
Chapter 1

Rule Making Authority and Definitions

1.1 APPLICATION OF RULES

1.1.1 STATUTORY AUTHORITY FOR THESE RULES: Article 6 (Merit System) in Chapter 5 of Part 25 in Division 3 of the California Education Code (commencing with Section 45240) provides the Personnel Commission with the right and responsibility for establishing rules and regulations as may be necessary to ensure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness.

1.1.1.1 The Rules and Regulations contained herein are established by the Personnel Commission pursuant to its authority under Education Code Section 45260; as well as other provisions of law made applicable to the classified service.

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

REFERENCE:

1. Education Code Section 45260
2. Government Code Section 3543.2

1.1.2 INTERPRETATION AND APPLICATION OF THESE RULES:

The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These Rules are to be applied with consideration of their intent. However, specific and applicable provisions of the Rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. In instances where two or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Director of Classified Personnel Services, subject to appeal to the Personnel Commission. The Commission is open to responsible suggestions to amend rules which prove to be unclear, or subject to more than one interpretation. However, no rule amendment or new rule shall have retroactive application.

REFERENCE: Education Code Section 45260

1.1.3 **GENERIC TERMINOLOGY:** As used in these Rules, singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular.

REFERENCE: Education Code Section 45260

1.1.4 **SEVERABILITY:** If a judicial review or a change in law causes any portion of these Rules to become invalid or unenforceable, such finding or amendment shall not affect the validity or the enforceability of the other Rules and Regulations.

REFERENCE: Education Code Section 45260

1.1.5 **PRINTING AND DISTRIBUTION OF RULES AND REGULATIONS:** The Rules and Regulations of the Personnel Commission shall be printed and distributed to every personnel commissioner and board member of the District. In addition, copies shall be made available in the offices of the Superintendent, each Assistant Superintendent, each work site and one copy in each school. Every certificated and classified administrator/manager shall receive a copy of the Rules. The exclusive representative(s) of the classified employees shall also receive a reasonable number of copies of the Rules.

REFERENCE: Education Code Section 45260

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

REFERENCE: Education Code Sections 45260 and 45261

1.1.7 **EFFECTIVE DATE:** The Rules and Regulations shall be effective on the date approved by the Personnel Commission and shall not have retroactive effect.

1.2 DEFINITIONS

ABANDONMENT OF POSITION: The absenteeism from a probationary or permanent position without proper or authorized permission as outlined in these rules.

ACT or THE ACT: The Act shall mean those sections of the Education Code of the State of California commencing with Section 45240 applying to the "Merit System" for classified employees in certain school districts that have adopted the Merit System. It shall include all of the provisions of Article 6, Chapter 5, Part 25, as well as the provisions of Chapter 1 and Articles 1 to 4 of Chapter 5 in Part 25.

ALLOCATION: The official placing of a position in a given class by the Personnel Commission.

ANNIVERSARY DATE: The date on which an employee is first granted an earned salary increment, and the first day of the month next following completion of the required period of service for step advancement.

APPEAL: A protest by an employee regarding an administrative action actually or potentially detrimental to him/her.

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

APPOINTING AUTHORITY OR POWER: The Board of Education or its designees, or the Personnel Commission when referring to Commission employees and positions.

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

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

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

BENCHMARK: A common, easily identifiable job category for which salary data is obtained. Salaries for other jobs in the particular occupational group are set according to the relationship of each class in the benchmark.

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.

BOARD OF EDUCATION: The appointing authority or power of the Temple City Unified School District.

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

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

CAUSE: The grounds for 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: Those persons and positions required by law to possess credentials issued by the State Department of Education for the State of California.

CERTIFICATION: The submission of names by the Personnel Director, 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.

CLASS: (Sometimes referred to as "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. (See Appendix for Class Series)

CLASSIFICATION: The action of the Personnel Commission in placing a position into a "Class." Classification means that each position in the classification shall have a designated title, minimum qualifications, and placement on the appropriate salary schedule. Each position in the classification service shall have regular minimum number of assigned hours per day, days per week, and months per year as established by the Board of Education.

CLASSIFIED SERVICE: All persons and positions in the District to which "The Act" applies, and which are not exempted by the Act.

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 requirements for employment in the position(s) in the class.

CONTINUOUS EXAMINATION(S): 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 District Offices are open.

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class which is allocated to a lower maximum salary rate. A demotion may be voluntary or as a result of a disciplinary action.

DIFFERENTIAL or DIFFERENTIAL PAY: A salary allowance in addition to the basic salary rate or schedule, based upon additional skills, responsibilities, or specifically scheduled working hours. It also relates to the size of the interval(s) between steps on a salary range and/or the salary rates (ranges) of related classes.

DIRECTOR OF CLASSIFIED PERSONNEL: 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.

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 but not limited to dismissal, suspension, demotion, or any reassignment, without his voluntary consent, except a layoff for lack of work or lack of funds.

DISTRICT: The Temple City Unified School District.

DUAL CERTIFICATION: A procedure authorized by the Personnel Commission which provides for simultaneous certification, under certain specific conditions, from an open eligibility list and a promotional eligibility list in accordance with the examination scores attained by the candidates.

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

"class description."

ELIGIBILITY LIST: A rank order list of the names of persons who have qualified for possible employment through one of the District's competitive examination processes.

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

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

EMPLOYEE: A person who is employed by the District.

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 Government Code in Sections 3540 et seq.

EMPLOYMENT LIST: A list of names from which certification(s) may be made. The term includes eligibility lists, reemployment lists, as well as lists of individuals who wish to be transferred, voluntarily demoted, reinstated or reemployed after resignation, or those who wish to be reinstated to a former class after voluntary demotion or reduction to limited term status.

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

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

EXECUTIVE SECRETARY: A position approved by the Personnel Commission and exempt from specific provisions of these Rules in accordance with Education Code Section 45272.

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

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

GOVERNING BOARD: The Board of Education of the Temple City Unified

School District (see "Board of Education" and/or "Appointing Authority or Power").

GRIEVANCE: An employee complaint concerning violations or alleged violations of these rules (conditions of employment), not including appeals of disciplinary actions or requests for classification study or salary review.

GROUP: A number of classes related in duties and responsibilities as set forth in the list of classes promulgated by the Personnel Commission.

HEARING: The actual presentation of evidence before the Personnel Commission or its designated representative, usually concerning an appeal from a disciplinary action, although hearings may be held for other matters under the jurisdiction of the Commission.

HEARING OFFICER: A qualified person selected by the Personnel Commission, or a Commissioner who conducts a hearing and makes recommendations on appeals from disciplinary action.

HIRE DATE: Date of original or most recent employment with the District.

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

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

INTERVIEW: Part of the 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." This term also applies to a meeting between an eligible and the appointing power, or its designated representative, to discuss appointment to a specific position vacancy within the District.

INVOLUNTARY LEAVE: Leaves of absence resulting from a disciplinary action; a suspension.

JOB AUDIT: A personnel job evaluation technique by which a staff analyst may use 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 TITLE: The title assigned to a classification by the Personnel Commission. **The District may suggest titles for new positions.**

LAYOFF: Separation from a permanent position because of the 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.

LIMITED-TERM: A term used in the Education Code and these rules to designate employment for periods of time not to exceed six (6) calendar months; or employment of a temporary employee to substitute for the authorized absence of a permanent employee.

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 time of six (6) months or less.

MERGING: The act of combining two or more eligibility lists, 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 governs each individual's selection, progress, and retention in the service.

NON-CLASSIFIED SERVICE: All positions which by law are not a part of the classified or certificated service.

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

PAPERSCREENING: The process by the Personnel Commission or its designated representative of identifying those categories of persons (either from within or outside of the District) who possess the necessary qualifications to participate in the District's selection process.

PART-TIME POSITION: A position for which the regular assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87-1/2 percent of the normally assigned time of the majority of employees in the classified service.

PERFORMANCE EVALUATION: A formal written statement of the quantity and quality of the work performed by a person employed in the District's classified service.

PERMANENT EMPLOYEE: An employee who has completed an initial probationary period of six months of service.

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

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 Agreement, and the Rules and Regulations of the Personnel Commission. Such leave is charged against the employee's earned cumulative sick leave, and is limited to the employee's earned sick leave days.

PERSONNEL COMMISSION: A three member committee established pursuant to the requirements of "The Merit System Act" to administer the Merit System in the Temple City Unified School District.

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. A position can only be established by action of the Board of Education.

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

PROBATIONARY PERIOD: A trial period of six months or one year immediately following an original or promotional appointment to a permanent position from an eligibility list (excluding days absent while on leave).

PROBATIONER: An employee who has not completed the required probationary period.

PROFESSIONAL EXPERT: A person employed by the District in a professional capacity for a specific limited term project. Such persons are excluded from the classified service.

PROMOTION: A change in the assignment of an employee from a position in one class to a position in another class with a higher maximum salary rate following 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 of a person to a permanent or limited-term position which is made in the absence of an appropriate eligibility list for a period of time not to exceed ninety (90) working days or 126 working days in any one fiscal year except when no one is available on an appropriate eligibility list for a part-time position.

PROVISIONAL EMPLOYEE: A person employed while the examination process is being conducted to fill the position for less than 90 consecutive days or 126 days per fiscal year.

REALLOCATION: Movement of an entire class from one salary schedule or hourly rate to another salary schedule or hourly rate.

RECLASSIFICATION: The removal of a position or positions from one class and placement into another as a result of a gradual change in class assignment or as a result of a change in duties.

REEMPLOYMENT: Return to employment of a former regular employee who has been laid off. Also applies to former employees of the District who are returned to employment for a limited period of time following their retirement(s).

REEMPLOYMENT LIST: A list of names, in rank order of seniority, of persons who have been laid off from permanent positions by reason of a lack of work, 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, and who are eligible for reemployment without examination in their former class or classes within a period of thirty-nine (39) months following the date of layoff.

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

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

REGULAR STATUS: Probationary or permanent status in the classified service of the District.

REHIRE DATE: The date of most recent regular employment with the District.

REINSTATEMENT: A reappointment of a former permanent employee, within a period of 39 months following the date of his resignation without examination, but subject to interview, to a position in one of the person's former classes or in a related former class.

REJECTION: The refusal to test a non-qualified applicant or the removal of a name from an eligibility or substitute and relief list.

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 an appeal is sustained by the Personnel Commission.

RESTRICTED POSITION: A position established to provide employment for certain designated groups. Persons employed in such positions are not accorded permanency or seniority credit until they successfully pass such qualifying examinations as are required for persons serving in the same class in the regular classified service.

Such positions are limited to persons with mental handicaps or to specially funded positions which are restricted to employment of persons in low income groups from designated areas and other criteria which restrict the privilege of all citizens to compete for employment in such positions.

RULE OF THREE: The scope of choice available to the appointing authority or power for making its selection from an eligibility list. 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 an employee is granted an earned salary increment. This is the first day of the pay period following completion of service or date of reclassification or promotion.

SALARY RANGE: A series of consecutive salary steps that comprise the rates of pay for a classification. A salary range usually consists of five (5) steps.

SALARY RANGE PLACEMENT: The act of placing a specific classification onto a specified range of the salary schedule.

SALARY RATE: That amount of money authorized to be paid on an hourly,

daily, weekly, monthly, or annual basis for a particular classification, assignment or contract.

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

SALARY STEP: A specific location in a salary range, not the dollar amount.

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.

SENIOR MANAGEMENT: Positions designated by the Board of Education which meet the requirements of Section 45108.5 of the Education Code.

SENIORITY: Status secured by length of service in a classification for determining the order of layoff when positions within a classification are eliminated. May be used to calculate points for employees taking promotional examinations.

SEPARATION: Leaving a position; includes resignation, dismissal, layoff, and retirement.

SERIES: A number of classes closely related into an occupational hierarchy and arranged in a list in order to indicate levels in a group. The occupational hierarchies or series established by the Personnel Commission are also related horizontally.

STATUS: The employee's present standing within the merit system; i.e., temporary, limited-term, probationary, or permanent.

STEP ADVANCEMENT: Movement to a higher step on the salary range or schedule for a class as a result of having served the required number of days in a paid status, and having received a satisfactory performance rating. Shall be precluded by less than satisfactory performance evaluation.

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

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

TEMPORARY: Employment on the basis of other than permanent or probationary status, e.g. limited-term or provisional status.

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

VETERANS' 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 the final passing score of such person or persons competing in an open examination.

WAIVER: The voluntary relinquishment by an eligible of a right to be considered for appointment from an employment list to one or more position locations, or for a specified or unlimited period of time not to exceed the limited duration of the employment list.

WORKDAY: That part of a twenty-four (24) hour period during which an employee is scheduled to work in accordance with his/her specific assignment.

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

1.3 VIOLATION OF MERIT SYSTEM LAWS

1.3.1 VIOLATION SHALL BE CRIMINAL: Any person who willfully or through culpable negligence violates any of the provisions of Article 6, commencing with Section 45240 of the Education Code is guilty of a misdemeanor.

REFERENCE: Education Code Section 45317

1.3.2 OTHER UNLAWFUL ACTS: In addition to the prohibition on unlawful acts outlined in Rule 1.3.1, it is also unlawful for any person:

1.3.2.1 Willfully, either alone or in cooperation with another person, to defeat, deceive, or obstruct any person with respect to any right of examination, application, or employment under the Merit System laws of the Education Code or the Rules and Regulations of the Personnel Commission.

1.3.2.2 Willfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under the Merit System laws of the Education Code or the Rules and

Regulations of the Personnel Commission, or to aid in doing, or make any false representation concerning the same of the person examined.

1.3.2.3 Willfully to furnish to any person any special or secret information regarding contents of any examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under the Merit System laws of the Education Code or the Rules and Regulations of the Personnel Commission.

REFERENCE: Education Code Section 45317 □