

## **CHAPTER I THE MERIT SYSTEM**

### **1.01 Definition**

A merit system is a personnel system based on the overriding principle of employment and promotion on the basis of merit for the purpose of obtaining the highest efficiency and assuring the selection, retention and promotion of the most qualified persons in the classified service of the Santa Clara County Office of Education, San Jose, California.

### **1.02 Merit Rules for the Classified Service**

The Personnel Commission, as a separate agency authorized by the State of California, has approved the Merit Rules, contained herein, pursuant to its jurisdictional authority as described in Education Code Sections 45260 and 45261, and other provisions governing the Merit System Act in the Education Code.

Merit System Law (Education Code provisions in Division Three, Chapter Five, Article 6) provides that Classified Employees be selected, retained, and promoted on the basis of merit and fitness exclusive of discrimination due to race, color, age, ancestry, religion, political affiliation, disability, marital status, medical condition, sexual orientation or gender.

The Merit System means that the Personnel Commission, as an impartial body, shall be responsible for implementing and interpreting the Merit Rules and adjudicating appeals on those facets of employment within its purview. Through administration of the Merit Rules, the Personnel Commission shall strive for:

- A. Recruitment from all segments of society and advancement on the basis of relative ability, knowledge and skill under fair and open competition.
- B. Provide fair and equal treatment in all personnel management matters.
- C. Equal pay for work of equal value.
- D. Provide high standards of integrity and conduct, and concern for the public interest.
- E. Use the classified work force in an efficient and effective manner.
- F. Retain employees who perform well, correct the performance of those whose work is inadequate, improve performance through effective training and education, and separate from those who cannot or will not meet required standards.
- G. Protect individual rights as well as the rights of the Classified Service, pursuant to the Rules adopted for the Classified Service.
- H. Maintain harmonious relationships with the County Superintendent of Schools and the Board of Education.

The Personnel Commission shall preside over and have responsibility for the following activities:

- 1. Establishment of the general policy governing the administration of the Classified Merit System.
- 2. Adoption of the necessary rules and regulations for the administration of a comprehensive Merit System.
- 3. Establishment and classification of those positions belonging to its own staff; appointment of a Personnel Director and other commission employees required to carry out the responsibilities of the Commission; and supervision of the activities of those employees that are performed as part of the functions of the Commission.
- 4. Development, adoption and determination of the expenditures of its own budget.

5. Development of establishment of Classification Plan, Examination Plan, Recruitment and Selection Plan, Assignment Plan and Compensation Plan for the Classified Service of the Santa Clara County Office of Education.
6. Development of the procedures for the hearing of classified personnel appeals.
7. Review of personnel operations and in-service transactions for classified employees.

The Rules found herein are a result of considerable research to satisfy all provisions of the California Education Code and applicable law, statutes, ordinances, rules and regulations as well as local administrative policies. Although the Rules are flexibly tailored to the needs of the Santa Clara County Office of Education, the Commission readily recognizes that as the Rules are applied, there will be need for revision, amendment and addition.

To this end, the Rules have been: 1) scrutinized by classified management, supervisory and confidential employees as well as represented employees and their employee organization representatives (SEIU, Local 715); 2) reviewed by the Commission's legal counsel; 3) approved by the Personnel Commission, and; 4) received concurrence of the County Superintendent of Schools with the aforementioned qualifications in mind.

The Personnel Commission shall always be open to responsible recommendations and encourages employee participation in all aspects of its endeavors.