

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER I

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## **CHAPTER I -- PRELIMINARY STATEMENT AND DEFINITION OF TERMS**

### Rule 1.1 PRELIMINARY STATEMENT

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## CHAPTER I

### PRELIMINARY STATEMENT AND DEFINITION OF TERMS

#### Rule 1.1 PRELIMINARY STATEMENT

##### 1.1.1 STATUTORY AUTHORITY FOR THESE RULES

- A. The rules contained herein are established pursuant to the authority of the Personnel Commission under Education Code Sections 88080 and 88081, and other provisions governing the Merit System Act in the Education Code.

##### 1.1.2 INTERPRETATION AND APPLICATION OF RULES (EC 88080, 88081)

- A. The Commission shall prescribe, amend, and interpret such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon the basis of merit and fitness.
- B. Applicable provisions of the rules shall not be waived or ignored, because of the special circumstances of particular cases.
- C. If the subject matter and procedure in a rule is within the scope or representation, as defined in Government Code Section 3543.2, a 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.
  - 2. If a rule prescribes a procedure and a contract does not, the rule shall apply to employees in the unit.

##### 1.1.3 CONTENT OF RULES

- A. The rules shall provide for procedures to be followed by the Board of Trustees as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, work hours and overtime compensation within classification, job analysis and job specifications, performance evaluations, public advertisement of examinations, rejections of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of Article 3 of Chapter 4, Division 7, Title 3 of the Education Code (Merit System).

#### 1.1.4 TERMINOLOGY (EDUCATION CODE SECTIONS 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 be construed to 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 or provisions.

#### 1.1.6 AMENDMENT, DELETION, OR ADDITION OF RULES

- A. Suggestions to amend rules with prospective application may be made to the Commission.
- B. All proposals, from any source, to amend, delete, or add to these rules will be considered a "first reading" at the meeting in which they are first presented to the Commission. On a first reading, the Personnel Commission shall set a date for Commission action on a proposal. Such date shall normally be the next regularly scheduled Commission meeting. If further changes are made at the second reading, the Commission may move forward with final adoption at the second reading without a new first reading, provided these additional changes are cited in the meeting minutes, and the recommendations do not significantly alter the overall meaning of the Rule.
- C. No rule amendment or new rule shall be applied retroactively, unless otherwise required by law.
- D. A period of two weeks shall elapse between the first reading and the second reading of a new rule or amendment of an existing rule.
- E. Rules of the Personnel Commission requiring the expenditure of funds by the Governing Board shall be submitted to the Board for concurrence.

#### 1.1.7 ENFORCEMENT OF THE ACT AND RULES

- A. The Commission shall enforce the provisions of the Act and of these Rules and hold such hearings and conduct such investigations as may be necessary to this end.

Rev. approved by Personnel Commission on 12/14/16

## Rule 1.2 DEFINITION OF TERMS

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

**ACT OR THE ACT:** The act refers to Title 3, Division 7, part 51, Chapter 4, article 3, sections 88060-88139 and applicable provisions of sections 88008-88037 of the Education Code of the State of California.

**ADMINISTRATIVE CLASS:** A class meeting the criteria outlined in Rule 12.3 for exemption from overtime.

**ALLOCATE OR ALLOCATION:** The official placing of a position in a given class assigned to a particular range on the salary schedule.

**ANNIVERSARY DATE:** 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.

**APPEAL:** A protest by an employee regarding an administrative action which is detrimental to the employee.

**APPLICANT:** A person who has filed a standard application form for employment.

**APPOINTING AUTHORITY:** The governing board of the Santa Monica Community College District, the Personnel Commission, or their designee.

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

**BOARD:** The Board of Trustees of the Santa Monica Community College District.

**CANDIDATE:** A person who has successfully completed one or more portions of the examination.

**CASUAL POSITION:** A temporary, part time, non-continuous position limited to 15 hours per week and 15 days per month.

**CAUSE:** The grounds for a disciplinary action by the Board against an employee as stated in state law and the written rules of the Board and Personnel Commission.

**CERTIFICATION:** The submission of names of eligibles from an appropriate list to an appointing authority by the Personnel Director.

**CLASS:** A group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be used to designate each position assigned to the class, that substantially the same requirements of education, experience, knowledge and ability are demanded of incumbents, and substantially the same tests of fitness may be used in choosing qualified appointees. In addition, the same salary range may be applied with equity.

**CLASS SPECIFICATION:** 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.

**CLASS TITLE:** A definite descriptive title or name applied to a class and to all positions of the class (even though there be but one). The class title is to be as descriptive as possible of the duties assigned to the class.

**CLASSIFY OR CLASSIFICATION:** The assignment of a position to a class, whether new or existing, because of the position's qualifications, duties and responsibilities.

**COMMISSION:** The Personnel Commission of the Santa Monica Community College District.

**DEMOTION:** 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.

**DESIRABLE 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, skills, abilities, and personal and physical characteristics.

**DISCHARGE OR DISMISSAL:** Involuntary separation from service for cause.

**DISCIPLINARY ACTION:** An action by the Board to deprive a permanent employee of his/her position or salary entitlement without his/her consent. This includes suspension, demotion or salary reduction and dismissal.

**DISTRICT:** The Santa Monica Community College District.

**DUTY:** The work activity or functions assigned to an employee by his/her supervisor for which he/she is held accountable.

**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 all parts of the examination.

**EMERGENCY APPOINTMENT:** An appointment for a period not to exceed 15 working days to prevent the stoppage of public business. Emergency appointments need not be made from eligibility lists.

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

**EMPLOYEE ORGANIZATION:** An organization which represents all or part of the employees in their relations with the District.

**EMPLOYMENT LIST:** A list of names from which certification may be made. It includes eligibility lists, reemployment lists and lists of persons who wish to transfer, be demoted, or in any manner be employed subject to the rules of the Commission.

**ENTRY LEVEL CLASS:** A class for which open examinations are customarily held.

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

**EXCLUSIVE REPRESENTATIVE:** The employee organization recognized or certified by PERB, which exclusively represents an approved unit of employees.

**EXECUTIVE CLASS:** A class meeting the criteria outlined in Rule 12.3 for exemption from overtime.

**GOVERNING BOARD:** See "Board."

**GRIEVANCES:** The procedure through which permanent 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.

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

**HEARING:** The formal meeting of the Personnel Commission at which evidence is presented concerning an appeal from disciplinary action, an investigation by Personnel Commission staff, or grievance by an employee.

**INCREMENT DATE:** The date on which an employee becomes eligible for merit salary advancement. The increment date shall be set as provided in Chapter XII of these Rules.

**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 performance on the job. It is used as a basis for classifying positions and developing selection plans.

**JOB FAMILY:** The largest division of classes organized into smaller categories of classes called groups.

**LATERAL TRANSFER:** The transfer of an employee to a position in a similar or related class with the same salary range.

**LAYOFF:** Separation from a permanent position because of a lack of work, lack of funds or abolishment of position without fault on the part of the employee.

**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:** The principle and procedure of (1) selection, retention promotion on the basis of merit and fitness through competitive processes, (2) like pay for like work within the classified service.

**MULTIPLE ASSIGNMENT:** A part-time limited-term assignment and a part-time regular classified assignment or two regular part-time classified assignments performed by one incumbent.

**OPEN EXAMINATION:** A competitive examination, which any qualified person may participate whether or not that person is currently an employee.

**PART TIME:** The status given to an employee assigned to work less than 35 hours per week.

**PERMANENT EMPLOYEE:** An employee who has completed a probationary period in the class to which he/she is assigned.

**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.

**PERSONNEL DIRECTOR:** The Personnel Director is employed by the Commission. He/she shall act as secretary of the Commission.

**POSITION:** A combination of duties regularly assigned to be performed by one person.



**PROBATIONARY PERIOD:** A trial period of six months or one year, as determined by the Personnel Commission, immediately following an original or promotional appointment to a permanent position from an eligibility list.

**PROMOTION:** 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.

**PROMOTIONAL LIST:** An eligibility list resulting from a promotional examination limited to qualified permanent employees only.

**PROVISIONAL ASSIGNMENT:** The appointment of a qualified person to fill a position for which no appropriate employment list exists pending an examination. Provisional appointments should be as short as possible normally not to exceed 90 working days, except as specified in Education Code Sections 88106 and 88108.

**RANGE:** A series of consecutive salary steps that comprise the rate of pay for a class.

**REALLOCATE OR**

**REALLOCATION:** The reassignment of a class from one salary range to another without significant change in class title minimum qualifications, duties or responsibilities.

**RECLASSIFY OR**

**RECLASSIFICATION:** The reassignment of a position, whether filled or vacant from one class to another, whether new or existing, because of significant change in class title, minimum qualifications, duties or responsibilities. Reclassifications may occur only through a gradual accretion of growth of duties. Reclassification may or may not be accompanied by a change in salary range assignment.

**REEMPLOYMENT:** Reappointment to duty within 39 months of an employee who has been laid off.

**REEMPLOYMENT LIST:** A roster of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds or abolishment of position, medical disability or who are otherwise eligible for reemployment in their former classification without examination.

**REGULAR EMPLOYEE:** An employee in the classified service who has probationary or permanent status.

**REINSTATEMENT:** A reappointment after resignation, in regular or limited-term status, without examination, to a position in the employee's former class, or in a related lower class.

**RESIGNATION:** Voluntary termination of employment by an employee.

**RESTORATION:** The reassignment of an employee who has demoted to his/her former class or to a related class or a permanent status after reduction to limited-term status.

**RESTRICTED EMPLOYEE:** An employee hired under a specially funded program as provided in Rule 3.1 which is limited to 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.

**RETIREE:** A former permanent classified employee who has separated from active employment and is currently receiving a retirement allowance from the Public Employees Retirement System. Retirees may be reemployed for a maximum of 90 working days in a calendar year.

**RULE OF THREE:** The procedure for certification to the appointing authority of the three highest available eligibles on an eligibility list when a vacancy is to be filled.

**RULE OF THREE RANKS:** The procedure for ranking eligibles by rounding off final examination scores to the nearest whole percent. For classes designated as executive, administrative, professional and technical, certification from the eligibility list to fill a vacancy is made from the three highest ranks of available eligibles.

**SALARY SCHEDULE:** The complete list of ranges, steps and rates established by the Commission for the classified service.

**SALARY RANGE:** See "Range."

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

**SEPARATION:** The termination of employment of an employee.

**SERIES:** A number of classes closely related in occupational hierarchy and arranged on a list in order to indicate the occupational level in a group.

**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, permanent or regular.

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

**SUSPENSION:** An involuntary absence with or without pay for disciplinary purposes or pending investigation or charges made against an employee.

**TASK:** The smallest unit of work assigned to an employee. Tasks are grouped together to create a position.

**TEMPORARY 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 from one position to another in the same class.

**TRANSFER-LATERAL:** The reassignment of an employee from his/her regular class to another class on the same range of the salary schedule.

**UNCLASSIFIED SERVICE:** All employees or positions not in the classified or, certificated service; i.e., these positions or employees exempted by law. See Rule 3.1, Section 2.

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

**WORKDAY:** That part of a 24-hour calendar day period during which an employee is assigned to work.

**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 5 out of 15 calendar days.

**WORK WEEK:** Forty hours, usually served in five consecutive days within a seven-day cycle.

**WORKING DAY:** A day on which classified employees are assigned to perform services.

**Y-RATE:** A designation which is given to a salary step, range, and/or rate placement which remains above the approved maximum rate for the class when the salary schedule is realigned.

