

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

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LAW AND RULES

November 14, 2001

Chapter I DEFINITIONS AND PRELIMINARY STATEMENT

500 DEFINITIONS

Unless otherwise required by context or prevailing law, terms used in these Rules are understood to have the meanings set forth below:

ACCELERATED HIRING RATE: An initial hiring rate at a step above the beginning of the range for the class. Such a rate must be specifically authorized by the Personnel Commission for the particular class as a recruitment incentive.

ADJUSTMENT PROCEDURE: Provisions for the consideration of employee grievances.

ALLOCATION: The placement of a class on a salary range or rate.

ANNIVERSARY DATE: The first day of the pay period next following completion of the required period of service for step advancement.

APPEAL: An employee's protest regarding an actual or potentially detrimental administrative action.

APPLICANT: A person who has filed an application or other designated document to take a merit system examination.

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

APPRENTICE: An employee assigned to a position requiring paid on-the-job and unpaid classroom training in accordance with the Apprenticeship Standards of the District.

AREA ELIGIBILITY LIST: An eligibility list established for a specific assignment area and/or shift.

ARMED FORCES: For the purpose of military leave of absence, the United States Air Force, Army, Navy, Marine Corps, Coast Guard, Revenue Marine Service, Army Nurse Corps, and Navy Nurse Corps. For the purpose of veteran's credit in an open examination, the United States Air Force, Army, Navy, Marine Corps, and Coast Guard.

ASSIGNMENT: Placement of an appointee in a position. Also, the position in which he/she is placed.

ASSIGNMENT BASIS: The number of working days in a year for which employment is authorized for a specific position.

BEREAVEMENT LEAVE: Paid leave of limited duration granted to an employee upon the death of a member of the immediate family.

CHANGE:

Amending the terms of Appeal and Applicant.

Remove: April 28, 1986, page 1 of 13. Add: November 14, 2001, page 1 of 12.

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BREAK IN SERVICE: Interruption of an individual's employment relationship with the District. A break in service may be canceled by subsequent reemployment or reinstatement within 39 months.

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

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

CERTIFICATED SERVICE: All employees required by law to possess credentials issued by the State Department of Education and the positions which are limited to those who possess such credentials.

CERTIFICATION: The submission of names of eligibles who may be legally appointed from an eligibility list or from some other source of eligibility to the appointing authority.

CHANGE OF LOCATION: The reassignment of an employee from one position to another position in the same class, but in a different administrative unit.

CHANGE OF SERVICE ASSIGNMENT: An employee's change from the certificated to the classified service of the District, or vice versa.

CLASS: A category of positions with similar duties and responsibilities, to which the same title, entrance qualifications, and tests of fitness apply.

CLASS DESCRIPTION: A document approved by the Personnel Commission, detailing the nature and level of duties and the employment requirements of a class.

CLASSIFICATION: The act of placing a position in a job class. Sometimes synonymous with "Class".

CLASSIFIED SERVICE: All positions and employees in the District's service except those positions specifically exempted from the Classified Service by the Education Code. Classified positions and employees are governed by the merit system of employment.

COMMISSION: The three-member Personnel Commission established pursuant to the merit system provisions of the Education Code.

CONCERTED LABOR ACTION: Any strike, picketing, sickout, slow-down, stoppage, or other refusal by employees, individually or collectively, in connection with a labor dispute, to perform the services for which they are employed.

CONCURRENT ASSIGNMENT: The short-term assignment of two regular incumbents to the same position at the same time for the purpose of giving a successor an opportunity to obtain on-the-job orientation from an incumbent who is leaving.

CHANGE:

Amending the terms of Class Descriptions, Classification and Classified Service.

Remove: August 3, 1987, page 2 of 13. Add: November 14, 2001, page 2 of 12.

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August 3, 1987

CONDITIONAL EMPLOYEE: A provisional employee who does not meet the entrance qualifications for the class and who was, therefore, ineligible to compete in a merit system examination for that class at the time of the conditional provisional appointment.

CONTINUOUS EXAMINATION: The frequent testing of applicants for designated classes.

CUSHION AREA: A range of numbers established just below the dividing line between classification levels in a numerical classification formula.

DAY: The period of time between any midnight and the midnight following. (See Working Day.)

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class that has a lower maximum regular salary. (For a class with both confidential and represented positions, the regular salary is the range negotiated in collective bargaining).

DIFFERENTIAL: Salary allowance in addition to the basic rate or range, based upon additional skills, responsibilities, or night work.

Salary-allowance differentials are divided into the following categories:

Long-term: Those that are based on the special requirements of a position or the authorized use of special skills by an incumbent.

Short-term: Those that are paid for the performance of a specific task that is not assigned to a particular position or incumbent on a continuing basis.

DISCHARGE OR DISMISSAL: Separation from service for cause.

DISTRICT: The Los Angeles Unified School District.

DUAL CERTIFICATION: The procedure, applied when an examination has open and promotional fields of competition, of ranking open and promotional eligibles according to examination scores, with seniority credits added for promotional eligibles.

DUTIES STATEMENT: A list of the duties assigned to an individual position. Also known as a position description.

EARNED SALARY STATUS: For a permanent employee who has resigned, been laid off, or taken a voluntary demotion or reduction to limited-term status, the current flat rate of or the highest step achieved in a class in which the employee had permanency and a regular assignment at the time of termination or reduction.

CHANGE:

Adding the term "Demotion".

Remove: April 28, 1986, page 3 of 13. Add: August 3, 1987 page 3 of 12

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ELIGIBILITY LIST: A rank order list of the names of persons who have qualified in a merit system examination for the selection of classified employees for a specific class.

ELIGIBLE: A person whose name appears on a merit system eligibility list.

EMERGENCY APPOINTMENT: A provisional appointment for a period not to exceed 15 working days when there is insufficient time to canvass employment lists.

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

EMPLOYMENT LIST: A list of names from which certification may be made. Includes eligibility lists, reemployment lists, and lists of persons who wish to transfer, change location, be demoted, be reinstated after resignation, or be restored after voluntary demotion or reduction to limited-term or part-time status.

ENTRANCE QUALIFICATIONS: Mandatory and desirable qualifications prescribed for those who wish to compete in a merit system examination for a class.

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

EXECUTIVE/ADMINISTRATIVE CLASSES: One of the classes meeting the criteria outlined in Rule 596 whose incumbents do not receive payment for overtime.

EXHAUSTED LIST: An eligibility list that contains the names of an insufficient number of eligibles to provide full certification to a regular full-time or part-time vacancy. A list may be exhausted for some positions, yet remain in effect for others depending on factors such as assignment area, availability, shift, preference, etc.

EXPIRED LIST: An eligibility list that is three years old, or one year or more old when a new list is established.

FIELD OF COMPETITION: Those categories of persons (either from within or outside the District) authorized by the Personnel Commission to participate in a merit system examination for a specific class.

FISCAL YEAR: July 1 to June 30.

FULL-TIME POSITION: A position for which the assigned time is at least 87 ½ percent of eight hours (seven hours) a day; 40 hours (35 hours) a week; or 160 hours (140 hours) a pay period.

GOVERNING BOARD: The Board of Education.

CHANGE:

Amending the terms of Dual Certification and Exhausted List.

Remove: April 28, 1986, page 4 of 13. Add: November 14, 2001, page 4 of 12.

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GRIEVANCE: An employee complaint alleging violation of a written rule or policy, not including appeals of disciplinary actions or requests for classification study or salary review.

GROUP: Classes that are similar in type of duties and responsibilities or otherwise related, determined by the Personnel Commission.

HEARING: Formal review in the presence of the parties involved, of evidence in connection with an action affecting an employee, concerning which the employee has filed an appeal.

HEARING OFFICER: A person employed by the Personnel Commission to hear and make recommendations on appeals.

ILLNESS: Any pronounced deviation from a normal, healthy state that makes it disadvantageous to the District or detrimental to the employee to be at work.

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

INCUMBENT: An employee assigned to a position and currently serving in or on leave from that position.

INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS LEAVE: Absence because of injury or illness which arose out of and in the course of employment with the District.

INTERVIEW: Part of the selection process, usually the final portion of an examination, for the purpose of evaluating personal qualifications. Also known as an oral interview. Also, the meeting between an eligible and an appointing authority in order to discuss a potential appointment to a position.

INVESTIGATION: A fact-finding procedure related to an appeal or complaint.

LAYOFF: Separation from a permanent position because of lack of work or lack of funds, or because the position has been abolished or reclassified, or because an employee has exhausted all leave privileges after illness or accident.

LEAVE OF ABSENCE: An approved absence from duty, with or without pay, for a prescribed period of time.

LIMITED TERM: A term used to designate employment for periods not to exceed six months, or employment during the authorized absence of a regular employee, or provisional appointment to a regular position.

LIMITED-TERM EMPLOYEE: An employee who is serving a provisional appointment or as a substitute for a regular employee, or in a position established for a period of six months or less.

CHANGE:

Amending the terms Full-Time Position, Group and Interview.

Remove: April 28, 1986, page 5 of 13. Add: November 14, 2001, page 5 of 12.

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LOYALTY OATH: A statement required of each new employee vowing or affirming support of the United States and California Constitutions, required by State law and Board rule.

MANDATED LEAVE: Leave for personal illness, industrial accident, industrial illness, pregnancy, military service, service as an elected officer of a District-recognized public employee organization, or service in the Red Cross or Merchant Marine during a declared national emergency or war.

MEDICAL EXAMINER: A qualified medical professional employed by the Personnel Commission to determine the medical status of appellants in appeals of medical disqualification of employees or eligibles.

MEDICAL CONDITION: 1. Any health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured, based on competent medical evidence. 2. Genetic characteristics means either of the following: a. Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder. b. Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

MERGING: The act of combining two or more eligibility lists for the same class, established not more than one year apart, in order of scores of eligibles. The earlier individual eligibility list within a merged list expires one year after its original promulgation.

MERIT SYSTEM: A personnel system in which initial regular employment and promotion are based upon competition in examinations.

MILITARY LEAVE: Authorized absence to engage in ordered military duty.

MOST APPROPRIATE ELIGIBILITY LIST: Designation of an eligibility list for an equal or higher class for use in making appointments in another class.

MULTIPLE ASSIGNMENT: A limited-term classified assignment in addition to a regular classified assignment.

NEPOTISM: Assignment of close relatives to the same school or office or in a supervisory/subordinate relationship as defined by Commission Rule 720.

CHANGE:

Adding the term Medical Examiner and deleting the term of Medical Review Board.

Remove: January 1, 2000, page 6 of 12. Add: November 14, 2001, page 6 of 12.

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NOTICE OF UNSATISFACTORY SERVICE: A form used as a written reprimand.

OPEN EXAMINATION: An examination that is not restricted to persons who are current employees of the District, i.e. may be taken by any person who has the required qualifications.

OVERTIME: Authorized time worked by an employee in excess of an established eight, nine, or ten hour work day or 40 hours a week or on the sixth day of a workweek for employees who work an average of four hours or more a day. An employee who works an average of less than four hours a day is paid overtime for authorized time worked on the seventh day of the employee's workweek.

PART-TIME POSITION: A position for which the assigned time is less than seven hours a day, 35 hours a week, or 140 hours a pay period.

PAY PERIOD: Usually, 20 working days consisting of four consecutive five-day weeks. There are 13 pay periods each year.

PERFORMANCE EVALUATION: A formal evaluation of the work and conduct of an employee. Also refers to the form used for this purpose.

PERMANENT EMPLOYEE: An employee who has completed a probationary period of 130 days of paid regular service in a class in the classified service. (260 days are required for executive/administrative and peace officer classes.)

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.

PERMISSIVE LEAVE: Leave for child care, to serve in another position in this District, because of illness in the family, or for rest, study, or other personal reason.

PERSONAL NECESSITY LEAVE: Leave taken for reasons specified in the Education Code Personnel Commission rule, or union contracts. Such leave is charged to the employee's illness leave bank.

PERSONNEL COMMISSION: A three-member panel that is responsible for maintenance of the merit system for classified employees.

POSITION: A group of duties and responsibilities assigned by competent authority requiring the full- or part-time employment of one person.

PRIVILEGE: A benefit that is discretionary (may or may not be granted), in contrast to a right, which must be granted.

CHANGE:

Amending the term of Nepotism."

Remove: March 14, 1988, page 8 of 13. Add: November 14, 2001, page 7 of 12.

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PROBATIONARY PERIOD: A trial period of 130 days (or 260 days for employees in executive/administrative, or peace officer classes) of paid service in a class following appointment to a regular position.

PROFESSIONAL EXPERT: A person employed in a professional capacity for a specific limited-term project; such persons are excluded from the classified service.

PROHIBITED BASES OF DISCRIMINATION: Discrimination because of affiliations, political acts or opinions, or age; or race, religious acts or opinions, national origin, ancestry, physical disability, mental disability, medical condition (see definition in this rule), marital status, sex, or sexual orientation, which includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

PROMOTION: A change in assignment of an employee from a position in one class to a position in another class that has a higher maximum salary, except that transfer may be made if the salary difference is not more than three percent of the lower rate. (For classes with both confidential and represented positions, the regular salary is the range negotiated in collective bargaining.)

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

PROVISIONAL APPOINTMENT: A temporary appointment to a permanent or limited-term assignment made in the absence of a sufficient number of available eligibles.

PROVISIONAL EMPLOYEE: A person employed under a provisional appointment.

RATING-IN: The procedure by which a person can be appointed at a salary step above the lowest in the salary range.

REALLOCATION: Movement of an entire class from one salary range or hourly rate to another salary range or hourly rate on the basis of either internal or external alignment or a change in the salary-setting basis for the class.

RECLASSIFICATION: The removal of a position or positions from one class and placement into another, usually based on a change in duties, responsibilities, or class concept.

REEMPLOYMENT: Return to duty of an employee who has been laid off. Also applies to employees who return to duty for a limited period after retirement.

CHANGE:

Amending the terms of Personal Necessity Leave and Rating In.

Remove: January 1, 2000, page 9 of 13. Add: November 14, 2001, page 8 of 12.

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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, abolishment or reclassification of positions, exhaustion of illness or industrial accident leave privileges, or other reason specified in these rules, and who are eligible for reemployment without examination in their former class for a period of 39 months.

REGULAR APPOINTMENT: An appointment to a position of more than six months' duration, made from an eligibility list or from some other list of persons who are legally qualified, e.g., reemployment or reinstatement.

REGULAR EMPLOYEE: A person who has probationary or permanent status in the classified service.

REINSTATEMENT: Return to employment within 39 months after resignation (the last day of paid service) to a position in one of the employee's former classes or in a related lower class, with restoration of certain employee benefits. Also, refers to a return to work after appeal from disciplinary action when so ordered by the Personnel Commission.

REJECTION: The refusal to accept an application or examine an applicant, candidate, or eligible, or the removal of a name from an employment list.

RELIEF EMPLOYEE: A person hired to fill a relief position.

RELIEF POSITION: A limited-term position of not more than six months' duration that augments the number of regular positions in an organizational unit. The Commission may, based on a declaration of an emergency by the President of the United States or the Governor, authorize an extension that may not exceed one year. The duties of the extended position must be related to the emergency.

RESIGNATION: A voluntary statement, preferably in writing, from an employee requesting to be terminated from one or more assignments, or a separation from service pursuant to the provisions Rule 768.

RESPONSIBILITY DIFFERENTIAL: A wage or salary differential paid to incumbents of some positions in a class based upon variations in responsibility measurable by a quantitative criterion.

RESTRICTED POSITIONS: Positions whose incumbents must be from low-income households or from designated geographical areas or who have mental or physical disabilities or meet other specified criteria.

RETURN TO FORMER CLASS: A reappointment to one's former class within 39 months after termination of one's assignment to that class.

RIGHT: A benefit, bestowed by law or rule, that must be granted.

CHANGE:

Amending the term of Resignation

Remove: January 1, 2001, page 10 of 13. Add: November 14, 2001, page 9 of 12.

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May 11, 2005

RULE OF THREE RANKS: The scope of choice available to an appointing power in making a selection from an eligibility list; refers to selection from among those eligibles having any of the three highest scores who are ready and willing to be accepted to a specific position.

SALARY INCREMENT: An additional amount of money that is not considered part of the employee's base salary.

SALARY RATE: A specific amount of money paid for a specified period of service, i.e., dollars an hour, pay period, or month, including any long-term differential.

SALARY RANGE: A series of salary steps that comprise the rates of pay for a class.

SALARY STEP: One of the salary levels within the range of rates for a class

SALARY SURVEY: The collection of current wage and salary data for the purpose of determining the prevailing wage for certain types of work in private industry or other public agencies. Also, the report of such data.

SALARY YEAR: A cycle consisting of 13 consecutively numbered pay periods. The first pay period of the salary year includes July 1.

SCHOOL YEAR: Same as fiscal year (July 1 to June 30).

SELECTIVE CERTIFICATION: The submission to the appointing authority of names of eligibles who may be legally appointed from the top three ranks to those within an eligibility list who possess one or more of the following requirements determined to be necessary for successful performance of a position; the ability to speak, read, or write a non-English language; a specific gender that is a bona fide occupational qualification; a valid driver's license; or other specialized licenses, certifications, knowledge, or ability that cannot reasonably be acquired during the probationary period.

SENIORITY: Status secured by length of service to which certain rights attach. Used in calculating extra points for employees taking promotional examinations and for determining order of layoff as well as for certain informal purposes.

SEPARATION: The ending of status as an employee.

SERIES: A number of groups of classes in an occupational hierarchy.

SHIFT DIFFERENTIAL: Additional pay for night work.

CHANGE:

Adding the term of Selective Certification.

Remove: November 14, 2001, page 11 of 13. Add: May 11, 2005, page 10 of 12.

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SHORTENED RANGE: A salary range consisting of less than the usual five steps, based upon a narrow range of rates for that occupation.

SPECIAL LIMITED-TERM ASSIGNMENT: A limited-term assignment to a regular position in order to avoid the potential displacement of regular employees in cases of potential changes in organization, location, classification, hours, or numbers of positions.

SPECIAL PHYSICAL INJURY LEAVE OF ABSENCE: A form of industrial accident leave granted with pay, regardless of length of service, to an employee because of an injury resulting from an act of violence or acts of violence which occurred during the course of the employee's duty.

STARRED RATE: A rate above the established rate or range of salary for a class, paid when an incumbent takes a voluntary demotion to remain in a position that has been reclassified to a lower-paid class or under other specified circumstances.

STATUS: Character of employment in the Classified Service or in a class, with the following categories.

Regular: Based upon appointment of a fully qualified person to a position of more than six months' duration. Sub-categories are probationary and permanent.

Limited-term: See definitions of "limited-term" and "limited-term employees", above.

Restricted: Based upon appointment to a "restricted position" (see above.)

STEP ADVANCEMENT: Movement to a higher step on the salary range for a class as a result of having served the required number of days in paid status.

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

SUSPENSION: Temporary removal of an employee from a position for cause without pay or indefinite removal preliminary to investigation of charges pursuant to the provisions of the second paragraph of Section 45304 of the Education Code.

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

TEMPORARY MILITARY LEAVE: Ordered military leave of not more than 180 calendar days, including travel time.

TERMINATION: The ending of an assignment in a specific class without ending the employee's continuing status in another class.

CHANGE:

Amending the term of Starred Rate.

Remove: (Reissue) April 28, 1986, page 12 of 13. Add: November 14, 2001, page 11 of 12.

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May 7, 1990

TRANSFER: The reassignment of an employee without examination to a position in a related class that has a maximum regular salary rate not more than three percent higher than that of the employee's prior class. (For a class with both confidential and represented positions, the maximum regular rate of pay is the top of the range negotiated in collective bargaining.)

UNCLASSIFIED SERVICE: Part-time playground positions, full-time day students, employed part-time, apprentices, and professional experts and community representatives employed in consulting or advisory capacities on a temporary basis for a specific project.

UNSATISFACTORY SERVICE: The performance of assigned duties in a manner that is detrimental to the good of the service, or the failure to perform them, or the performance of actions while on duty that are detrimental to the good of the service.

VETERANS' CREDIT: Five or ten additional points, added to a passing score in open examinations, for military or related service rendered during the time of war or national emergency.

WAIVER: The voluntary relinquishment by an eligible of a right to be considered for appointment from an employment list in one or more positions, locations, or for a specific or unlimited period of time.

WORKDAY: That part of a 24-hour period during which an employee is scheduled to work in accordance with the employee's specific assignment.

WORKING DAY: Any day for which an individual employee receives compensation, regardless of the number of hours in a day for which compensation is received. For application of Education Code and Personnel Commission Rule provisions that require a certain number of working days and/or number of days in paid service, employees who are assigned a nonstandard work week (other than five consecutive eight hour days) will satisfy the requirement of a standard five day work week if paid their assigned hours each pay period. There are two exceptions:

1. A work shift that begins in one day and ends in the succeeding day is considered one working day.
2. A calendar day for which only overtime compensation is received is not considered a working day.

WORKWEEK: Forty hours, usually served in five consecutive days within a seven-day cycle, is the regular workweek for the majority of regular employees.

CHANGE:

Change in the definition of the term "Working Day."

Remove: April 18, 1988, page 13 of 13. Add: May 7, 1990, page 12 of 12.

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