

## **CHAPTER I**

### **PRELIMINARY STATEMENT AND DEFINITION OF TERMS**

Rule 1.1 **PREAMBLE: THE MERIT SYSTEM**

1.1.1 **STATUTORY AUTHORITY FOR THESE RULES AND REGULATIONS**

- A. The Rules contained herein are established pursuant to the authority of the Personnel Commission under Article 6 (commencing with Section 45240) of the Education Code and other provisions of the Education Code applicable to school districts that have adopted the merit system.

1.1.2 **CONTENT OF RULES (EDUCATION CODE 45260, 45261)**

- A. The Rules shall provide for procedures to be followed by the Board of Education as they pertain to the classified service regarding application, examination, eligibility, appointment, promotion, demotion, transfer, dismissal, resignation, layoff, reemployment, vacation, leaves of absence, work hours and overtime compensation within classification, job analysis and job specifications, performance evaluation, public advertisement of examinations, rejection of unfit applicants without competition and any other matters necessary to carry out the provisions and purposes of the Merit System Act.

1.1.3 **INTERPRETATION AND APPLICATION OF RULES (EDUCATION CODE 45260, 45261)**

- A. The commission shall prescribe, amend and interpret such Rules as may be necessary to insure the efficiency of the classified service and selection and retention of employees on the basis of merit and fitness.
- B. The Commission recognizes that no set of Rules can contemplate all possible combinations of circumstances affecting particular cases. The Rules are to be applied with consideration of their intent and shall not preclude the Commission from approving the waiver of a specific Rule provision where special circumstances require it. The Commission is open to responsible suggestions to

amend the Rules; however, no Rule amendment or to Rule shall be applied retroactively.

- C. No Rule or amendment which could affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the Commission until the exclusive bargaining representative and the public school employer are given reasonable notice.
- D. If the subject matter and procedure in a Rule is within the scope of representation, as defined in Government Code 3543.2, the Rule shall be applicable as follows:
  - 1. if a Rule provides for a benefit and a collective bargaining contract does not provide for that benefit, the benefit shall not be available to employees in the unit unless the benefit is required by law or
  - 2. if a Rules prescribes a procedure and a contract does not, the Rule shall apply to employees in the unit.

#### 1.1.4 TERMINOLOGY (EDUCATION CODE 72, 74, 75)

- A. As used in these rules, the present tense includes the past and future tenses and the future tense includes the present. Singular terms shall include the plural and plural terms shall include the singular. Shall is to be construed as mandatory and may is permissive.

#### 1.1.5 JUDICIAL REVIEW

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

#### 1.1.6 ENFORCEMENT OF THE RULES AND REGULATIONS (EDUCATION CODE 45260, 45311)

- A. The commission shall enforce the provisions of these rules and hold such hearings and conduct such investigations as may be necessary.

Rule 1.2 AMENDMENT, DELETION OR ADDITION TO RULES

1.2.1 MERIT RULES ADVISORY COMMITTEE (EDUCATION CODE 45260)

- A. All proposals to amend, delete or add to these Rules will be presented to the Merit Rules Advisory Committee for review and comment before presentation to the Commission.
- B. The Merit Rules Advisory Committee shall consist of a representative from each classified employee unit, namely:
  - 1. Operations Support
  - 2. Office, Technical and Business Services
  - 3. Instructional Aide and Paraprofessional

1.2.2 PROCEDURE FOR AMENDMENT, DELETION, OR ADDITION TO RULES (EDUCATION CODE 45260)

- A. After review by the Merit rules Advisory Committee, all proposals to amend, delete or add to these Rules will be presented to the Commission as a “first reading” and shall include a recommendation by the Director of Classified Personnel.
- B. All Rule proposals shall be distributed to all departments where classified employees are assigned and notification of the proposals shall be made to Administration and the classified employees exclusive bargaining representative(s) before final approval.
- C. A period of at least two (2) weeks shall elapse between the first reading of a new Rule or proposed amendment of an existing Rule, and its final adoption. If the Commission declares an emergency, final action may be taken after the lapse of one week. A special bulletin to all departments shall precede any emergency action.
- D. Rules of the Commission requiring the expenditure of funds by the Board shall be submitted to the Board for concurrence.

Rule 1.3

DEFINITION OF TERMS

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

	particular range on the salary schedule.
ALLOCATE OR ALLOCATION:	The day on which an employee completes the prescribed amount of service in the District to qualify for longevity benefits such as longevity pay or additional vacation. Anniversary dates shall be on the first day of the month and breaks in service and unpaid absences of two months or more shall not be credited.
ANNIVERSARY DATE:	
	A protest by an employee regarding an administrative action which is detrimental to the employee.
APPEAL:	
	A person who has filed an application for employment.
APPLICANT:	
	The Board of Education of the Santa Monica-Malibu Unified School District, the Personnel Commission or their designees.
APPOINTING AUTHORITY:	
	The official act of the appointing authority in approving the employment of a person.
APPOINTMENT:	
	The Assistant Superintendent, Human Resources is employed by the Board of Education to have responsibility for such classified personnel activities as assignments, disciplinary actions, establishment of positions and hearing of contract grievances.
ASSISTANT SUPERINTENDENT, HUMAN RESOURCES	
	The Santa Monica-Malibu Unified School District Board of Education.
BOARD:	
	A person who has successfully completed one or more portions of an examination.
CANDIDATE:	CAUSE:
The official placing of a position in a given class assigned to a	CERTIFICATION:

and/or the written Rules of the Commission.

CLASS:

The submission of names of eligibles from an appropriate list to the appointing authority.

A group of positions whose duties and responsibilities are sufficiently similar so that the same descriptive title may be used to designate each position 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.

CLASS  
SPECIFICATIONS:

A written statement of the duties and responsibilities of the positions in the class, illustrated by examples of typical tasks and of the qualification requirements of the positions in the class.

CLASSIFIED  
SERVICE

CLASSIFY OR  
CLASSIFICATION:

All employees of the District not requiring certification and not specifically exempted by law.

COMMISSION:

To assign or the assignment of a position to a class, whether new or existing, because of the position's qualifications, duties and responsibilities.

DEMOTION:

The Personnel Commission of the Santa Monica-Malibu Unified School District.

DIRECTOR OF  
CLASSIFIED  
PERSONNEL

The change of assignment of an employee from a position in one class to a position in another class with a lower maximum salary rate.

DISCHARGE OR  
DISMISSAL:

The grounds for a disciplinary action by the Board against an employee as stated in state law, written Policies of the board

The Director of Classified Personnel is employed by the Commission to act a Secretary to the Commission and to have responsibility for such classified personnel activities as examinations, job classification, Rules development, assignment auditing, hearings and appeals.

Involuntary separation from service for cause.  
DISCIPLINARY ACTION:

DISTRICT:	entitlement without his/her consent. This includes suspension, demotion or salary reduction and dismissal.
ELIGIBLE:	The Santa Monica-Malibu Unified School District.
ELIGIBILITY LIST:	<i>Adjective:</i> Legally qualified to be appointed. <i>Noun:</i> A person whose name appears on an eligibility list.
EMPLOYEE ORGANIZATION:	A list of the names of persons who have qualified in all parts of an examination.
ENTRY LEVEL CLASS:	An organization which represents all or part of the employees in their relations with the District.
EXAMINATION:	The class with the lowest salary range in a job family.
EXCLUSIVE REPRESENTATIVE:	The process of testing and evaluating the fitness and qualifications of applicants.
FULL-TIME:	The employee organization recognized or certified by PERB which exclusively represents an approved unit of employees.
GOVERNING BOARD:	An employee assigned to work 35 or more hours per week.
GRIEVANCE:	The Santa Monica-Malibu Unified School District Board of Education.
HEARING:	The procedure through which regular classified employees may seek adjustment of complaints arising out of alleged violations of Board or Commission Rules or Policies or administrative procedures, working conditions or job relations, including a complaint of one employee against another. (Rule 16.1)
An action by the Board to deprive a regular employee of his/her position or salary	The formal meeting of the Commission at which evidence is presented concerning an appeal from disciplinary action, on investigation by Commission staff or a grievance by an employee.
	INCREMENT DATE:

	eligible for salary advancement. (Rule 12.2.5)
JOB ANALYSIS:	The technical process by which positions are studied to define what tasks are performed on the job or will be assigned to a new position and to determine the knowledge, skills, abilities and behaviors which are required for successful job performance. It is used as a basis for classifying positions and developing selection plans.
JOB FAMILY:	A group of classifications having similar job characteristics.
LATERAL TRASFER:	The transfer of an employee to a position in a similar or related class with the same salary range. (Rule 9.5.3)
LAYOFF:	Separation from a regular position because of lack of work, lack of funds or because an employee has exhausted all leave privileges after illness or injury . (EDUCATION CODE 45102, 45191)
LIMITED TERM POSITION:	A position established for a fixed period which does not exceed six months.
MAY:	A verb indicating that an action is permissive.
MERIT SYSTEM:	A personnel system in which merit and fitness govern each individual's selection and progress in the service.
MINIMUM QUALIFICATIONS:	The statement of the qualifications which are determined to be minimally required and additionally helpful for successful performance of the duties of the class. The statement may include education, experience, knowledge, skill, ability and personal and physical characteristics.
The date on which an employee becomes	MULTIPLE ASSIGNMENT:

OPEN EXAMINATION:	time regular classified assignment or two regular part-time classified assignments performed by one incumbent.
PART-TIME:	A competitive examination in which any qualified person may participate.
PERB:	Any employee assigned to work less than thirty-five (35) hours per week.
PERS:	Public Employment Relations Board.
PERMANENT EMPLOYEE:	Public Employees Retirement System.
PERMANENT POSITION:	An employee who has completed a probationary period in any class.
POSITION:	A position established for a continuing and indefinite or unlimited period of time or for a fixed period in excess of six months.
POSITION TRANSFER:	A group of duties and responsibilities assigned by the Board requiring the full or part-time employment of a person on a permanent or limited term basis.
PROBATIONARY PERIOD:	The relocation of an employee between job sites within the same classification.
PROMOTION:	A trial period of six (6) months or one year, as determined by the Commission, immediately following an appointment to a regular position.
PROMOTIONAL LIST:	A change of assignment of an employee from a position in one class to a position in a class with a higher maximum salary rate.
PROVISIONAL ASSIGNMENT:	An eligibility list resulting from an examination limited to qualified permanent employees only.
	The temporary appointment of a qualified person to fill a position for which no appropriate employment list exists, pending an examination. Provisional appointments shall not exceed ninety (90) working days, except as specified in Education Code 45287, 45288, 45289.
A part-time limited-term assignment and a part-	



RANGE:	A series of consecutive salary steps that comprise the rate of pay for a class.
RANKS, RULE OF THREE:	The scope of choice available to an appointing power in making a selection from an eligibility list. Selection is from among those eligibles having any of the three highest scores who are ready and willing to be appointed to a specific position
REALLOCATE OR REALLOCATION:	To reassign or the reassignment of a position from one class to another because of significant change in duties or responsibilities.
RECLASSIFY OR RECLASSIFICATION:	To reassign or the reassignment of a position from one class to another because of significant change in duties or responsibilities. (Rule 3.3)
RE-EMPLOYMENT:	Reappointment of an employee who has been laid off within thirty-nine (39) months. The thirty-nine (39) month period shall be extended by twenty-four (24) months when an employee has accepted a lower position in lieu of layoff. (Rules 9.7.3 and 13.4.1)
RE-EMPLOYMENT LIST:	A list of names of persons who have been laid off from permanent positions for lack of work, lack of funds or exhaustion of benefits. Persons on a re-employment list have the right to the next vacant position in their classification. (Rule 6.1.5)
REGULAR EMPLOYEE:	An employee in the classified service who has probationary or permanent status.
REINSTATEMENT:	A reappointment to a vacant position in a former class.
RESIGNATION:	Voluntary termination of employment.
RESTORATION:	The reassignment of an employee to his/her former class or status after a voluntary or involuntary demotion or reduction.

RESTRICTED EMPLOYEE:	An employee hired in a position which is limited to the employment of persons from low-income groups or designated geographical areas. Such employees are part of the classified service but do not receive permanent status, seniority or promotional opportunities. (Rule 3.1.6)
SALARY RANGE:	A series of consecutive salary steps that comprise the rate of pay for a class.
SALARY RATE:	A specific amount of money paid for a specific period of service: i.e. dollars per hour or per month.
SALARY SCHEDULE:	The complete list of ranges, steps and rates established for the classified service.
SENIORITY:	The total number of hours in paid status in a class plus higher classes, exclusive of overtime.
SEPARATION:	The termination of employment of an employee.
SERIES:	A number of classes closely related in an occupational hierarchy.
SHALL OR WILL:	These verbs indicate that the action is mandatory.
STATUS:	The condition of an employee's present appointment such as provisional, part-time, probationary, limited-term or permanent.
SUBSTITUTE EMPLOYEE:	An employee occupying a permanent position during the absence of the incumbent..
SUSPENSION:	An involuntary absence without pay for disciplinary purposes or pending investigation of charges pursuant to Education Code 45304.
TEMORARY EMPLOYEE:	An employee hired on a basis other than permanent or probationary: i.e. in limited-term or provisional status.
TRANSFER- POSITION:	The reassignment of an employee without examination from one position to another position in the same class.

UNCLASSIFIED  
SERVICE:

All positions not in the classified or certificated service: i.e. those positions exempted by law. (Rule 3.1.2)

WAIVER:

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

WORKING OUT OF  
CLASS:

Assignment of additional or new duties to an employee which are not a part of his/her regular position and which require the use of a higher skill. Working out of class assignments are compensated only when the assignment exceeds five (5) out of fifteen (15) consecutive calendar days. (Rule 3.2.9)

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. (Rule 3.3.3B)