

CHAPTER 1

DEFINITIONS AND PRELIMINARY STATEMENT

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CHAPTER 1

DEFINITION AND PRELIMINARY STATEMENT

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 the supervisor.

ACT OR THE ACT: The Act shall mean those sections of the Education Code of the State of California applying to the merit system and classified employees. It shall include all of the provisions of Article 1 through 4 and 7 through 10, Chapter 5, Part 25, Division 3.

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.

ALLOCATION: The official placing of a position in a given classification and the assignment of a title to the position.

ANNIVERSARY DATE: The date upon which an employee is granted an earned salary increment.

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 with three (3) days regarding continuing the employment process.
- Possesses the minimum legal requirements (i.e., 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

APPOINTING AUTHORITY OR POWER: The Board of Trustees (or Education) of the Bassett Unified School District.

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

BOARD: The District's elected Board of Trustees.

CLASSIFY: The act of the Personnel commission in assigning a position to a class; arranging classes into an occupational hierarchy and determining reasonable relationships within occupational hierarchies.

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

CERTIFICATED SERVICE: All positions and employees required by law to possess credentials issued by the State Department of Education.

CERTIFICATION: The submission by the Personnel Director of the names of eligibles from an appropriate eligibility list or from some other source of eligibility to the appointing authority.

CLASSIFICATION: (sometimes referred to as "Class"): A group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be used to designate each position allocated to it: 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 SPECIFICATION: A formal 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.

CLASS TITLE: A definite descriptive title or name applied to a class and to all positions of the class to be taken with the meaning set forth in the description of the class as embodied in the specifications, and to be as descriptive as possible of the duties and responsibilities.

CLASSIFIED SERVICE: All positions in the District's service to which the Act applies and which are not exempted by the Act. See Rule 30.100.

COMMISSION: The Personnel Commission established pursuant to the Act for the Bassett Unified School District.

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, and there are sufficient applications on file for the class.

DAY/DAYS: Means working days exclusive of weekends and holidays, unless otherwise specified.

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 rate.

DISCHARGE OR DISMISSAL: Separation from service for cause as defined by Commission rule.

DISTRICT: The Bassett Unified School District.

DIRECTOR OF CLASSIFIED PERSONNEL (PERSONNEL DIRECTOR): Position established under provisions of Ed. Code Sections 45240 and 45264.

DUAL CERTIFICATION: A special procedure which provides for certification in specified cases, from an open list while a promotional list exists. See Rule 50.200.2

EDUCATION CODE: A Body of Laws enacted by the State Legislature and signed by the Governor.

ELIGIBLE: Adjective: Legally qualified to be appointed.
Noun: A person whose name appears on an eligibility list.

ELIGIBILITY LIST: A list of the names of persons who have qualified in a competitive examination.

EMERGENCY APPOINTMENT: An appointment for a period not to exceed 15 working days to prevent the stoppage of public business when persons on eligibility list are not immediately available.

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

EMPLOYMENT LIST: A list of names from which certification may be made. Includes eligibility lists, re-employment lists, and lists of persons who wish to transfer/demote, be reinstated or re-employed after resignation, or be restored after voluntary demotion or reduction to limited-term status.

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

GOVERNING BOARD: The Board of Education of the Bassett Unified School District.

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

INCUMBENT: An employee legally assigned to a position.

LAYOFF: Separation from a permanent position because of lack of work or lack of funds.

LEAVE OF ABSENCE: A term used in the Education Code to designate employment for periods not to exceed six months of employment, or a person serving temporarily during the authorized absence of a permanent employee. (synonymous with “temporary” or “substitute”).

NEW EMPLOYEE (OR NEW PROBATIONARY EMPLOYEE): A person serving an initial probationary period with the District.

PERSONNEL DIRECTOR (DIRECTOR OF CLASSIFIED PERSONNEL): Position established pursuant to the provisions of Ed. Code Sections 45240 and 45264.

PERMANENT EMPLOYEE: In reference to District employment status, an employee who has completed his initial probationary period in the classified service.

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 via transfer, demotion, reinstatement, or re-employment without serving a probationary period.

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.

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.

PROBATIONARY PERIOD: The trial period established by the Personnel Commission (six months or one year) immediately following an original or promotional appointment to a permanent position from an eligibility list.

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.

PROMOTIONAL LIST: An eligibility list resulting from a promotional examination limited to qualified employees of the District.

PROVISIONAL EMPLOYEE: An employee employed under a provisional appointment.

REASSIGNMENT: The assignment of a permanent employee to a position in a related class with the same salary range.

RE-EMPLOYMENT: Re-assignment to duty of an employee who has been laid off, or reassignment of a former employee in a lower class than that from which he had resigned.

RE-EMPLOYEMENT LIST: A list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolishment or reclassification of position, or other reason specified in these rules, and who are eligible to re-employment without examination in their former class, arranged in order of their right to re-employment.

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

RE-INSTATEMENT: An reappointment without examination after resignation to a position in the employee's former class.

RELIEF EMPLOYEE: a person assigned to a temporary position; not to exceed six months duration (see limited term).

RESTORATION: Includes “re-employment” (see above) . Also, the re-assignment to duty of an employee to the same class and status that he held when he resigned. Also, the reassignment of a employee who had demoted to his former class or to a related class or, after reduction to limited-term status, to permanent status.

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

SALARY STEP: A specific rate in a salary range. One of the consecutive rates that comprise a monthly or hourly salary range.

SALARY RANGE: A series of consecutive salary steps that comprise the rates of pay for a classification. A salary range normally consists of six salary steps.

SALARY RATE: A specific amount of money paid for a specified period of service; i.e., dollars per hour or month.

SEPARATION: Leaving a position; including resignation, dismissal, layoff, retirement, etc.

SERIES: A number of classifications closely related in occupational hierarchy and arranged in a list in order to indicate occupational levels in a group.

STATUS: Tenure which is acquired in a classification by reason of examination, certification from eligibility lists, election or appointment by the appointing power, and the successful completion of the probationary period.

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

SUSPENSION: An enforced absence of an employee without pay for disciplinary purposes or pending investigation of charges made against an employee.

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

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 and employees not in the classified or certificated service, i.e., those exempted by law. See rule 30.100.

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

WORKING DAY: Any day the district is open to conduct business.

(References: Ed. Code Sections 45240 through 45320)

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) re-employment
- (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

(References: Ed. Code Sections 45260 and 45261(a))

1.2.2. STATUTORY AUTHORITY FOR THESE RULES

The rules contained herein are established pursuant to the authority of the Personnel Commission under Education Code Sections 45260, 45261, and other provisions governing the Merit System Act in the Education Code.

It is recognized that certain of these rules venture into substantive matters within the prerogative of the Governing Board. For that reason, the initially adopted set of rules and

regulations were submitted to the Governing Board for its approval.

Thereafter, it shall be the policy of the Commission to submit all new rules or amendments or deletion of existing rules to the Governing Board when:

- A. The rule requires Board review, and
- B. It is difficult to define the division of Commission and Board authority regarding the rule in question.

In such cases, the rule in question will not become effective until it has been reviewed by the governing Board.

(References: Ed. Code Sections 45113, 45241, 45260 and 45261).

1.2.3. INTERPRETATION AND APPLICATION OF 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, applicable provisions or the rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. The Commission is open to responsible suggestions to amend the rules with prospective application; however, no rule amendment or new rule shall have retroactive applicability.

(References: Ed Code Sections 45260 and 45261)

1.2.4. GENERIC TERMINOLOGY

As used in these rules, the term “his” refers to the feminine as well as the masculine. Singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular.

(References: Ed. Code Sections 45160 and 45261)

1.2.5. 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.

(References: Ed. Code Sections 45260 and 45261)