

19.0 Definitions

"Adjusted Service Date": total length of employment in State of Delaware positions used to calculate vacation accrual rates. The DHR Secretary shall establish procedures for calculating this time.

"Agency": any board, department, elected office or commission which receives an appropriation in accordance with 29 Del.C. Chapter 59. This definition does not preclude the establishing of exempt positions in organizational units within departments.

"Aggregate Service": means total length of employment by the State of Delaware, minus breaks in service.

"Appeal": a request for ruling per specified sections of the Merit Rules to the DHR Secretary or the MERB as appropriate.

"Appointing Authority": the official, or designee, who has the authority to make appointments to, or dismiss employees from, the Merit service. (The appointing authority is the Cabinet Secretary of the department or the agency head of those units which are not a part of a larger agency. Only the Cabinet Secretary or agency head may dismiss employees.)

"Bumping": an employee identified for layoff may displace an employee in the same class grouping at the same or lower paygrade with less Merit service in the defined layoff field. The employee shall meet the job requirements. Neither (a): limited term appointment employees; nor (b): employees whose performance record contains more than one unsatisfactory appraisal within the past 3 years; shall be eligible to exercise bumping rights.

"Career Ladder": a hierarchy of classes within a class series, established and approved by the DHR Secretary, which permits employee movement along a career path without competition upon meeting all promotional standards.

"Casual/Seasonal Employees": employees serving in positions pursuant to 29 Del.C. §5903(17). Such employees are not covered by the Merit Rules. Such employees may be covered by collective bargaining agreements and by other State and Federal laws such as the Fair Labor Standards Act, Title VII of the Civil Rights Act, the Family Medical Leave Act, etc.

"Class": all Merit positions sufficiently similar in duties, responsibilities and job requirements to use the same salary range and title. (Example - Civil Engineer I, Office Manager, Forester)

"Class Series": a progression of classes in the same line of work reflecting different degrees of responsibility and difficulty of duties. (Example--Management Analyst I, Management Analyst II, Management Analyst III)

"Class Specification": a written description of the distinguishing characteristics of all positions in a class, including typical duties and responsibilities and job requirements.

"Classification": the analysis of the duties and responsibilities of a position and its assignment by the DHR Secretary to a class.

"Contractual Employees": employees providing service through a contractual relationship with the State either directly or via another employing organization. Contractual employees are not covered by the Merit Rules.

"Demotion": the movement of an employee from a position in a class of a higher paygrade to a position in a class of a lower paygrade through a process other than reclassification.

"DHR Secretary": the Secretary of the Department of Human Resources, appointed pursuant to 29 Del.C. Chapter 59, or designee.

"Disability": a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such impairment or being regarded as having such an impairment.

"Domestic partner": the person with whom the employee's life is interdependent, with whom the employee maintains a committed relationship and with whom the employee shares a mutual residence.

"Eligibility List": a list of qualified candidates from which a referral list is issued.

"Employee": any person holding a position in the Classified Service.

"Essential Functions": the fundamental job duties of an employment position.

"Examination": a written test.

"Exceptional Employment": employment of individuals with disabilities through a special program such as the Agency Aide or Selective Placement Program.

"FMLA Eligible Employee": an employee who has at least one year of state service and has been paid for at least 1,250 hours over the 12-month period prior to the first day of the FMLA leave.

"FMLA Leave": leave taken in accordance with the provisions of the Family and Medical Leave Act of 1993 and its amendments.

"Grievance": Merit employee's claim that these Rules or the Merit system statute has been violated. A grievance may not deal with the content of the Rules or the Merit system statute.

"Hazardous Duty Pay": uncontrollable circumstances that involve an unusual risk of serious physical injury, impairment to health or death resulting from accidental, negligent or intentional causes. Compensation for Exposure Levels A & B shall be set in the Budget Act. The following two degrees of exposure are recognized:

"Exposure Level A": Continuing exposure to hazards where the employee's responsibility is to deal with the hazard as a function of assigned duties.

"Exposure Level B": Proximate exposure to hazards where it is not the employee's stipulated job duty to deal with the hazard, or occasional exposure to hazards where the employee's responsibility is to deal with the hazard as a function of assigned duties. The following definitions shall be used to determine eligibility for hazardous duty pay:

"Continuing": frequency of exposure is normally more than 50% of employees' working time.

"Occasional": frequency of exposure is normally more than 5% but less than 50% of employees' working time.

"Uncontrollable": precautions, such as safety and life support equipment, are either impractical to be used continually or are insufficient to assure reasonable safety.

"Proximate": the location of employee's work site precludes evacuation as a means of avoiding exposure to serious physical injury, impairment to health or death resulting from accidental, negligent or intentional cause.

"Hiring Preference": special placement for 1 year on a Referral List for a position at the employees' current paygrade or lower for which the employee meets job requirements. Employees shall be required to pass any written tests if the position is outside their class series. Employees with more than 1 unsatisfactory performance appraisal in the last 3 years shall not be eligible for hiring preference. Hiring preference is granted for one year or until employees are placed in the same class, whichever occurs first.

"Human Resource (HR) Action": any employment action including, but not limited to the hiring process, discipline, promotion, compensation, classification, benefits, employee and labor relations.

"Immediate Family": the employee's spouse or domestic partner; parent, stepparent or child of the employee, spouse or domestic partner; employee's grandparent or grandchild; employee's sibling; spouse of employee's child; or any minor child for whom the employee has assumed and carried out parental responsibilities.

"Job Requirements": minimum entry requirements, including selective requirements, which must be met for an individual to be eligible for appointment to a Classified position or to take an examination. These requirements typically include minimum levels or types of education, training or experience or completion of specified examinations. The DHR Secretary may approve documented equivalencies.

"Layoff Field": specific boundaries, such as Department, Division, section, etc., used to determine parameters of bumping.

"Merit Compensatory Time": for employees in FLSA-covered positions authorized to work

a 37.5 hour week means those hours worked between 37.5 and 40 hours per week. For employees in FLSA-covered positions who are authorized to work FLSA approved specialty exemptions, means those hours worked in excess of the employee's regular schedule and less than the FLSA minimum for overtime. For employees in FLSA-exempt positions, means those hours worked beyond the employee's standard work week, either 37.5 or 40 hours.

"Merit Employee": an employee who has satisfactorily completed the initial probationary period for a Classified position.

"Merit Factors": include, but are not limited to, consideration of training, experience, knowledge, skill, education, conduct, and performance record of applicants or employees in the classified service.

"Merit Service": length of employment by the State of Delaware in Classified position(s) minus breaks in service.

"Merit System Law": refer to 29 **Del.C.** Chapter 59.

"Night Shift": a night shift for these purposes shall be a shift which includes four or more hours of work between the hours of 6:00 p.m. and 8:00 a.m. the following day.

"Occupational Series": a group of related classes requiring similar skills and training.

"Pay Range": means lowest to highest dollar value assigned to a paygrade.

"Paygrade": one of the horizontal pay ranges designated on the pay plan consisting of a series of percentage of midpoint columns identifying specific values.

"Preferential Qualification": any education, training and/or experience not specifically indicated in the job requirements that are desirable but not required.

"Pro-rata Basis": a proportional share based on the percent of full-time at which a position is filled, with a 100% share being the maximum allowable share. A 100% share of a day is 7.5 hours or 8 hours. The calculation of leave shall be rounded up to the nearest quarter hour.

"Probationary Period": the trial period of employment. Initial probationary period occurs when an employee first enters the Merit service. Promotional-probationary period occurs when a Merit employee is promoted.

"Ranking": when there are greater than 30 qualified candidates for a job posting, candidates are scored based on a rating of their education, training and experience, and written exams if applicable, against a set criterion and placed on a referral list in order of scoring results.

"Reassignment": Any movement within the same budgeted position within the same county.

"Referral List": the list of finalist candidates eligible to fill a vacant position.

"Reinstatement": the rehiring of an individual into the same class within a 2-year period from which the individual left the position in good standing.

"Rotating Shift": a change in a work schedule 1) for at least 2 days in a workweek which includes 4 or more hours of work daily, 2) or that involves different schedules with no more than 30 continuous days on a shift which does not qualify as night shift per 4.15.2.

"Screening": the process by which applicants are evaluated for a position in the Merit System. The screening may consist of, but is not limited to, oral, written, or performance tests, or a rating of the candidate's training and experience.

"Selective Market Variation (SMV)": Selective Market Variation (SMV) is a process used to increase the salary range for job classifications where severe market competition makes it difficult for the State to recruit and retain qualified employees.

"Selective Requirement": any education, training and/or experience not specifically indicated in the job requirements of a class specification that are required as they are considered job related and essential for effective performance in a specific position at time of hire.

"Seniority": total length of employment in Classified positions by the State of Delaware. This time shall be adjusted whenever an unpaid leave of absence exceeds 30 calendar days, except in the case of military leave granted in accordance with 5.5.1.

"Shift Differential Pay": compensation for working inconvenient hours and schedules as authorized at the agency's discretion and described below:

"Night Shift": a shift which includes four or more hours of work between the hours of 6:00 p.m. and 8:00 a.m. the following day.

"Rotating Shift": a change in a work schedule 1) for at least two days in a work week which includes 4 or more hours of work daily, or 2) that involves different schedules with no more than 30 days on a shift which does not qualify as night shift per 4.15.2.

"Split Shift": any shift which is broken into two parts with two or more hours between the parts. Employees authorized and required by agencies to work split shifts shall receive supplemental pay for the entire shift equal to 5% of their paygrade midpoint.

"Supervisor": a person in a position who, on a regular and continuing basis, plans, assigns, reviews, disciplines, recommends hire, termination and promotion and completes and approves performance plans of two or more Classified employees excluding casual, seasonal, and contractual employees.

"Transfer": Any movement between positions in the same paygrade as long as the employee

meets the job requirements.

"Underfill": Filling a position in a lower paygrade than the position is authorized.

"Veteran": those individuals who have been honorably separated from the Armed Forces after one of the following events: Service between April 6, 1917, to July 2, 1921; or December 7, 1941, to July 1, 1955; or Service of more than 180 consecutive days after January 31, 1955, (not counting service under an initial period of active duty for training under the "6 month" Reserve or National Guard programs); or Service in a campaign for which a campaign badge has been authorized. (Disabled veterans are those individuals (as above) who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits or pensions by reason of public laws administered by the Veterans' Administration or the Department of Defense, requiring the assignment of a claim number.)