] rejection of unfit applicants without competition
- [s] any other matters necessary to carry out the provisions and purposes of this article

[Education Code 45261(a)]

### **1.2.2. Interpretation and Application of Rules**

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

### **1.2.3. Judicial Review**

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.