

CHAPTER II
TERMINOLOGY AND DEFINITION OF TERMS

2.01 Terminology

Whenever these rules use the term "his", it shall refer 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.

2.02 Definition of Terms

The following words and terms used in these Rules shall have the meaning below unless the context or prevailing law clearly indicates otherwise:

ACT OR THE ACT: Merit System: Article 6, Division 3, Sections 45240 through 45320 and Sections 45100 through 45410 of the Education Code of the State of California.

ALLOCATION: The placement of a position in a given class. Also, the assignment of a class to a particular range on the salary schedule.

ALTERNATE CLASS SERIES: A position allocated to a class that allows for flexible hiring at more than class levels within series and, when filled at the lower class may be reassigned to the next class of the series at a range that has a higher maximum salary rate.

ANNIVERSARY DATE: The first of the month following completion of the first six months or 130 days, whichever is longer, of paid service as a probationary employee in a regular classified position, and used to determine annual step advancement, or in the case of reclassification, the date of such change.

APPLICANT: A person who has filed an application to take the merit system examination of a class.

APPOINTING AUTHORITY OR POWER: The Santa Clara County Superintendent of Schools or his/her designee. Other administrative personnel authorized to recommend the appointment of eligible persons to position openings in the classified service.

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

BOARD OR BOARD OF EDUCATION: The Board of Education of the Santa Clara County Office of Education.

BUMPING RIGHTS: Used interchangeably with DISPLACEMENT RIGHTS. The rights belonging to a permanent employee who is to be affected by layoff. Bumping rights entitle the employee to be reassigned to a existing position opening in the same class, or when no opening exists, to bump into a position in the same class belonging to a less senior employee. When no other position in the same class exists, the employee shall be entitled to bump into a position in a prior and permanently held class with an equal or lower maximum salary rate.

CANDIDATE: A person who qualifies to be certified from other sources of eligibility employment list for a class, along with open and/or promotional candidates, for a specific position based on his/her eligibility for: 1) transfer from a position to another position in the same class; 2) demotion from his/her current class to a class with a lower maximum salary; or 3) reinstatement (restoration) after resignation or voluntary demotion within 39 months to a class in which such person held permanency.

CERTIFICATED PERSONNEL: All positions and employees required by law to possess the appropriate credential issued by the California Commission on Teacher Credentialing (CCTC), State Department of Education.

CERTIFICATION: The official list issued by the Personnel Commission to the appointing authority, containing the names of eligible persons from the appropriate eligibility list as well as the names of candidates from other employment lists for transfer, demotion or reinstatement.

CLASSIFICATION PLAN: The arrangement of positions in classes, together with the class titles and class specifications that describe each class.

CLASSIFIED SERVICE: Used interchangeably with SERVICE. Those positions not requiring certification qualifications in the County Office to which the merit system pursuant to Education Code Sections 45103 and 45256 and other applicable provisions.

CLASS FAMILY: See OCCUPATIONAL GROUP.

CLASS OR CLASSIFICATION: The smallest aggregation of positions defined in the classification plan (e.g., Custodian, Instructional Aide and Office Assistant). It is a group of positions sufficiently alike in respect to their duties and responsibilities to justify common treatment in selection, compensation, and other employment processes and sufficiently different from positions in other classes to justify different treatment in one or more of these aspects. While defined as a group of positions, class may sometimes consist of but one position where no others of the same kind exist in the service.

CLASS SERIES: Those classes closely related in occupational hierarchy and arranged in progressive order to indicate occupational levels in a group (e.g., Administrative Assistant I/II, Administrative Assistant III, Administrative Assistant IV).

CLASS SPECIFICATION: Used interchangeably with JOB DESCRIPTION. The official description of a class including:

- A. The class title
- B. Written statement of the duties and responsibilities of the position(s) in the class illustrated by examples of typical tasks
- C. Minimum qualifications or employment standards for positions in the class including the education, training experience, job knowledge, skills and abilities necessary for entrance to the class.

CLASS TITLE: The official title or name applied to a class and to positions in the class (even though there may be only one). Insofar as possible, the class title should be descriptive of the duties assigned to positions in the class.

COMMISSION STAFF (POSITIONS): The Director of Classified Personnel Services and other employees appointed to positions belonging to and supervised by the Commission. A position belonging to the Commission shall be paid from funds budgeted for the support of the Commission.

COMPENSATION: The salary, wage allowance and all other forms of valuable compensation, earned by or paid to an employee by reasons of service in any position, but does not include monetary reimbursement for necessary expenses incurred by employees.

COMPETITOR: A person who has completed at least one test part of a merit system examination.

CONTINUOUS EMPLOYMENT: Employment uninterrupted from the date of appointment, except by authorized absence.

CONTINUOUS EXAMINATION: Examination that allows for employment applications to be "continuously" filed, on any business day, and where examinations are administered periodically upon the filing of a sufficient number of applicants for the class.

COUNTY OFFICE or COUNTY OFFICE OF EDUCATION: Santa Clara County Office of Education.

DEMOTION: A change of status for a permanent employee in a class who is appointed to another class with a lower maximum salary rate. A demotion may be voluntary or enforced following disciplinary action.

DIRECTOR: Referred to as the PERSONNEL DIRECTOR in applicable Education Code Sections. The abbreviated title for the position and class of Director, Classified Personnel Services. The Director shall be appointed, supervised and paid pursuant to Rules 4.15, 4.16 and Education Code Sections 45240, 45264 and 45266.

DISCHARGE OR DISMISSAL: Separation from service for cause in accordance with the Personnel Commission rules. Requires action by the County Office of Education.

DISPLACEMENT RIGHTS: See BUMPING RIGHTS.

DUAL CERTIFICATION EXAMINATION: An examination procedure, authorized by the Personnel Commission, allowing certain designated classes to be simultaneously certified from the open competitive list and the promotional competitive list according to examination scores.

ELIGIBLE PERSON: A person whose name appears on an eligibility or reemployment list for a given class.

ELIGIBILITY LIST: A list of the names of persons who have qualified through competitive examination for a given class.

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

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

EMPLOYMENT LIST(S): Other source(s) of eligibility from which certification may be made; includes any employment list containing the names of candidates eligible for transfer, demotion or reinstatement (restoration) within 39 months of resignation or voluntary demotion in permanent or limited-term status.

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

FULL TIME EMPLOYEE: An employee appointed to a position with a workday of eight (8) hours and a normal workweek of forty hours.

GOVERNING BOARD: See BOARD or BOARD OF EDUCATION.

LAYOFF: Termination of service without fault on the part of the employee due to lack of work or lack of funds or reclassification to a lower class.

LEAVE OF ABSENCE: An approved absence from duty with or without pay.

LIMITED TERM (LIMITED TERM APPOINTMENT): The term to describe an appointment of a limited duration including non-permanent reassignments of regular employees. A limited term appointment shall not exceed a period of six (6) months or in the case of an appointment in lieu of an absent employee, shall not exceed the authorized absence of said employee.

LIMITED TERM EMPLOYEE: Any person appointed to a limited-term position, non-permanent assignment or in lieu of an absent employee. A limited-term employee shall not be appointed in probationary or permanent status.

MANAGERIAL EMPLOYEE: An employee appointed to a position designated as management, supervisory or executive secretarial (confidential). Managerial positions shall be exempt from overtime provisions.

MERIT RULES: Used interchangeably with PERSONNEL COMMISSION RULES. Rules found, herein, pertaining to procedures to be followed by County Superintendent of Schools as they pertain to the classified service regarding applications, examination, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoff, reemployment, vacations, and leaves of absence, compensation within classification, job analyses and specifications, service ratings, public advertisement of examination, rejection of unfit applicants, and any other matters necessary to carry out the provisions and purposes of the Merit System.

MERIT SYSTEM LAW: The California Education Code commencing with Section 45240.

NEPOTISM: The employment of a close relative that results in a supervisor/subordinate relationship or any work relationship that may influence the decisions regarding the compensation, performance evaluation or discipline of a close relative.

OCCUPATIONAL GROUP: Used interchangeably with CLASS FAMILY. Classes or series that generally have the same essential functions and perform the same nature of work at varying degrees of complexity. Classes or series within the same occupational group that necessitate similar qualification requirements. As the maximum salary rates for any group progressively increases, the training and work experience requirements are proportionately enhanced. The intent of any occupational group is to identify, for incumbents, career ladder advancement among related classes and series. Within any occupational group, it is expected that the class with the highest maximum salary rate possesses all the skills and qualifications of other classes with lower maximum salary rates. This shall not infer that training would not be required for specific functions.

OPEN EXAMINATION: A competitive examination in which any qualified person may participate.

PART TIME EMPLOYEE: Any employee whose assigned time, when computed on an hourly, daily, weekly or monthly basis, is less than 87.5 percent of the normal work schedule.

PERMANENT EMPLOYEE: An employee who has completed a probationary period of six (6) months or 130 days of paid regular service in a class.

PERMANENT POSITION: A position established for a continuing and indefinite or unlimited period of time.

PERSONNEL COMMISSION: The Body empowered by Education Code Sections commencing with 45240 to prescribe and amend such rules as may be necessary to insure the efficiency of the classified service and the selection and retention of employees upon a basis of merit and fitness. These rules shall be binding upon the Board of Education and Superintendent.

PERSONNEL COMMISSION RULES: See MERIT RULES.

POSITION: A group of duties and responsibilities assigned by competent authority requiring the full time or part time employment of one person in regular status or on a limited-term basis. A permanent position shall only be established by action of the County Superintendent of Schools.

POSITION OPENING: An unfilled or vacant permanent position in the classified service.

PROBATIONARY EMPLOYEE: An employee who has not completed his/her initial appointment of 130 days or six (6) months, whichever is longer.

PROBATIONARY PERIOD: The initial employment period of 130 days or six (6) months, whichever is longer, following appointment to a permanent position. The probationary period is considered to be the final test.

PROMOTION: A change of status for a permanent employee in a class who is selected from an eligibility list and appointed to a position in a class with a higher maximum salary rate. A promotion may occur within the same occupational group or to a class in another occupational group; however, excludes alternate class series advancements.

PROMOTIONAL EXAMINATION: An examination available to regular and laid off employees of the County Office of Education. Eligible promotional employees, in a class with lower maximum salary rate, shall have service points added to his/her final score.

PROVISIONAL APPOINTMENT: A temporary appointment to a permanent or limited-term position made in the absence of an appropriate eligibility list, not to exceed 90 working days except in specified circumstances.

PROVISIONAL EMPLOYEE: An employee employed under a provisional appointment in accordance with Education Code Section 45287. A provisional employee has neither probationary nor permanent status with the County Office.

PUBLIC NOTICE: Announcements of examinations, meetings, hearings, and other actions of the Personnel Commission on bulletin boards in the County Office of Education and through other appropriate channels of distribution.

REALLOCATION: The reassignment of a position, class or occupational group, following the completion of a position review or class study. A reallocation may revise the class title, class specification, salary range assignment or the employee unit designation of a position, class or group.

REASSIGNMENT: The assignment of an employee from one position to another position in the same classification.

RECLASSIFICATION: A reclassification occurs when action by the Personnel Commission implements a change in a class specification that results in a changed class title, internal alignment, and/or employee unit designation of a position, class or occupational group, excluding actions resulting from a class study. The basis of reclassification for any position, class or occupational group shall be a gradual and substantial accretion of duties and responsibilities, and not a sudden change occasioned by reorganization, or the assignment of completely new duties and responsibilities.

REEMPLOYMENT: Return to employment, without examination, of a former employee who has been laid off for lack of work or funds, to a position in a class held in permanent status by the employee; restoration of a current employee eligible for reemployment, without examination, to a position in a prior and permanently held class. Reemployment may be to a permanent or limited-term position.

REEMPLOYMENT LIST: A list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, reclassification of position, or other reason specified in these rules and who are eligible to reemployment without examination in their former class, or a related or lower class, arranged in order of their right to reemployment.

REGULAR EMPLOYEE: A classified employee in probationary or permanent status.

REINSTATEMENT: Used interchangeably with "RESTORATION." Reappointment of a person, within 39 months of resignation, to any prior and permanently held class or other related classes at equal or lower maximum salary rates. Reappointment of an employee, within 39 months of demotion, to a prior and permanently held class with an equal or higher maximum salary rate. Reinstatement may be in regular or limited status.

REPRESENTED EMPLOYEE: A classified regular employee in a position represented by SEIU, Local 715 pursuant to the Agreement between the County Office of Education and SEIU, Local 715. Such agreement shall supersede these Merit System Rules, where the subject matter is within the scope of bargaining as defined in Section 3543.2 of the Government Code.

RESIGNATION: The voluntary termination of employment of an employee or an employee's voluntary termination of employment.

RESTORATION: See "REINSTATEMENT".

RESTRICTED CLASS OR RESTRICTED CLASS SERIES: A class or series specifically created for positions paid from funds budgeted for the Head Start program. A restricted class or restricted class series shall, in addition to its regular class or class series title, be affixed the title of "RESTRICTED."

RESTRICTED EMPLOYEE: A person approved for employment in a restricted position by the Head Start Parent Policy Council pursuant to Federal Regulations Governing the Head Start Program, Title 45, Code Federal Regulations, Chapter XIII, Subchapter B.

RESTRICTED POSITION: A position created by the County Superintendent of Schools pursuant to Education Code Sections 45105 and 45259, and to perform duties to support the Head Start Program and proportionately paid at least fifty-one percent (51%) from funds budgeted for the Head Start program. Any filled position allocated to a class designated as "Restricted."

SALARY RANGE: A series of consecutive steps that comprise the rates of pay for a classification.

SALARY RATE: A specific amount of money paid for a specified period of service.

SALARY SCHEDULE: A schedule of salaries adopted by the County Superintendent of Schools for several classes of positions included in the classification plan, so that all positions of a given class will be paid at the salary range established for the class by the Commission.

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

SENIOR MANAGEMENT: A position designated by the County Superintendent of Schools, to be the highest position in a principle program area of the County Office and has county-wide responsibility for formulating policies; or acts as the fiscal advisor to the County Superintendent of Schools (e.g., Assistant Superintendent, Business Services).

SENIORITY: For the purposes of layoff, length of service in an employee's current class plus higher classes. Length of service means hours in paid status, whether during the school year, a holiday, recess or during a period that a school is in session or closed. Hours compensated solely for overtime or any service prior to entering into a probationary or permanent status shall be excluded unless otherwise provided by these rules.

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

SERVICE: See "CLASSIFIED SERVICE."

STATUS: The condition or character of an employee's present appointment assigned non-regular, substitute, provisional, restricted, probationary, permanent or regular.

SUBSTITUTE APPOINTMENT: An appointment of a person temporarily employed on a day-to-day basis to occupy a regular position in the absence of its incumbent or in a position opening pending the appointment of an eligible person. Certain merit rule provisions are not applicable to persons employed in substitute status.

SUBSTITUTE EMPLOYEE: A person employed on a day-to-day basis to temporarily occupy a regular position in absence of the incumbent or a position opening pending the appointment of an eligible person.

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., limited term, non-regular provisional or substitute status.

TRANSFER: The reassignment of an employee without examination from one position to another in the same class or to a position in a similar or related class with the same salary range. For the purpose of this term, "related" classes shall be defined as two classes at the same salary range that are also assigned to the same occupational group and employee unit.

UNCLASSIFIED SERVICE: All positions and employees not in the classified or certificated service; i.e., those exempted by law.

UNRANKED EXAMINATION: A unique examination method that requires eligible persons to be placed on the appropriate eligibility list in alphabetical order, regardless of their final score. An unranked eligibility list shall be established for classes designated as senior management and executive or staff assistants.

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

WORKDAY: A day when employees are required to be on duty as defined in the adopted calendar for the assigned positions.