

PERSONNEL COMMISSION  
SANTA MONICA COMMUNITY COLLEGE DISTRICT

RULES AND REGULATIONS

OF THE

CLASSIFIED SERVICE

**EFFECTIVE JANUARY 1983**

**REVISED THROUGH MAY 18, 2022**

TABLE OF CONTENTS  
FOR  
PERSONNEL COMMISSION RULES AND REGULATIONS

CHAPTER I	PRELIMINARY STATEMENT AND DEFINITION OF TERMS
CHAPTER II	THE PERSONNEL COMMISSION
CHAPTER III	POSITION CLASSIFICATION PLAN
CHAPTER IV	APPLICATION FOR EMPLOYMENT
CHAPTER V	RECRUITMENT AND EXAMINATIONS
CHAPTER VI	ELIGIBILITY LISTS
CHAPTER VII	APPOINTMENT TO CLASSIFIED POSITIONS
CHAPTER VIII	NEW EMPLOYEE CLEARANCE
CHAPTER IX	EMPLOYMENT STATUS
CHAPTER X	PERFORMANCE EVALUATIONS
CHAPTER XI	VACATION, LEAVES OF ABSENCE AND HOLIDAYS
CHAPTER XII	SALARIES, OVERTIME PAY AND BENEFITS
CHAPTER XIII	SENIORITY, LAYOFF, DISPLACEMENT AND REEMPLOYMENT
CHAPTER XIV	DISCIPLINARY ACTION AND APPEALS
CHAPTER XV	RESIGNATION AND REINSTATEMENT
CHAPTER XVI	COMPLAINT PROCEDURES

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER I

Chapter 1 Revisions Approved by the Personnel Commission on December 14, 2016.



## 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.

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER II

Merit Rule 2.1 Revisions Approved by the Personnel Commission on February 15, 2017.

Merit Rule 2.2 through 2.4 Revisions Approved by the Personnel Commission on March 15, 2017.

## **CHAPTER II – THE PERSONNEL COMMISSION**

### **Rule 2.1 PERSONNEL COMMISSION ORGANIZATION**

Section	2.1.1	Membership of the Personnel Commission
	2.1.2	Appointment of Members of the Personnel Commission
	2.1.3	Qualification for Membership
	2.1.4	Terms of Office
	2.1.5	Election of Officers
	2.1.6	Conduct of Business
	2.1.7	Causes for Removal of a Commissioner
	2.1.8	Quorum and Majority

### **Rule 2.2 MEETINGS**

Section	2.2.1	Regular Meetings
	2.2.2	Special Meetings
	2.2.3	Adjournment
	2.2.4	Public Meetings
	2.2.5	Closed Session
	2.2.6	Rules of Order
	2.2.7	Order of Business and Agenda
	2.2.8	Business from the Floor
	2.2.9	Recording of Motions
	2.2.10	Minutes
	2.2.11	Payment for Meeting Attendance

### **Rule 2.3 COMMISSION EMPLOYEES**

Section	2.3.1	Status of Commission Employees
	2.3.2	General Duties of Director of Classified Personnel

### **Rule 2.4 MISCELLANEOUS PROVISIONS**

Section	2.4.1	Budget
	2.4.2	Annual Report
	2.4.3	Legal Counsel for the Personnel Commission

## CHAPTER II

### THE ORGANIZATION AND BYLAWS OF THE COMMISSION

- Rule 2.1 PERSONNEL COMMISSION ORGANIZATION  
(Education Code Division 7, Part 51, Chapter 4. Article 3)
- 2.1.1 MEMBERSHIP OF THE PERSONNEL COMMISSION
- The Personnel Commission of the Santa Monica Community College District shall consist of five members (Ed Code 88067)
- 2.1.2 APPOINTMENT OF MEMBERS OF THE PERSONNEL COMMISSION (Education Code 88065, 88066, 88068)
- Appointments to the Personnel Commission shall be made in accordance with the Education Code.
- A. Initial Appointment
1. Personnel Commission members for the Personnel Commission shall be appointed as follows:
    - a. Two members appointed by the governing board of the district,
    - b. Two members appointed by the classified employees of the district,
    - c. Those four members shall, in turn, appoint the fifth member.
- B. Subsequent Vacancies
1. When a vacancy will exist on December 1, a candidate shall be nominated by the appointing authority, no later than September 30:
    - a. The Personnel Commission shall, as much as possible, notify the governing board and/or the classified employees of a vacancy at least 120-days prior to the vacancy occurring in order to allow sufficient time for the body to nominate, vote, and appoint a member to the Commission.

- b. The governing board and classified employees shall follow the procedures outlined in the Education Code, the CSEA contract, and any subsequent legally binding agreements between the bodies as to the nomination, election, selection, and appointment of Commissioners.
- c. In all other situations where a vacancy shall occur, the Personnel Commission shall, as much as possible, notify and provide for sufficient notice of the vacancy to the governing board and classified employees.

### 2.1.3 QUALIFICATIONS FOR MEMBERSHIP (Education Code 88064)

Members of the Commission shall be registered voters, residents within the District, and shall be "known adherents of the principle of the merit system." For purposes of this Rule the following definitions shall apply:

1. "Known adherents to the principle of the merit system," with respect to a candidate for new appointment, shall mean a person who by nature of his/her prior public or private service has given evidence that he/she supports the concept of employment, continuance in employment, in service promotional opportunities, and other related matters on the basis of merit and fitness.
2. With respect to a candidate for reappointment, "known adherent of the merit system" shall mean a Commissioner who has clearly demonstrated through meeting attendance and actions that he/she does, in fact, support the merit system and its operation.
3. No member of the governing board of any school district or county board of education shall be eligible for appointment, reappointment, or continuance as a member of the Commission nor shall a Commissioner be an employee of the District during his or her terms of service.

#### 2.1.4 TERMS OF OFFICE

By law, the term of each Commissioner is for three years. The five terms are staggered and one Commissioner's term expires each year at noon on December 1. The two appointees of each appointing body shall serve staggered three year terms.

On or about August 1 of each year, the Director of Classified Personnel shall notify the governing board and the classified employees of the name and address of the Commissioner(s) whose term(s) will expire and whether he or she, if offered, will accept reappointment. The notification shall also indicate that the governing board and classified employees shall follow the procedures as provided for in Education Code Section 88068 and as agreed upon in any subsequent agreements between the bodies.

#### 2.1.5 ELECTION OF OFFICERS

At the first meeting following December 1 of each year, the Commission shall elect one of its members as Chair and another member as Vice Chair, to serve for a term of one year or until their successors are elected. The Chair shall be the presiding officer of all regular and special meetings. In the absence of the Chair, the Vice Chair shall preside.

#### 2.1.6 CONDUCT OF BUSINESS

The Commission is committed to the deliberation of matters of business in an open and orderly manner. To this end, the Commission will be guided by the following code of conduct:

1. The Commission is made up of individuals with differing values and beliefs, debate is natural and expected; however, Commissioners will work with the Chair and fellow members in a spirit of respect, harmony and cooperation.
2. The Commission has authority to act only in official meetings; an individual Commissioner cannot bind the Commission outside such meetings.
3. The Commission encourages dialogue with the governing board, the District administration, and employee representatives; however, decisions should only be made after all facts have been presented and discussed. Statements or promises as to how a member will vote prior to a meeting are inappropriate.

4. Members of the Commission should recognize that deliberations held in closed session are confidential and discussion in public or release to parties outside the deliberations is unlawful unless previously authorized by a majority vote of the Commission.

#### 2.1.7 CAUSES FOR REMOVAL OF A COMMISSIONER

A Commissioner may be removed from office for any of the reasons set forth in Government Code 1770.

#### 2.1.8 QUORUM AND MAJORITY

Three (3) members shall constitute a quorum for any regular or special meeting of the Commission. The affirmative vote of three (3) members shall be necessary to any action.

Rev. approved by Personnel Commission on 2/15/17

### Rule 2.2 MEETINGS

#### 2.2.1 REGULAR MEETINGS

The Commission shall adopt a calendar of regular meetings in July of each year for the following year.

#### 2.2.2 SPECIAL MEETINGS

- A. The Secretary or the Chair of the Commission may call a special meeting of the Commission.
- B. The members of the Commission shall be notified of each special meeting by written notice delivered to them personally, by mail, or by email at least 24 hours in advance of the meeting. A copy of the written notice shall be posted on the Commission's official bulletin board which shall specify the time and place and the business to be transacted. Only those items of business listed in the notice will be considered at the meeting.
- C. Newspapers, radio stations, and other agencies specified in Government Code Section 54956 shall be notified 24 hours in advance of a special meeting if they have requested such notification prior to the meeting.

#### 2.2.3 ADJOURNMENT

- A. The Commission may adjourn any regular meeting to a time and place specified in the order of adjournment. The adjourned meeting is for all purposes, a regular meeting.

#### 2.2.4 PUBLIC MEETINGS

- A. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend the Commission meetings, except as provided in Rule 2.2.5 below. This Rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings without authorization.
- B. Individual employees, employee organizations, and other interested parties may submit their written comments on any matter before the Commission and will be granted a reasonable time to present their views at the appropriate time in the meeting.

#### 2.2.5 CLOSED SESSION

- A. The Commission may hold a closed session for any of the following reasons:
  - 1. To consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee.
  - 2. To hear charges or complaints brought against a person or employee by another, unless such person or employee requests a public hearing.
  - 3. To discuss legal matters that come within the attorney-client privilege.
  - 4. For discussions with a state conciliator who has intervened as authorized by law.
  - 5. To review and discuss its position and instruct its representatives on items within the scope of negotiations.
- B. The vote or abstention of every member present on action taken in closed session shall be publicly reported.

#### 2.2.6 RULES OF ORDER

The Commission shall be governed by the rules of order approved by the Commission.

#### 2.2.7 ORDER OF BUSINESS AND AGENDA

- A. The order of business at each meeting of the Commission shall be established in the agenda for the meeting.
- B. The Director of Classified Personnel shall prepare an agenda for each regular and special meeting of the

Commission. The agenda shall insofar as possible be delivered to each Commission member at least 48 hours prior to the meeting.

- C. The Director of Classified Personnel may submit addenda to the agenda in writing prior to a regular meeting. The Commission may act on the addenda.

#### 2.2.8 BUSINESS FROM THE FLOOR

- A. The Commission will set aside a portion of each regular meeting for public comments. Any person requesting to speak to the Commission will be allowed a reasonable time, as determined by the Commission, to present their issue(s).

#### 2.2.9 RECORDING OF MOTIONS

- A. Motions or resolutions shall be recorded as having carried or failed. Individual votes shall be recorded unless the action is unanimous.

#### 2.2.10 MINUTES

- A. The Director of Classified Personnel shall record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and votes of the Commissioners. When requested, a Commissioner's dissent or approval and his/her reasons shall be recorded. The minutes shall be written and presented, whenever possible, for correction and approval at the next regular meeting. The minutes and a true copy thereof shall be open to public inspection. Copies of the official minutes shall be distributed to recognized employee organization representatives who have filed a written request for them.

#### 2.2.11 PAYMENT FOR MEETING ATTENDANCE

- A. Each Commissioner shall receive the sum of \$50.00 for each meeting attended in any one month, including regular, adjourned or special meetings but not to exceed a total of \$250.00 per month. (Approved by Board of Trustees on 6/14/93).

Rule 2.3 COMMISSION EMPLOYEES

2.3.1 STATUS OF COMMISSION EMPLOYEES

- A. The Director of Classified Personnel and other persons required to carry out the responsibilities of the Commission shall be appointed by and be responsible to the Personnel Commission. However, they shall be considered part of the classified service, and the rules, procedures, benefits, and burdens pertinent to the classified service of the Santa Monica Community College District shall apply to Commission employees.

2.3.2 GENERAL DUTIES OF THE DIRECTOR OF CLASSIFIED PERSONNEL

- A. The Director of Classified Personnel shall perform all of the duties and carry out all of the functions imposed by law and these rules and shall be free of prejudgement or bias in order to ensure the impartiality of the Commission. The Director shall act as secretary to the Commission and shall issue and receive all notifications on its behalf. The Director shall direct and supervise the employees of the Commission and conduct administrative transactions consistent with the law and rules and necessary to the proper functioning of the office and staff of the Commission.
- B. The Director of Classified Personnel shall conduct classification, salary, and rules studies. The Director shall plan and administer examinations for the selection of classified employees, monitor the assignment and transfer of employees by the Board and shall make such other investigations as directed by the Commission or as are deemed necessary by the Director. The Director may be designated as a hearing officer in accordance with Education Code Section 88131.
- C. In cases where two or more rules appear to be in conflict, or when no rule provides a clear-cut answer to a problem, the matter shall be decided by the Director of Classified Personnel, subject to appeal to the Commission.

## Rule 2.4

### MISCELLANEOUS PROVISIONS (EDUCATION CODE SECTIONS 88073, 88086)

#### 2.4.1

#### BUDGET

- A. The Personnel Director shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year. The budget shall be submitted not later than the appropriate Commission meeting in April.
- B. The Commission shall designate one of its meetings in May at which a public hearing on its proposed budget will be held. At the time the Commission schedules the public hearing as required in Education Code Section 88073, it shall direct the Director of Classified Personnel to forward a copy of the proposed budget to the Board of Trustees and notify the Board of the time, date, and place of the public hearing. Board and administration representatives shall be invited to attend the public hearing and present their views on the proposed budget.
- C. Prior to adoption of its budget the Commission will hear and fully consider all comments and suggestions that may be offered by District administration, the Board, or other concerned persons or organizations. Efforts shall be made to resolve any differences that may exist between the Commission and Board.
- D. When approved by the Commission the budget shall then be submitted to the County Superintendent of Schools in accordance with Education Code Section 88073.

#### 2.4.2

#### ANNUAL REPORT

- A. The Personnel Director shall prepare, as required by Education Code Section 88086, an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Trustees and the college community.
- B. The report shall be prepared for Commission approval as soon after each fiscal year as possible and no later than the last meeting in September. The report shall cover Commission activities for the preceding fiscal year.

### 2.4.3

#### LEGAL COUNSEL FOR THE PERSONNEL COMMISSION

- A. The legal counsel of the governing board shall aid and represent the Commission in all legal matters. If the legal counsel does not respond to a written request by the Commission for aid or representation within 15 working days of receipt of the written request, the counsel is deemed to have refused to aid or represent the Commission in that matter.
- B. The legal counsel shall refuse to represent the Commission in circumstances in which the counsel knows, or has reason to know, that at the time the request is made a conflict exists between the interests of the Commission and the interests of the governing board or the school district.
- C. If the legal counsel refuses to aid or represent the Commission in a legal matter, the Commission may employ its own attorney, and the reasonable cost thereof shall constitute a legal charge against the general funds of the school district, whether or not the many costs for such legal services appear on the Commission's budget.

Rev. approved by Personnel Commission on 3/15/17

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER III

Presented to the Personnel Commission for First Reading on May 22, 1991.

Approved by the Personnel Commission on June 26, 1991.

Revisions approved by the Personnel Commission January 7, 2004

Rule 3.1 Revisions approved by the Personnel Commission March 21, 2018

Rule 3.2.1 through 3.2.8 Revisions approved by the Personnel Commission  
September 19, 2018

Rule 3.2.9 Revisions approved by the Personnel Commission October 17, 2018

Rule 3.2.11 through 3.2.12 Revisions approved by the Personnel Commission  
November 14, 2018

Rule 3.3.1 Revisions approved by the Personnel Commission March 20, 2019

Rule 3.2.8 Revisions approved by the Personnel Commission  
September 18, 2019

Rule 3.3.1 through 3.3.5 Revisions approved by the Personnel Commission  
October 16, 2019

Rule 3.3.4 and 3.3.6 through 3.3.8 Revisions approved by the Personnel  
Commission December 18, 2019

Rule 3.3.11 (Now Rule 3.3.9) Revisions approved by the Personnel Commission  
February 18, 2020

Rule 3.3.9 through 3.3.11 Revisions approved by the Personnel Commission April  
15, 2020

## **CHAPTER III -- POSITION CLASSIFICATION PLAN**

### Rule 3.1

### THE CLASSIFIED SERVICE

---

Section	3.1.1	Positions Included
	3.1.2	Exemptions from the Classified Service
	3.1.3	Classification of Exempted Positions
	3.1.4	“Part Time” Defined
	3.1.5	Effect of Exemption
	3.1.6	Restricted Positions and Employees
	3.1.7	Weekend/Holiday Positions

### Rule 3.2

### THE CLASSIFICATION PLAN

---

Section	3.2.1	Principles of Position Classification
	3.2.2	Assignment of Duties
	3.2.3	General Classification Plan
	3.2.4	Classification Descriptions
	3.2.5	Interpretation of Classification Descriptions
	3.2.6	Creation of New Classifications
	3.2.7	Creation of New Positions
	3.2.8	Change in Job Duties
	3.2.9	Classification System Maintenance
	3.2.10	Working Out of Classification
	3.2.11	Positions Requiring Special Language or Other Skills
	3.2.12	Confidential Differential

Section

- 3.3.1 Reclassification of Positions
- 3.3.2 Definition of Gradual Accretion
- 3.3.3 Reclassification Analysis
- 3.3.4 Requests for Reclassification
- 3.3.5 Reclassification Reviews
- 3.3.6 Notification of Reclassification
- 3.3.7 Effective Date of Reclassification
- 3.3.8 Reclassification of a Vacant Position
- 3.3.9 Effects of Reclassification on Incumbents
- 3.3.10 Reappraisal of Eligibility List Due to Reclassification
- 3.3.11 Impact of Reclassification on Seniority

## CHAPTER III

### CLASSIFICATION OF POSITIONS

#### Rule 3.1 THE CLASSIFIED SERVICE

##### 3.1.1 POSITIONS INCLUDED

(Education Code Sections 88076, 88004)

- A. All positions established by the Governing Board and the Personnel Commission that are not exempt from the classified service by law shall be a part of the classified service of the District. All employees serving in the District's classified positions shall be classified employees. The employees and positions shall be known as the classified service.
- B. No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exemptions established in the law shall be employed outside the classified service.
- C. Nothing in this section shall be construed to prohibit the employment of an academic employee, nor shall the possession of academic qualifications be grounds for the elimination of an individual from consideration for employment in a classified position.

##### 3.1.2 EXEMPTIONS FROM THE CLASSIFIED SERVICE

(Education Code Sections 88076, 88078, 88004)

- A. The following positions shall be exempt from the classified service:
  - 1. Faculty and administrative positions which require academic qualifications
  - 2. Part-time recreation positions.
  - 3. Full-time students employed part-time by the District.
  - 4. Part-time students employed part-time in any college work study program, or in a work experience education program conducted by a community college district per Education Code Section 78249 and which is financed by state or federal funds.

5. Apprentice positions.
  6. Positions assigned to teach Community Services fee courses.
  7. Positions established for the employment of professional experts on a temporary basis for a specific project by the governing board or by the Commission when so designated by the Commission. Professional expert assignments shall not be made to avoid payment of overtime to the assigned employee; nor shall a limited-term position be filled by a professional expert assignment if the duties and responsibilities fit an existing class for which a reemployment or eligibility list exists.
  8. Community Representatives – Positions established for the employment of Community Representatives in an advising or consulting capacity for not more than 90 working days in a fiscal year.
- B. Employment of either full-time or part-time students in any college work-study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.
- C. Special Categories (Education Code Section 88012)
1. Staff Assistants and Field Representatives: The Governing Board may create positions of staff assistants or field representatives to directly assist the Board or individual Board members. Such positions, if created, are exempted from the provisions of these rules insofar as they relate to position classification, recruitment, employment, and salary setting.
    - a. Persons employed in such positions shall be members of the classified service for all purposes except that they may not achieve permanency in the classified service as a result of this service. Staff assistants shall serve at the pleasure of the Board. A field representative shall serve at the pleasure of the individual Board member.
    - b. If a permanent classified employee is appointed to serve in such an exempt position, he/she shall retain status as a permanent employee. If he/she is terminated from the exempt position, he/she shall have displacement rights in his/her former class in the same manner as if he/she had been laid off for lack of work or lack of funds.

## 2. Independent Contractors

An Independent Contractor is an individual, company or corporation engaged in an independent business of its own; a separate enterprise or business that performs services on a fee or contractual basis. Individual Independent Contractors must be recognized as professionals, requiring advanced degrees and membership in a professional society or professional organization, or persons that have special skills such as artists, musicians, entertainers, etc. A person with an employer-employee relationship with the District shall not be an Independent Contractor.

### 3.1.3 CLASSIFICATION OF POSITIONS EXEMPTED FROM THE CLASSIFIED SERVICE (NON-MERIT AND PROFESSIONAL EXPERT POSITIONS)

(Education Code 88076 & 88077, 88078)

The following is the process for the approval of all non-merit positions:

- A. When a new non-merit position is created, the request to fill the position shall be made through the appropriate process as prescribed by the District.
- B. The Budget Services office will send to the Personnel Commission a description of the duties and responsibilities of all positions that have been requisitioned that are proposed to be filled in non-merit classifications or to be filled utilizing Professional Experts.
- C. The Personnel Commission will review the duties and responsibilities and advise the District if they are or are not accurately described by a non-merit classification or are otherwise exempted from the classified service.
  1. If the duties are not anticipated by any of the classifications in the classified service then the Personnel Commission will approve the position as a non-merit position.
  2. If the duties are captured by an existing class specification within the classified service then the Personnel Commission will so notify the District and assign the appropriate classification to the proposed job.
- D. No position shall be filled in a non-merit classification that has not been reviewed by the Personnel Commission for allocation to the appropriate class. Faculty positions are not subject to review by the Personnel Commission.

3.1.4 "PART-TIME" DEFINED  
(Education Code Section 88076)

A part-time position, for the purpose indicated in the exemption rule, is one for which the assigned time, when computed on an hourly basis, is less than 35 hours per week.

3.1.5 EFFECT OF EXEMPTION

- A. Any position or employee lawfully exempted from the classified service shall be excluded from the benefits and burdens imposed by these rules, except as provided by law or the Board of Trustees.
- B. The Director of Classified Personnel shall be responsible for interpreting this policy regarding the employment of personnel.

3.1.6 RESTRICTED POSITIONS AND EMPLOYEES  
(Education Code Sections 88005, 88007, 88008, 88079)

- A. Persons employed under specially funded programs and programs which are restricted to the employment of persons of low income groups, or from impoverished areas or other criteria which restricts the privilege of all citizens to compete for employment shall be considered "classified restricted" employees.
- B. Positions established from general funds in the categories as aides in an instructional setting or other positions involving personal contacts with students which are established to assist school staff personnel responsible for school community relations; educational support services for areas such as counseling, library, or health, or the correction or prevention of behavioral problems, may also be designated as "restricted".
- C. Positions established solely for the employment of persons having physical, mental, or intellectual disabilities may also be designated as "restricted."
- D. Persons employed in "restricted" positions shall be classified employees for all purposes except:
  - 1. They may not attain permanent status;
  - 2. They shall not be accorded seniority rights;
  - 3. They may not be given provisional appointments concurrent with status in a restricted position; and
  - 4. They are not eligible to compete in promotional examinations in the regular classified service.

- E. The selection and retention of restricted employees shall be made on the same basis as that of persons selected and retained in positions as part of the regular school program.
- F. The selection and retention of restricted Instructional Aides, or persons having mental disabilities, shall not be subject to the examination procedure prescribed in Chapter V of these Rules.
- G. At any time after completion of six months of satisfactory service, employees serving in restricted positions may take such a qualifying examination as is required for all other persons serving in the same class. If an employee successfully completes the examination and attains placement on the eligibility list, as a result thereof, and regardless of his numerical standing on the eligibility list, he shall be considered a part of the regular classified service even though he may continue to serve in a restricted position, and be accorded full rights, benefits, and burdens of a regular classified employee. Seniority rights shall be counted as of the date of the employee's initial appointment to the restricted position.
- H. Funds derived from the Federal Emergency Employment Act or any similar law enacted to provide transitional employment in public service positions for unemployed or underemployed persons shall not be expended for work that:
  - 1. Would otherwise have been performed at federal, state, or local expense;
  - 2. Will not result in an increase in the employment which would otherwise be available;
  - 3. Which would result in the displacement of members of the classified service, including partial displacement, such as reduction in the hours of non-overtime work or wages or employment benefits;
  - 4. Which will impair the existing rights of permanent members of classified service;
- I. Notwithstanding the provisions of this Rule, positions which are established pursuant to Title VI of the Comprehensive Employment Training Act of 1973 (CETA) as amended and which are limited to projects of not more than one year duration shall be exempt from the classified service.

### 3.1.7 WEEKEND/HOLIDAY POSITIONS

(Education Code Sections 88204 and 88026)

- A. The Governing Board may, in accordance with Education Code Section 88204, create a position or class of positions which requires and permits the holders of such positions(s) to work only on weekends (Saturdays and Sundays) and holidays. If so created the Commission shall, in classifying the position:
1. Establish a salary scale which recognizes the peculiarity of the work and the days and hours required to work.
  2. Exempt employees serving in such positions from overtime pay for work required to be performed on a holiday. However overtime shall be paid for hours required to be worked in excess of 8 on any Saturday, Sunday or holiday unless the class is specifically exempted in accordance with Education Code Section 88026 (for example, recreation and security classes).
  3. Assure itself that the position(s) being created is not being created to avoid payment of overtime to otherwise qualified employees. If it does find that such position(s) is being create d to avoid overtime payment, it shall refuse to classify the position(s) and will notify the Governing Board accordingly.

Rev. approved by Personnel Commission 03/21/18

Rule 3.2      GENERAL CLASSIFICATION RULES  
(Education Code Sections 88004, 88009, 88010, 88081, 88087, 88095, 88104.5)

#### 3.2.1      PRINCIPLES OF POSITION CLASSIFICATION

Under the provisions of the Merit System, the Personnel Commission seeks to provide fair compensation to all employees in the classified service on the basis of "like pay for like work." In establishing a classification plan for the District, the Personnel Commission seeks to maintain a reasonable balance between broad and narrow classifications. A broad classification groups positions according to more general activities, and a narrow classification places positions with very specialized requirements into distinct classes. Broad groupings have been found to be more appropriate to entry-level positions and narrow groupings to be more effective for technical and specialized positions.

### 3.2.2 ASSIGNMENT OF DUTIES

(Education Code Section 88009)

- A. The Board of Trustees shall fix and prescribe the duties to be performed by all persons in the classified service and other non-academic positions, except those on the Personnel Commission staff.

### 3.2.3 GENERAL CLASSIFICATION PLAN

- A. The Personnel Commission shall classify all positions within the jurisdiction of the Board of Trustees or the Commission, except those positions that the Personnel Commission determines are exempt from the classified service, pursuant to Rule 3.1.2.
- B. For purposes of this Rule, classification responsibilities of the Personnel Commission shall include, but not be limited to:
  - 1. Establishing minimum qualifications for regular employment in each classification;
  - 2. Allocation of all classified positions to appropriate classes;
  - 3. Arrangement of job classifications into occupational hierarchies (job families);
  - 4. Recommending reasonable relationships between job classifications within a series or job discipline;
  - 5. Preparation of written classification descriptions.
- C. The Personnel Commission shall maintain a classification plan for all positions in the classified service organized by class series, job discipline, and job family. The list of job classifications shall contain designation of the salary range applicable to each class.

### 3.2.4 CLASSIFICATION DESCRIPTIONS

- A. For each position, as initially or subsequently established by the Board of Trustees, there shall be established and maintained a classification description approved by the Personnel Commission which shall include:
1. The official class title;
  2. A statement of the concept of the class, generally defining the type of duties and responsibilities that would typically be performed by positions in the class;
  3. A statement of distinguishing characteristics that differentiates the class from other related or similar classes;
  4. A statement of the range of supervision received;
  5. A statement of the range of supervision exercised;
  6. A listing of the examples of typical duties to be performed by persons holding positions allocated to the class. This list shall not be construed to be exhaustive and/or restrictive, but descriptive and illustrative of the types of duties that may be performed by persons holding positions in the class;
  7. A listing of the critical knowledge, skills and abilities which an applicant or an employee must possess to successfully perform the essential duties of the positions in the class;
  8. A statement of the minimum qualifications for service in the particular class. The minimum qualifications may include education, experience, and/or any license, certificates or other special requirements for employment or service in the particular class; and must reasonably relate to the assigned duties of any position allocated to the class;
  9. A statement about the working environment and physical demands of positions allocated to the class;
  10. Any preferred or desirable qualifications.

Rev. approved by Personnel Commission 01/07/04

Rev. approved by Personnel Commission 09/18/18

### 3.2.5

#### INTERPRETATION OF CLASSIFICATION DESCRIPTIONS

- A. The classification descriptions and their various parts shall be interpreted according to the following rules:
1. The concept of the class and examples of duties are descriptive and illustrative only and not restrictive and exhaustive. They indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements, and do not prescribe what these details shall be in respect to any position. The use of a particular expression or illustration as to duties, responsibilities, qualification requirements, or other attributes is typical or descriptive of the class and does not exclude others not mentioned but of similar kind and/or quality as determined by the Personnel Commission.
  2. The description for each classification is considered as a whole in determining the class to which any position shall be allocated, giving consideration not to isolated clauses, phrases, or words, apart from their context but to the general duties, responsibilities, specific tasks, and qualification requirements as affording a picture of the positions included in the class. A classification is deemed appropriate when it describes eighty (80) percent of the duties and responsibilities assigned to a position.

## Section 3.2.5.A

3. Each classification description is construed in its proper relationship to other descriptions, particularly those of classes in the same series, in such manner as to maintain a proper gradation and differentiation within the series in which the class is located.
4. The statement of minimum qualifications, when considered with other parts of the classification description, is to be used as a guide in the announcement and preparation of tests and in the evaluation of the qualifications of candidates seeking appointment to positions allocated to the class, but does not require a particular form or content of test or testing procedure.
5. The classification title shall always be used with the meaning set forth in the remainder of the description.

Rev. approved by Personnel Commission 01/07/04

Rev. approved by Personnel Commission 09/18/18

## 3.2.6 CREATION OF NEW CLASSIFICATIONS

- A. The Personnel Commission will create a new job classification when the duties of a new or existing position are not captured adequately under an existing job classification. The Personnel Commission will recommend an appropriate salary allocation based on a review of internal alignment and external market comparisons, if available.
- B. A job classification is a position or group of positions determined by the Personnel Commission as having duties and responsibilities sufficiently similar so that each position in the class:
  1. Can be given the same classification title;
  2. Has essentially the same requirements of education and experience;
  3. Can be filled through the same examination;

4. Can equitably receive the same compensation.
- C. All new classifications must be approved by the Personnel Commission and the Board of Trustees.

### 3.2.7 CREATION OF NEW POSITIONS

(Education Code Sections 88095, 88076)

- A. When District management proposes to create a new position, it shall provide information requested by the Director of Classified Personnel as necessary to determine the appropriate classification.
- B. All positions which consist of comparable duties, responsibilities, and qualifications shall be allocated to the same class.

### 3.2.8 CHANGE IN JOB DUTIES

- A. It is the immediate supervisor's responsibility to maintain the employee's duties and responsibilities consistent with the employee's class description. Management shall not change a substantial part of the regular duties of a position without prior approval by the Personnel Commission.
- B. If the District proposes substantial changes in job duties, such proposals shall be reported in writing to the Director of Classified Personnel on the appropriate Personnel Commission form for further study and classification.
- C. Positions that change substantially as a result of gradual accretion of additional job duties over a period of two years may qualify for reclassification under Merit Rule 3.3.

#### Section 3.2.8.D

- D. Incumbents of reclassified positions who have not completed two or more years of continuous service in their position may fill the reclassified position only after passing a qualifying examination prescribed by the Personnel Commission for the higher classification. Incumbents of such positions who are not successful in the examination process may be subject to transfer, bumping, or layoff, as provided in Merit Rule 13.3.
  
- E. Substantial changes in job duties of an employee that are temporary should be addressed through the Working Out of Class process, as provided in Merit Rule 3.2.10.

Rev. approved by Personnel Commission 01/07/04

Rev. approved by Personnel Commission 09/18/19

#### 3.2.9 CLASSIFICATION SYSTEM MAINTENANCE

- A. The Director of Classified Personnel shall review the duties and responsibilities of positions as necessary to determine their proper classification. All class descriptions shall be reviewed at least once every five years. Each year the Director of Classified Personnel shall prepare a schedule of anticipated review projects and present it for approval to the Personnel Commission. The Personnel Commission shall maintain a system of continuous classification review.

### Section 3.2.9.B

- B. When conducting a review of class descriptions, the study process shall generally include the following steps:
1. An introductory meeting with incumbents and supervisors to explain the study procedure. For represented classifications, the applicable bargaining unit shall be invited to attend the introductory meeting.
  2. Completion of Position Description Questionnaires by incumbents.
  3. Review and approval of questionnaires by appropriate supervisors.
  4. Audit of positions by the Personnel Commission staff.
  5. Data review and salary data gathering by the Personnel Commission staff.
  6. Presentation of findings and recommendations to supervisors, managers, senior staff, incumbents, and bargaining unit representatives, if applicable.
- C. Following the conclusion of this process, the Director of Classified Personnel shall present final findings and recommendations to the Personnel Commission for action.

Rev. approved by Personnel Commission 01/07/04

Rev. approved by Personnel Commission 10/17/18

### **3.2.10 WORKING OUT OF CLASS (Education Code Section 88010, 88087, 88105-88107)**

- A. Concept of Working Out of Classification
  - 1. Each classified employee shall be required to perform the duties of the position approved by the Board and classified by the Personnel Commission for the class to which he or she is assigned. Each employee may be required to perform other related duties consistent with the concept of the classification to which the position is assigned.
  - 2. Classified employees shall not be required to perform duties and responsibilities which are not fixed and prescribed for their positions or are not consistent with the concept of the classification of their current position for any period of time which exceeds five (5) working days within a fifteen (15) calendar day period, or equivalent (i.e., four 10-hour working days within a fifteen (15) day calendar period).
  - 3. Working out of class assignments are designed for temporary situations and shall not be used to place an employee in a long-term or permanent assignment in a higher or different classification. No employee shall be assigned to work out of class beyond the time limits specified in Merit Rule 7.2 (Provisional Appointments) and Merit Rule 7.4 (Limited Term Appointments).
- B. Procedure for Supervisor Requesting Approval for Working Out of Class
  - 1. The supervisor shall request approval for an employee to work out of class when an employee is assigned to perform duties that are not allocated to the existing class. Requests shall be submitted to the Director of Classified Personnel on the approved form.
    - a. The request shall be submitted no later than ten (10) working days after the start of the assignment.
    - b. The request must contain a list of the newly assigned duties and must be approved by the supervisor, department head and the appropriate Vice President.
  - 2. The Personnel Commission shall conduct a review of the newly assigned duties and shall determine whether they are at a higher range. The Director of Classified Personnel shall prepare a report of the findings, including the recommended pay differential, if any, for the temporary assignment.
  - 3. The Director of Classified Personnel will advise the Office of Human Resources of the findings and shall present those findings, including the recommended pay differential, to the Personnel Commission for approval. Confirmation of this approval shall then be sent by the Personnel Commission to the supervisor and the employee, and forwarded to the Board for final approval.

C. Salary Adjustments for Working Out of Class

1. When the Director of Classified Personnel determines that an employee is working out of class for any period of time which exceeds five (5) working days within a fifteen (15) calendar day period or equivalent (i.e., four 10-hour working days within a fifteen (15) calendar day period), the employee shall be compensated as follows:
  - a. The salary of the employee shall be adjusted upward to the appropriate pay differential in the higher classification for the entire time the employee has been working out of classification. Upon determination by the Personnel Director, the employee working at the higher classification level less than 50% of the duration of the working out of class assignment will receive 50% of the pay differential; the employee working at the higher classification level at least 50% of the duration of the working out of class assignment will receive 100% of the pay differential.
  - b. No changes shall operate to disturb the relationship that compensation schedules bear to one another, as the relationship has been established in the classification made by the Personnel Commission.

D. Employee Rights and Responsibilities

If, after consultation with the immediate supervisor, the employee believes that assigned duties are at a higher range for a substantial part of the assignment, the employee shall notify the Director of Classified Personnel, in writing, no later than forty-five (45) working days after the start of the assignment.

- E. Any request submitted after the applicable time period shall take effect only from the date of receipt in the Personnel Commission Office.

3.2.11 POSITIONS REQUIRING SPECIAL LANGUAGE OR SKILLS

The Board of Trustees may request that the Personnel Commission designate certain positions within a class or classes to require the holder of the position to possess a special skill, license or language. The District must clearly set forth valid reasons for requesting such special requirements. The duties of the position must be the same as those for all other positions within the classification, except for this special requirement. Examples of special requirements may include the need for the incumbent to routinely and consistently read, speak and write a language other than English; an administrative secretary classification where one position requires the routine use of shorthand skills, or a gardener classification where one position requires a pesticide certificate.

- A. The commission shall have the right to designate a differential salary rate to compensate incumbents in such special positions for their special skills. Such differential rates shall correspond to the salary schedule percentages between the ranges.
- B. If a request to designate a position in a class as requiring a specialized skill is challenged, the Personnel Commission shall cause a proper investigation to be made and shall consider the findings and all other pertinent data presented by any concerned and responsible source prior to taking final action on the request.

3.2.12 CONFIDENTIAL DIFFERENTIAL  
(Government Code 3540.1)

The Board of Trustees may designate certain positions confidential. A confidential employee is any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. The Board of Trustees' determination that a position is "confidential" is subject to review by the Personnel Commission. The Personnel Commission does not have the right to overturn the Board's designation of a position as confidential, but has the right to inform the Board of the position's classification and pay relationships.

Section 3.2.12.A

- A. The Commission shall have the right to designate a differential salary rate to compensate incumbents in confidential positions for the unique nature of the position.

Rev. approved by Personnel Commission 11/14/18

Rule 3.3 RECLASSIFICATION  
(Education Code Section 88104, 88104.5, 88076, 88081)

3.3.1 RECLASSIFICATION OF POSITIONS

- A. The basis for reclassification of a position shall be the gradual accretion or growth of duties, and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities.
- B. To qualify for reclassification, the change in duties and responsibilities must:
  - 1. Affect a significant portion of the duties and responsibilities of the position;
  - 2. Be so significant as to clearly warrant a change in the title and qualification requirements needed to perform the duties of the position;
  - 3. Occur through a gradual accretion of duties and not occasioned by the sudden assignment of wholly new duties.
- C. Recommendations as to the gradual accretion will be made by the Director of Classified Personnel. The Personnel Commission shall be the final approving authority.
- D. The supervisor shall contact the Director of Classified Personnel prior to making any sudden or permanent change in the duties of a classified employee.

Rev. approved by Personnel Commission 03/20/19

### 3.3.2 DEFINITION OF GRADUAL ACCRETION

Gradual accretion of duties is the change over time in the duties and responsibilities of a position which have a substantial impact on job factors such as knowledge required, decision-making authority, complexity of work, consequence of error, or nature and purpose of contacts with others during the course of work. For purposes of these Rules, gradual accretion of duties must occur over two (2) or more years of regular service, and not be occasioned by a sudden addition or deletion of duties.

### 3.3.3 RECLASSIFICATION ANALYSIS

A determination of whether a reclassification is appropriate will be based on an analysis of the duties and responsibilities currently assigned to the position. The analysis will assess:

- A. The nature and scope of each identified change in duties and responsibilities.
- B. The date the incumbent began the performance of the newly acquired duties and responsibilities.
- C. Clear and convincing evidence of the employee's continuing performance of the added duties and responsibilities.
- D. The extent to which the added duties and responsibilities are not accurately defined by the existing classification.
- E. If added duties and responsibilities are not incorporated within an existing classification, creation of a new classification may be appropriate.

### 3.3.4 REQUESTS FOR RECLASSIFICATION

- A. Requests for reclassification of an existing position shall be submitted in writing to the Director of Classified Personnel on a form provided by the Personnel Commission. A Request for Working Out of Class form can also be filed by the employee with the Personnel Commission at this time.
- B. The supervisor, the employee, the collective bargaining unit representing employees in positions in the subject classification, or the Personnel Commission may initiate a request.
- C. The written request shall include a statement indicating the reason(s) the supervisor and/or the employee feel the reclassification is justified.
- D. A completed Position Description Questionnaire (PDQ) showing the new duties and responsibilities must accompany the request.
- E. Incumbents whose positions are reclassified must meet the minimum requirements of the new classification in order to be reclassified with the position.
- F. Reclassification may become moot if the out-of-class duties are removed from the position. Compensation for the higher level duties performed may be confirmed through the Working Out of Class procedures.
- G. At least two (2) years must elapse from the time the decision is finalized before another request for reclassification can be initiated for the same position.

### 3.3.5 RECLASSIFICATION REVIEWS

- A. Within fifteen (15) calendar days from receipt of a reclassification request, the Director of Classified Personnel shall provide the employee with written acknowledgement indicating the general expected time schedule for the review of the position.
- B. Personnel Commission staff will review all pertinent documentation. If needed, this review will also include a site visit and/or interview with the incumbent and supervisor to identify actual duties assigned and performed; and additional reviews of work flow, work environment, work products, and any related documents.

### 3.3.6 NOTIFICATION OF RECLASSIFICATION

- A. The Director of Classified Personnel will provide a notification of the results of the reclassification review and the right to inspect the review file to the incumbent(s) affected, supervisor(s), the District administration and the employee's exclusive representative within one hundred (100) calendar days from the date the Position Description Questionnaire is submitted, unless the Personnel Commission grants an extension upon the showing of good cause. The notice will indicate whether the review findings support reclassification, or that the position remain in the current classification. Notice of the recommendation will be given to all parties listed above before the Personnel Commission adopts the classification proposal.
- B. Good cause includes but is not limited to:
  - a. a determination that a new classification needs to be created;
  - b. a more extensive study is needed that would affect a group of employees or employees in more than one department;
- C. Personnel Commission staff will notify affected incumbents, supervisor(s), and the employee's exclusive representative to inform them that the additional time will be needed.

### 3.3.7 EFFECTIVE DATE OF RECLASSIFICATION

- A. Changes in classification and salary resulting from the permanent reclassification of a position shall be effective no later than whichever of the following dates is applicable:
  - 1. The first day of the month following the date on which the Personnel Commission takes action to approve reclassification of the position, provided the employee is eligible to be reclassified with his/her position without examination as specified in these rules.

## Section 3.3.7.A.2

2. The first day of the month following the date the employee becomes fully qualified for the position by successfully completing all parts of the selection procedure.
- B. Permanent reclassification of a position shall not have retroactive effect. However, Working Out of Class compensation may be considered through procedures described in Merit Rule 3.2.10.
  - C. The Commission shall be the final approving authority concerning reclassifications.

### 3.3.8 RECLASSIFICATION OF A VACANT POSITION

If a reclassification occurs to a vacant position, the position shall be filled through normal selection procedures.

Rev. approved by Personnel Commission 12/18/19

### 3.3.9 EFFECTS OF RECLASSIFICATION ON INCUMBENTS

Whenever a position or entire classes of positions are reclassified, the rights of the incumbents will be determined in accordance with these Rules and Regulations.

#### A. Reclassification Upward

The reclassification of positions to a higher salary range shall have the following effect on incumbents:

1. When one or more positions in a class, are reclassified to a higher classification, the incumbent or incumbents who have continuous employment of two (2) or more years in such positions shall be reclassified with the position, without examination.

### Section 3.3.9

2. When one or more positions in a class are reclassified to a higher classification, the incumbents who have more than six months but less than two years of continuous employment in such positions shall be reclassified to the higher class upon passing a qualifying examination.
2. When one or more positions in a class are reclassified to a higher classification, incumbents with less than six months of continuous employment in such positions are eligible to be reclassified to the higher classification upon passing a competitive examination and being reachable on the eligibility list.
3. Incumbents who are unsuccessful in the examination may exercise the same rights as listed in Rule 13.3.1(B).
4. The salary placement of an incumbent who is reclassified upward with his/her position shall be in accordance with Rule 12.2.10.
5. Incumbents who have permanent status in the original classification, and are reclassified with the position to a higher classification with an equivalent probationary period, and have received successful formal performance evaluations during that period, shall not be subject to a new probationary period in the new classification.

Rev. approved by Personnel Commission 02/19/2020

#### B. Reclassification Downward

A position that is occupied shall not be reclassified downward until it becomes vacant.

### 3.3.10 REAPPRAISAL OF ELIGIBILITY AND EMPLOYMENT LISTS DUE TO RECLASSIFICATION

- A. Any reemployment or reinstatement list for a classification shall be retitled when all positions in the classification are reclassified.
- B. The Personnel Commission shall review the appropriateness of the current eligibility list for the class, if any, to determine whether or not it should be changed to reflect the new class title or abolished. The Director of Classified Personnel shall recommend to the Personnel Commission whether the current eligibility and employment lists are to be reclassified.
- C. Salary reallocation of classes shall have no effect on lists.

### 3.3.11 IMPACT OF RECLASSIFICATION ON SENIORITY

When an employee is reclassified with the position, seniority will be impacted as follows:

- A. When an employee is reclassified from an existing classification to a new classification, the employee will keep seniority in former classification, and will begin new seniority in the new classification.
- B. When an employee is reclassified to a new classification, and the former classification will be abolished, the employee transfers seniority to the new classification.

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER IV

Presented to the Personnel Commission for First Reading on June 26, 1991.

Approved by the Personnel Commission on July 17, 1991.

Rule Revisions 4.1, 4.2 Approved by the Personnel Commission on August 17, 2016.

Rule Revision 4.3 Approved by the Personnel Commission on September 21, 2016.

## **CHAPTER IV -- APPLICATION FOR EMPLOYMENT**

### **Rule 4.1** APPLICATION

---

Section	4.1.1	Application Procedure
	4.1.2	General Qualifications of Applicants

### **Rule 4.2** DISQUALIFICATION OF APPLICANTS AND CANDIDATES

---

Section	4.2.1	Causes for Disqualification
---------	-------	-----------------------------

### **Rule 4.3** APPEAL OF DISQUALIFICATION

---

Section	4.3.1	Procedures for Appeal of Disqualification
---------	-------	---

## CHAPTER IV -- APPLICATION FOR EMPLOYMENT

### Rule 4.1 APPLICATION

Under the provisions of the Merit System, the Personnel Commission seeks to provide a fair and impartial application process open to employees and members of the public without discrimination on the basis of any protected status or condition as referenced in Merit Rule 7.1.3.

#### 4.1.1 APPLICATION PROCEDURE

- A. All applicants for positions in the classified service shall file an application using the Personnel Commission's online application system, or an official form provided by the Personnel Commission Office. All mandatory questions on the application shall be answered in full and the application shall be filed in the Personnel Commission Office within the specified recruitment period and no later than the deadline date listed on the job announcement bulletin.
- B. Applicants taking more than one examination must file a separate and complete application for each examination unless otherwise directed.
- C. For Equal Employment Opportunity tracking and reporting purposes, data concerning each applicant's ethnicity, gender, age and disability condition(s) will be solicited on a voluntary basis and will be maintained in a separate confidential file.
- D. Application files are the property of the Personnel Commission. All application materials are confidential and shall not be returned to the applicant.

4.1.2 GENERAL QUALIFICATIONS OF APPLICANTS (EDUCATION CODE SECTIONS 87100, 88011, 88033, 88112, 7056; GOVERNMENT CODE SECTIONS 1031, 11135, 12921, 12940 ; California Code of Regulations, Title V, 51010, 53000; California Administrative Code Title II, 7285; Title IV of the Civil Rights Act of 1964, Sections 102 and 103 of the Civil Rights Act of 1991; Sections 501 and 505 of the Rehabilitation Act; Equal Pay Act of 1963; Age Discrimination in Employment Act of 1967; Title I of the American's with Disabilities Act of 1990; Genetic Information Nondiscrimination Act of 2008; Immigration & Nationality Act))

- A. Applicants must meet all qualifications established for the class.

- B. Every qualified applicant shall have an opportunity to seek, obtain, and hold permanent employment without discrimination on the basis of any protected status or condition.
- C. Residency within the District shall not be a condition for application or employment within the District.
- D. Applicants must prove their right to work in the United States at the time of employment.
- E. No maximum age limit shall be set as a condition for initial or continued employment in the District. The minimum age for employment is age 18, unless set higher for a particular classification.
- F. Reasonable accommodation shall be made in the application and employment process as required by law.

Rev. approved by Personnel Commission on 8/17/16

#### Rule 4.2 DISQUALIFICATION OF APPLICANTS AND CANDIDATES

##### 4.2.1 CAUSES FOR DISQUALIFICATION (EDUCATION CODE SECTIONS 87010, 87011)

- A. An applicant may be refused initial admittance to an examination, and a candidate may be disqualified from further competition for any of the following reasons:
  1. Failure to meet the general qualifications of Rule 4.1.2.
  2. Advocacy of the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
  3. Conviction either by a plea of guilty or nolo contendere, a court decision or jury verdict, to a charge of a sex or narcotic offense as defined in Education Code Section 87010 or 87011.
  4. A history of drug addiction without acceptable evidence of rehabilitation.

5. Conviction, without acceptable evidence of rehabilitation, of a crime of violence or moral turpitude or a serious crime whose nature would make the applicant or candidate a poor employment risk; conviction shall be defined as either a plea of guilty or nolo contendere, or a court decision or jury verdict; a conviction record will be evaluated on the following basis: nature, seriousness and circumstances of the offense(s); recency of the offense, age of the person at the time of the offense(s); number of convictions; relationship of the offense(s) to the position applied for; evidence of rehabilitation and maturation including the employment record with respect to job responsibility and duration; truthfulness in admitting to the offense(s); and the duties of the class.
6. Making a false statement or intentionally omitting a significant statement of a material fact requested on the application form.
7. Practicing any deception or fraud in connection with an examination or in order to secure employment.
8. Obtaining or attempting to obtain either directly or indirectly, privileged information regarding test questions or examination content.
9. Dismissal from previous employment for cause if the cause would have subjected the applicant to dismissal by the District under Merit Rule 14. Dismissals will be evaluated on the following basis: nature, seriousness and circumstances of the dismissal(s); recency of the dismissal; age of the person at the time of the dismissal(s); relationship of the dismissal(s) to the position applied for; evidence of rehabilitation and maturation including the employment record with respect to job responsibility and duration, truthfulness in admitting to the dismissal(s); and the duties of the class.
10. Previous dismissal or a resignation in lieu of dismissal from the District unless the District waives this subsection.
11. A record of unsatisfactory service within the District as evidenced by a disciplinary action, a work improvement or unsatisfactory job performance notice, within the previous year.

Rev. approved by Personnel Commission on 8/17/16

4.3 APPEAL OF DISQUALIFICATION

4.3.1 PROCEDURE FOR APPEAL FROM DISQUALIFICATION

- A. Any applicant disqualified for any of the reasons listed in Rule 4.2 shall be notified in writing, indicating the reasons for disqualification and informing the applicant that he/she has five (5) working days to appeal the decision to the Director of Classified Personnel.
- B. The appeal of disqualification shall be made in writing and based on a clear written statement of the reason(s) why the disqualification action is not warranted.
- C. Any applicant who has appealed a disqualification shall be permitted to participate in the examination process pending a final decision on the appeal.
- D. Upon receipt of an appeal, the Director of Classified Personnel shall conduct an investigation and provide the applicant with a written decision within five (5) working days of receipt of the appeal either upholding or overturning the disqualification. The time period to provide a decision may be extended by the Director of Classified Personnel if reasonably necessary to obtain information required to make a decision. The applicant shall be notified in writing of any such extension. The failure of the applicant to provide information within the time period specified by the Director of Classified Personnel shall be grounds to deny the appeal. The decision of the Director of Classified Personnel shall be final.

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER V

Presented to the Personnel Commission for First Reading on August 21, 1991.

Approved by the Personnel Commission on October 9, 1991.

Rule Revisions 5.2.15, 5.2.16, 5.2.18, 5.2.19 Approved by the Personnel Commission on March 18, 2015.

Rule Revisions 5.1.1, 5.2.2, 5.2.3, 5.2.5, 5.2.6, 5.2.11, 5.2.13 Approved by the Personnel Commission on July 15, 2015.

Rule Revision 5.2.10 Approved by the Personnel Commission on August 19, 2015

Rule Revisions 5.2.15, 5.2.16 Approved by the Personnel Commission on November 15, 2017.

## **CHAPTER V -- RECRUITMENT AND EXAMINATIONS**

### Rule 5.1 RECRUITMENT

---

Section	5.1.1	Announcement of Examinations
---------	-------	------------------------------

### Rule 5.2 EXAMINATIONS

---

Section	5.2.1	Determination of Examinations
	5.2.2	Promotional Examinations
	5.2.3	Open Competitive and Promotional Examinations with the Promotional List Taking Precedence
	5.2.4	Dual Certification-Merged List
	5.2.5	Open Competitive Examinations
	5.2.6	Continuous Examinations
	5.2.7	Types of Examinations
	5.2.8	Written Examinations
	5.2.9	Evaluation of Training and Experience
	5.2.10	Oral Interview Panel Examinations
	5.2.11	References of Employment Candidates
	5.2.12	Admittance to Examination
	5.2.13	Special Administration of Examinations
	5.2.14	Test Administration Procedures
	5.2.15	Review of Examination Records
	5.2.16	Protest and Appeal of Examinations
	5.2.17	Notice of Examination Results
	5.2.18	Longevity Preference Credit
	5.2.19	Veteran's Preference
	5.2.20	Retention of Examination Records
	5.2.21	Review of Eligibility List

## CHAPTER V

### RECRUITMENT AND EXAMINATIONS (EDUCATION CODE SECTION 88097)

#### Rule 5.1

#### RECRUITMENT

It is the policy of the Personnel Commission to afford all qualified candidates an opportunity to apply for positions in the classified service. Examinations shall be conducted fairly and impartially to afford all candidates the opportunity to demonstrate the skills, knowledge, abilities, and personal characteristics required to qualify for the class.

#### 5.1.1

#### ANNOUNCEMENT OF EXAMINATIONS

- A. The Personnel commission shall approve the holding of examinations for the purpose to either fill vacancies or create lists for the classified service.
- B. No examination announcement may be made, and no part of any examination may be held, until the Governing Board has properly designated the duties of a new class, and the Personnel Commission has approved the classification, including the establishment of minimum education and work experience requirements.
- C. Each examination shall be announced on a job announcement bulletin which shall be distributed to employee work sites and recruitment locations. The recruitment period shall be at least 15 working days. The Director of Classified Personnel shall:
  - 1. prepare and place advertisements in the appropriate media
  - 2. ensure distribution includes sites easily accessible by the general public and all protected groups in accordance with all federal, state, and local laws.

- D. The job announcement bulletin shall contain the following:
1. Information concerning the location of employment, expected number of vacancies, length of the probationary period, and other conditions of employment.
  2. Examples of the scope of duties and responsibilities of the position and the class.
  3. The minimum qualifications and requirements of the class.
  4. The salary, benefits and other compensation.
  5. The closing date for filing applications.
  6. The general content of the examination and the types of tests that may be given.
  7. Such other information as will assist the employees and public in fully understanding the nature of employment and procedures necessary to participate in the examination.

Rule 5.2

EXAMINATIONS (EDUCATION CODE SECTION 88092)

5.2.1

DETERMINATION OF EXAMINATIONS

- A. The Personnel Commission shall determine the standards of proficiency to be required for each examination, and shall determine whether the examination shall be
1. promotional only;
  2. promotional and open-competitive with the promotional list taking precedence;
  3. promotional and open-competitive with a merged list (dual certification);
  4. open-competitive only.

5.2.2 PROMOTIONAL EXAMINATIONS  
(EDUCATION SECTIONS 88100, 88091, 88096)

- A. In determining whether employment opportunities are to be limited to promotional applicants, factors to be considered include:
  - a. The number of qualified promotional candidates available to compete for the class;
  - b. Efforts to seek and employ members of underrepresented groups as identified according to the District's Equal Employment Opportunity Plan.
- B. Promotional examinations shall be restricted to regular employees of the District who meet the prescribed qualifications of the class. Probationary employees in the District may not compete in promotional examinations.
- C. A probationary or permanent classified employee may request to be notified of examinations which occur during recess periods or during a paid or unpaid leave of absence by filing a written or electronic request with the Personnel Commission Office. The notice shall be sent to the address listed by the employee on the written or electronic request.
- D. Promotional eligibles who successfully complete all parts of the examination shall receive longevity preference credit, as referenced in Rule 5.2.17 (Longevity Preference Credit).

5.2.3 OPEN COMPETITIVE AND PROMOTIONAL EXAMINATIONS WITH THE PROMOTIONAL LIST TAKING PRECEDENCE

- A. When an adequate field of promotional applicants does not exist or there is doubt as to its adequacy, the Director of Classified Personnel may advertise the examination among employees and the general public.
- B. Promotional eligibles who successfully complete all parts of the examination shall receive longevity preference credit as referenced in Rule 5.2.17 (Longevity Preference Credit).
- B. The examination procedure shall result in a separate promotional and open competitive eligibility list. The promotional eligibility list shall take precedence.

Rev. approved by Personnel Commission 7/15/15

5.2.4 DUAL CERTIFICATION-MERGED LIST (EDUCATION CODE SECTION 88103)

- A. Upon the recommendation of the Director of Classified Personnel, the Personnel Commission may authorize the holding of an examination under dual certification. When authorized, the resulting eligibility list shall consist of promotional and open competitive eligibles in one merged list.
- B. Promotional eligibles who successfully complete all parts of the examination shall receive longevity preference credit.

5.2.5 OPEN COMPETITIVE EXAMINATIONS (EDUCATION CODE SECTION 88115)

- A. Open competitive examinations shall be held for all entry level classes and veterans' preference points shall be allowed as specified in Rule 5.2.18. These examinations shall be open to all qualified applicants.
- B. Longevity preference credit shall not be granted.

Rev. approved by Personnel Commission 7/15/15

5.2.6 CONTINUOUS EXAMINATIONS  
(EDUCATION CODE SECTION 88111)

- A. The Personnel Commission may designate examinations for specified classes which cannot practicably be filled by promotional examinations only, as continuous examinations. Applications shall be accepted as long as the recruitment remains open.
- B. If a general qualifications oral interview is required, the interview panel shall consist of at least two (2) persons. Raters may be employees of the District or the Personnel Commission.
- C. Procedures for review of the examination by the candidate shall be suspended.
- D. Test retaking can be limited as specified by the Personnel Commission job bulletin.

Rev. approved by Personnel Commission 7/15/15

5.2.7 TYPES OF EXAMINATIONS (EDUCATION CODE SECTION 88092)

- A. Examinations shall be administered objectively and shall consist of test parts that relate to job performance. The parts may be any of the following:
1. Evaluation of applicants' training and experience as submitted on application materials.
  2. Written examination.
  3. Practical demonstration of skill.
  4. Evaluation of applicants' training, and experience by an independent committee.
  5. Oral evaluation of technical training, education and experience by a technical qualifications panel.
  6. Oral evaluation of training, experience and general fitness by a qualified appraisal interview panel.
  7. Other tests of fitness as determined by the Personnel Commission.

5.2.8 WRITTEN EXAMINATIONS

- A. The written examination for a class may cover any subject matter appropriate to the duties of positions within the class including testing of skills, knowledge and abilities.
- B. All examination parts shall be prepared under the supervision of the Director of Classified Personnel who shall determine passing scores and assign relative percentage weights to each test part.

5.2.9 EVALUATION OF TRAINING AND EXPERIENCE

- A. If a part of the examination is a scored evaluation of the applicants' training and experience, the evaluation shall be individually and independently conducted by at least two members of a committee other than the oral interview panel.

5.2.10 ORAL INTERVIEW PANEL EXAMINATIONS  
(EDUCATION CODE SECTION 88092)

- A. If an examination requires the use of one or more oral interview panels, the Director of Classified Personnel shall assure that the following procedures are carried out, in order to avoid impropriety or the appearance of impropriety:
  1. All panels shall consist of at least two persons free of partiality and conflict of interest regarding any candidate in the oral interview. All oral panel members shall certify, in writing, that they have no partiality or conflict of interest.
  2. In the event an oral panel member indicates a partiality or conflict of interest, he/she shall be disqualified from rating that candidate and a substitute rater may be provided.
  3. Unless specifically directed to evaluate candidates' technical knowledge and skills, the oral interview panel shall confine itself to evaluating general fitness for employment in the class.
  4. When the oral panel is directed to evaluate technical knowledge and skills, at least two members of the panel shall, as determined by the Director of Classified Personnel, be technically qualified in the specified occupational areas under examination.
  5. Members of the Governing Board or Personnel Commission shall not serve on an oral examination board.

6. A supervisor at the first or second level over a vacant position or a participant in the final selection shall not serve on an oral interview panel. For purposes of the rule, a supervisor shall be defined as a person having substantial responsibility for selection and evaluation of employees in that position.
- B. Interviews shall be recorded and filed in the Personnel Commission Office and the recording shall be available for review by candidates as provided in Rule 5.2.19.
- C. Scores achieved by the candidate on other parts of the examination shall not be made available to the oral interview panel.

Rev. approved by Personnel Commission 8/19/15

#### 5.2.11

#### REFERENCES OF EMPLOYMENT FOR CANDIDATES

- A. Under no circumstances shall confidential references on employees be used in the selection process.

Rev. approved by Personnel Commission 7/15/15

5.2.12 ADMITTANCE TO EXAMINATION

- A. Each applicant whose application has been approved shall be notified a reasonable time in advance of the time, date, and place of the test. Such notice shall be the applicant's authorization to take the examination. No candidate may be admitted to any examination without this authorization and acceptable picture (or other) identification.

5.2.13 SPECIAL ADMINISTRATION OF EXAMINATIONS

- A. Special arrangements for test administration of a written test may be made under the following circumstances:
  - 1. Where the test candidate is unable to attend the test administration on the prescribed date and time due to illness, accident or hospitalization, a verified statement from a physician, or other appropriate documentation (such as a police report for an auto accident) shall be submitted to the Personnel Commission Office within five (5) days after the date of the test.
  - 2. Where the test candidate is unable to attend the test administration on the prescribed date and time due to jury duty or other court attendance, a statement from the court verifying attendance shall be submitted to the Personnel Commission Office within five (5) days after the date of the test.
  - 3. Where the test candidate is unable to attend the test administration on the prescribed date and time because of his/her religious beliefs; a request from the candidate shall be submitted to the Personnel Commission Office within five (5) days after the date of the test.

Section 5.2.13.A.4

4. Where the test candidate was precluded from attending the test administration on the prescribed date and time because of a misdelivery of invitation, acceptable verification of misdelivery must be submitted to the Personnel Commission Office within five (5) days after the date of the test; test candidates are required to notify the Personnel Commission Office of any change in address and any failure to do so which results in late delivery shall not be accepted as sufficient reason to grant a special test administration.
  5. Where a promotional test candidate is unable to attend the test administration on the prescribed date and time due to District approved attendance at an all-day, off campus workshop or seminar, the test candidate shall submit verification from his/her supervisor to the Personnel Commission within five (5) days after the date of the test.
  6. Where the test candidate, through no fault of his/her own, is precluded from attending the test administration on the prescribed date and time because of a verifiable error by a member of the Personnel Commission staff, reasonable evidence must be presented to the Personnel Commission within five (5) days after test administration to verify that an official application was filed in the Personnel Commission Office by the test candidate.
- B. The test candidate shall make a written request for special test administration as early as possible, but no later than five (5) working days after the regular test administration date, stating their reason(s) for which the special administration is requested.

- C. Because of practical difficulties in obtaining oral and performance test rating panels and ensuring consistent administration and evaluation, special test administration cannot be guaranteed.

Rev. approved by Personnel Commission 7/15/15

#### 5.2.14 TEST ADMINISTRATION PROCEDURES

- A. Competitors in any written test must take the test on the prescribed date except as provided in Rule 5.2.13.
- B. Copies of the questions in a test shall not be made by competitors or other unauthorized persons.
- C. Written tests shall be administered in such a way that none of the test papers will disclose the name of any competitor until all papers of all competitors in the examination have been scored and rated.
- D. No competitor in any examination shall place any identifying mark on his/her test papers, except the identifying mark prescribed at the time of examinations. Placing an identifying mark or attempting to disclose to others the identity of his/her paper prior to the completion of the examination may be grounds for disqualification.

5.2.15

REVIEW OF EXAMINATION RECORDS

- A. Candidates may review their own examination results. Notification of examination results shall inform the candidate of the five (5) working day period during which appointments for reviews may be scheduled. A qualified representative of the Personnel Commission staff shall explain examination scores and evaluations to the candidate during the examination review session. At no time will a candidate be allowed to review actual test content, or the records of another candidate. Candidates will not be allowed to copy or remove from the review room any questions or answers.
- B. Upon completion of the examination process, the final ranking of eligibles on the list shall be open to all competitors for review.
- C. Eligibility lists shall be considered confidential information. In order to protect the privacy of the competitors, eligibles shall be listed by identification numbers only. The information available for review from the eligibility lists shall be limited to rank, identification number, and expiration date of the eligibles.
- D. This list of eligibles shall be open for review for the duration of the list.

5.2.16

PROTEST AND APPEAL OF EXAMINATIONS

- A. Protests of individual written exam questions must be filed on the day the test is administered, before the candidate leaves the testing site. Protest forms shall be made available to candidates to complete at the testing site.
- B. Candidates may protest the outcome of any test part to the Director of Classified Personnel within five (5) working days from the date the notice of the test results is issued to the candidates by submitting a written request on a standard form, outlining the basis for the protest.

- C. The Director of Classified Personnel shall review all protests and take action to correct any errors. He/she may allow more than one answer to a question or may disqualify a question, if he/she finds the protest valid. If a protest results in any change, the scores of all candidates will be reviewed and re-rated accordingly. Each candidate who files a protest shall receive a written response.
- D. The purpose of the protest procedure is to assure accurate assessment systems, and a protest shall not be granted merely because a candidate disagrees with an answer or score.
- E. Protests shall be based solely on one of more of the following, and must include supporting rationale:
  - 1. Discrimination or bias
  - 2. Procedural error
  - 3. Content error
- F. If the Director of Classified Personnel rules against the protest, the candidate may appeal that decision to the Personnel Commission, in writing, within five (5) working days from the date on which the Director's response was issued. However, the filing of such an appeal will not stop or otherwise delay the examination and selection process unless so ordered by the Personnel Commission. The decision of the Personnel Commission shall be final.
- G. Failure to review, protest, or appeal within the times specified shall constitute waiver of the right to protest or appeal that part of the selection process.
- H. If changes are made which impact a candidate's score or ranking after an eligibility list is produced, all impacted candidates shall be notified.

5.2.17

NOTICE OF EXAMINATION RESULTS

- A. Notification of test results shall be provided to candidates as soon as practicable following administration of the test.
- B. The notice shall include the following:
  - 1. Each candidate's individual examination results.
  - 2. The time period for review per Rule 5.2.15.
  - 3. Final ranking, once all test parts are completed.
  - 4. The opportunity to review the eligibility list, per Rule 5.2.20.

5.2.18

LONGEVITY PREFERENCE CREDIT

- A. Longevity preference credit shall be added only to the final passing scores of candidates who have permanency with the District, including candidates who are on a valid reemployment list.
- B. The following is the schedule of longevity preference credits allowed on a candidate's final score:

<u>YEARS OF SERVICE</u>	<u>POINTS</u>
1 to 2	1.0
2 to 3	1.5
3 to 4	2.0
4 to 5	2.5
5 to 6	3.0
6 to 7	3.5
7 to 8	4.0
8 to 9	4.5
9 to 10	5.0

- C. For purposes of this rule, regular employees serving in permanent positions which are less than 12 months shall be credited on a full-year basis.
- D. Longevity preference credit will be awarded on eligibility lists as follows:
  - 1. promotional list;
  - 2. merged list

Longevity preference credit will not be awarded on open competitive eligibility lists.

Section 5.2.19

5.2.19

VETERAN'S PREFERENCE

(EDUCATION CODE SECTIONS 88113, 88114, 88115)

- A. A veteran, as defined in this rule, shall mean an individual who has been discharged or released under conditions other than dishonorable and has served at least 30 days of active duty in the Army, Navy, Marine Corps, Coast Guard, or Air Force between the dates listed below:

World War II -- December 7, 1941, to December 31, 1946

Korea -- June 27, 1950, to January 31, 1955

Vietnam -- August 4, 1964, to May 7, 1975

Gulf conflict -- January 14, 1991 to February 27, 1991

(This is the actual war period. Additional coverage may be granted subject to future verification from Veteran's Administration)

- B. Veterans, except disabled veterans, shall be allowed an additional credit of five (5) points to their composite score in entry-level examinations, only if they receive an overall passing score.
- C. Disabled veterans shall be allowed an additional credit of ten (10) points to their composite score in entry-level examinations.
1. Disabled veteran is defined to mean an individual who is currently declared by the United States Veteran's Administration to be 10 percent or more disabled as a result of service in the armed forces.
- D. Veteran preference points shall not be added to composite scores until the applicant receives an overall passing score.

Section 5.2.20

5.2.20 RETENTION OF EXAMINATION RECORDS  
(EDUCATION CODE SECTION 88093)

- A. Examination records, including test answer sheets, and the rating sheets of each member of an oral interview panel shall be retained for a period of two (2) years; tape recordings of interviews shall be retained for ninety (90) calendar days.
- B. Examination records shall be confidential. Records, such as standardized test questions, identifiable ratings of oral panel members, and confidential references of previous employers, shall not be available for review.
- C. Remaining examination records, such as scores, test answer sheets, and the oral interview recording of the candidate or eligible shall be available for review only by the candidate or eligible and his/her representative. The candidate or eligible or his/her representative may not review the examination records of another person.

Rev. approved by Personnel Commission 5/18/15

5.2.21 REVIEW OF ELIGIBILITY LIST

- A. Upon completion of the examination process, the final ranking of eligibles on the list shall be open to all competitors for review.
- B. Eligibility lists shall be considered confidential information. In order to protect the privacy of the competitors, eligibles shall be listed by identification numbers only. The information available for review shall be limited to the rank, identification number and expiration date of the eligibles.
- C. This list of eligibles shall be open for review for the duration of this list.

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER VI

Presented to the Personnel Commission for First Reading on October 9, 1991.

Rule Revisions 6.1, 6.2, 6.3 Approved by the Personnel Commission on March 16, 2016.

Rule Revisions 6.3.8, 6.4 Approved by the Personnel Commission on April 20, 2016.

## **CHAPTER VI -- EMPLOYMENT LISTS AND CERTIFICATION**

### **Rule 6.1 EMPLOYMENT LISTS**

- Section 6.1.1 Reemployment List  
6.1.2 Position Transfer List  
6.1.3 Career Latticing List  
6.1.4 Reinstatement List

### **Rule 6.2 ELIGIBILITY LISTS**

- Section 6.2.1 Establishment of Eligibility Lists  
6.2.2 Types of Eligibility Lists  
6.2.3 Duration of Eligibility Lists  
6.2.4 Consolidation of Eligibility Lists  
6.2.5 Termination of Eligibility Lists

### **Rule 6.3 CERTIFICATION TO FILL VACANCIES**

- Section 6.3.1 Appointing Authority  
6.3.2 Order of Precedence in Use of Lists  
6.3.3 Request for Certification  
6.3.4 Certification of Available Eligibles  
6.3.5 Rule of Three Ranks  
6.3.6 Availability and Waiver of Eligibility  
6.3.7 Withholding Names from Certification  
6.3.8 Removal of Names from Eligibility Lists  
6.3.9 Restoration  
6.3.10 Final Selection Interview  
6.3.11 Timelines for the Final Selection Interview  
6.3.12 Procedure for Request and Certification of Additional Eligibles  
6.3.13 Use of Alternate Eligibility Lists  
6.3.14 Selective Certification for Positions with Language Requirements  
6.3.15 Certification of Names for Shift Differential Compensation

### **Rule 6.4 EMPLOYMENT OF ELIGIBLES**

- Section 6.4.1 Notification of Eligibles  
6.4.2 Duties of Eligibles  
6.4.3 Confidentiality of Certification  
6.4.4 Eligibility after Appointment

Rule Revisions 6.1, 6.2, and 6.3 Approved by the Personnel Commission on March 16, 2016

CHAPTER VI  
EMPLOYMENT LISTS AND CERTIFICATION

Positions in the classified service shall be filled from employment and eligibility lists established according to the procedures prescribed in this chapter. It shall be the policy of the Personnel Commission to promote upward mobility, career laddering/latticing for classified staff, and equal employment opportunity in the selection process.

Rule 6.1 EMPLOYMENT LISTS (88091)

An employment list shall be defined as a list of names of current and former permanent employees who are eligible for employment into a vacant position without competitive examination.

6.1.1 REEMPLOYMENT LISTS (EDUCATION CODE SECTION 88116, 88117, 88195)

- A. A reemployment list shall be established for each class as necessary and shall take precedence over all other employment and eligibility lists. This list shall contain the names of all regular classified employees who have been laid off or demoted from any position because of lack of work, lack of funds, or exhaustion of medical leave.
- B. An employee who is granted a leave of absence for military duty or who is ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall have preference in reemployment. His/her name shall be placed ahead of all other names on the reemployment list for a given class. (Merit Rule 11.9)
- C. The life of the reemployment list for persons laid off shall be 39 months. Employees returning from military leave shall be eligible for reemployment for a period not exceeding six (6) months after discharge.
- D. Employees on one or more re-employment lists shall be certified to vacant positions in their class in order by seniority (Merit Rule 13.1; Education Code 88195)
- E. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff, in order to remain in their present positions rather than be reclassified or reassigned, shall be entitled to an additional 24 month period of reemployment provided that the same tests of fitness under which they qualified for appointment to the class still apply. Determination as to whether the same tests of fitness still apply shall be made on a class-by-class basis.

#### 6.1.2 POSITION TRANSFER LIST

- A. All qualified employees who request position transfer to a position with the same number of hours and/or months shall be placed on a position transfer list and shall be certified for interview in accordance with 6.3.2.A.1. Each transfer list shall expire once the current vacancy or vacancies listed in the posting have been filled.

#### 6.1.3 CAREER LATTICING LIST (INCLUDES LATERAL TRANSFERS, VOLUNTARY DEMOTIONS, INCREASE IN HOURS, OR DECREASE IN HOURS)

- A. All qualified persons requesting increase or decrease in hours, voluntary demotions or lateral transfer shall be placed on a career latticing list and shall be certified for interview in accordance with 6.3.2.A.3. Each Career Latticing list shall expire once the current vacancy or vacancies listed in the posting have been filled.

#### 6.1.4 REINSTATEMENT LIST

- A. All qualified permanent former employees who left in good standing and request reinstatement to their former class, or a lower related class in the same occupational group, shall be placed on a reinstatement list and shall be certified for interview in accordance with 6.3.2.A.4. Employees shall be eligible for reinstatement for a period of 39 months from their last date of employment.

#### Rule 6.2 ELIGIBILITY LISTS (EDUCATION CODE SECTION 88091, 88119)

An eligibility list shall be defined as a list of the names of persons who have qualified in all parts of the examination.

#### 6.2.1 ESTABLISHMENT OF ELIGIBILITY LISTS

- A. After an examination is completed, the names of successful candidates shall be arranged on a list in the rank order of examination score, including additional veteran's or longevity preference points, when applicable. The completed list, after approval by the Personnel Commission, shall constitute an "eligibility list" for that class.
- B. Unless otherwise authorized in these rules, all appointments to positions in the classified service shall be made from eligibles whose names appear on eligibility lists. The Director of Classified Personnel shall be responsible for establishing eligibility lists as a result of examinations authorized by these rules. An eligibility list shall contain:

1. The type of eligibility list - open, promotional, open and promotional with the promotional list taking precedence, or merged promotional and open competitive (dual certification).
  2. The names of all eligibles in final rank order of total examination scores.
  3. The adjusted scores of each part of the examination and the weighted total scores.
  4. The dates of each part of the examination.
  5. The expiration date of each person's eligibility.
  6. The signature of the Director of Classified Personnel attesting to the accuracy of the information on the eligibility list.
  7. The date the list was ratified or approved by the Personnel Commission.
- C. All eligibility lists shall be approved at the first reasonable opportunity at a Personnel Commission meeting.
1. To facilitate the orderly progress of business, the Director of Classified Personnel may certify eligibles from the eligibility list before approval of the list by the Personnel Commission. However, no job placement shall be made before the notification procedures provided in Rule 5.2.16 have been carried out.

## 6.2.2 TYPES OF ELIGIBILITY LISTS

- A. The types of eligibility lists are
1. Promotional - a list of eligibles resulting from an examination limited to qualified permanent employees only.
  2. Promotional and open competitive – separate promotional and open competitive lists of eligibles resulting from a single examination with the promotional list taking precedence.
  3. Merged promotional and open competitive - one list of eligibles resulting from a single examination including promotional and open competitive eligibles in a single merged eligibility list (See 5.2.4).
  4. Open competitive - a list of eligibles resulting from an examination open to all qualified candidates.

### 6.2.3 DURATION OF ELIGIBILITY LIST (EDUCATION CODE SECTION 88119)

- A. Eligibility lists shall be established for the duration of either six (6) months or one (1) year.
- B. The expected duration of each eligibility list as approved by the Personnel Commission shall be announced on the job announcement bulletin for each class.
- C. An eligibility list may be extended by the Personnel Commission for one or more periods, not to exceed a total of two years from the time the list was first established. The Director of Classified Personnel shall base his/her recommendation for extension of an eligibility list on the following factors:
  - 1. a sufficient number of available eligibles remain to fill expected future vacancies;
  - 2. the composition of the list reflects appropriate representation of ethnic minorities, underrepresented groups, or non-traditional candidates;
  - 3. the field of competition in the occupational area has not changed dramatically.
- D. Names of successful competitors may be added to eligibility lists for classes approved by the Personnel Commission for continuous testing effective upon approval of the Director of Classified Personnel. These eligibles shall remain on the eligibility list only for the appropriate period as indicated in the job announcement bulletin.

### 6.2.4 CONSOLIDATION OF ELIGIBILITY LISTS

- A. If a new examination for a class is given during the first year of the life of an existing list, the examination shall be sufficiently similar to the previous examination to ensure the comparability of the scores of eligibles. The new list shall then be merged with the existing list with eligibles ranked in the order of examination score.
- B. When lists are consolidated under this rule, the earlier lists shall be terminated one year after its establishment and those eligibles' names shall be removed from the consolidated list.
- C. All candidates on an existing eligibility list shall be notified at the time a new examination is scheduled for the class.

## 6.2.5 TERMINATION OF ELIGIBILITY LISTS

- A. An eligibility list shall be terminated as follows:
  - 1. Automatically, when the term of the eligibility list as promulgated, has expired.
  - 2. Automatically, when no eligibles remain on the list.
- B. An eligibility list may be terminated by the Director of Classified Personnel prior to its expiration under the following circumstances:
  - 1. When no eligible is available for appointment to a specific permanent vacant position.
  - 2. When fewer than three ranks of eligibles remain on the list after certification, and the appointing authority requests certification of additional eligibles.
  - 3. Upon abolishment of the class for which the list was established.
- C. When an eligibility list is terminated prior to the expiration of its term, all remaining eligibles shall be notified and given the opportunity to register for or retake the examination.

## Rule 6.3 CERTIFICATION TO FILL VACANCIES (EDUCATION CODE SECTION 88091)

Certification shall be defined as the official submission of the names of employees or eligibles from an appropriate list to the appointing authority by the Director of Classified Personnel.

### 6.3.1 APPOINTING AUTHORITY

- A. The appointing authority shall be the Governing Board of the District, and its designated managers and supervisors.

### 6.3.2 ORDER OF PRECEDENCE IN THE USE OF LISTS

- A. The order of precedence for the use of employment and eligibility lists for filling vacancies in the classified service shall be as follows:
  - 1. Reemployment List (Education Code Section 88117, 88195)
  - 2. Position Transfer List

3. Career Latticing List
4. Reinstatement List and Eligibility List

### 6.3.3 REQUEST FOR CERTIFICATION

- A. When a new position is created, or a regular position becomes vacant, the request to fill the position shall be made through the appropriate process as prescribed by the District and submitted to the Director of Classified Personnel for action.

### 6.3.4 CERTIFICATION OF AVAILABLE ELIGIBLES

- A. Personnel Commission staff shall certify the names of qualified persons on the employment lists and the three top ranks on the eligibility list who are ready and willing to accept the vacant position. Certification shall be in the order prescribed in Rule 6.3.2.
- B. The certification prepared by Personnel Commission staff shall contain the following:
  1. For employees certified from an employment list, the certification shall include the name and status of the employee as well as a recent application;
  2. For employees certified from an eligibility list, the certification shall list the name, the application, and resume, if any, filed by the employee.

### 6.3.5 RULE OF THREE RANKS

- A. Eligibles shall be placed on the eligibility list in rank order according to their score on the examination. The final scores of candidates shall be rounded to the nearest whole percent. All eligibles with the same percentage score shall be placed in the same rank.
- B. Certification from the eligibility list shall consist of all eligibles in the top three ranks who are ready and willing to accept the vacant position.
- C. When the field of competition indicates that the promotional list shall take precedence over the open list, and fewer than three ranks of eligibles are available on the promotional list, sufficient names shall be certified from the open competitive list to allow a choice among three ranks of eligibles.

- D. When fewer than three ranks of eligibles are available for certification, the available eligibles shall be certified; however, the appointing authority may choose not to appoint any of them and may request a new examination.
- E. When there is more than one vacancy for the same position in any one or more departments, one additional rank per vacancy shall be certified for final interview. All candidates on the eligibility list may be interviewed. However, the rule of three ranks still applies and all hiring must be made from the top three ranks before a lower rank can be hired.

#### 6.3.6 AVAILABILITY AND WAIVER OF ELIGIBILITY

- A. An eligible may designate his/her availability for specific locations or shifts, part time or full time positions, and for limited-term (temporary) or permanent positions by filing an availability questionnaire in the Personnel Commission Office.
- B. An eligible may revise or withdraw his/her availability by submitting a request in writing to the Director of Classified Personnel. The change shall become effective upon receipt and acceptance by the Director of Classified Personnel.
- C. An eligible may waive certification twice without penalty, except that waivers relating to part-time or limited-term appointments shall not be counted for the purpose of this rule. At the time of a third waiver, he/she shall be removed from the eligibility list. The eligible shall be notified of the action taken.

#### 6.3.7 WITHHOLDING NAMES FROM CERTIFICATION

- A. The Director of Classified Personnel may withhold the name of an eligible from certification for a permanent or temporary vacancy when the eligible:
  - 1. Expresses unwillingness or inability to accept appointment;
  - 2. Fails to respond within three (3) business days following written or verbal notification of a specific vacancy. Failure of the candidate to respond within three (3) business days will constitute a waiver of certification.
  - 3. Cannot be reached in time for appointment when immediate temporary employment is required;
  - 4. Fails to present the license, registration, certificate, or any other credential required;
  - 5. Is disqualified under Rule 4.2.

### 6.3.8 REMOVAL OF NAMES FROM ELIGIBILITY LISTS

- A. The Director of Classified Personnel may remove the name of an eligible from an eligibility list for any of the following reasons:
1. Failure to notify the Personnel Commission Office of a change of contact information as provided in Rule 6.4.2.
  2. Failure to report for a scheduled interview after certification.
  3. Failure to report for duty at the required time after having accepted appointment.
  4. Termination of employment by the District.
  5. Three (3) waivers of certification during the life of the eligibility list, except that waivers relating to part time or limited-term appointments shall not be counted for the purpose of this rule.
  6. Refusing an employment offer after having been properly certified as eligible and available for the appointment.
  7. Any of the causes listed in Rule 4.2.
  8. A written request by the eligible for removal.
- B. The Director of Classified Personnel shall notify the eligible of the action to be taken, the reason(s) therefore, and the opportunity to appeal to the Personnel Commission within five (5) business days before final action is taken.
- C. An eligible removed due to termination of employment by the District shall not have a right to separately appeal removal from an eligibility list, but shall be returned to the eligibility list from which they were removed if the appeal of the termination results in reinstatement of employment.

Rev. approved by Personnel Commission on 4/20/16

### 6.3.9 RESTORATION

- A. An eligible's name may be restored to an eligibility or employment list by the Director of Classified Personnel under the following circumstances:

1. When the eligible presents a good and valid reason for waiver, inability to accept employment, failure to respond to an inquiry regarding availability for interview or to report for work;
  2. When the eligible presents verification that the reason(s) for ineligibility under Rule 4.2 has been corrected.
- B. Revisions and withdrawals of voluntary waivers shall become effective upon receipt by the Director of Classified Personnel.

#### 6.3.10 FINAL SELECTION INTERVIEW

- A. The immediate supervisor, accompanied by his/her supervisor or such other persons as may be designated by the hiring manager or the Director of Classified Personnel, shall interview all persons certified for the vacant position. This interview shall be designated as the final selection interview.
- B. The final selection interview shall be conducted in a fair and impartial manner and all eligibles shall be given an equal opportunity to present their qualifications for the vacant position. All questions asked shall be job-related, and all eligibles shall be asked the same basic questions and shall be given sufficient time to respond.
- C. Following the completion of the interviews, a final selection report shall be completed by all interviewers in the final selection interview. The report shall provide a specific appraisal of the relative qualifications of each of the candidates.

#### 6.3.11 TIMELINES FOR THE FINAL SELECTION INTERVIEW

- A. Certification of eligibles to be interviewed for a vacancy in a class with an existing eligibility list shall normally be made within two weeks after job posting and other contractual requirements have been met.
- B. Certification of eligibles to be interviewed for a vacancy in a class with a newly established eligibility list may be made after completion of notification requirements as specified in Rules 5.2.16 and 5.2.20.
- C. The supervisor shall notify the Director of Classified Personnel of his/her selection decision within five days after the completion of the interviews.

#### 6.3.12 PROCEDURE FOR REQUEST AND CERTIFICATION OF ADDITIONAL ELIGIBLES

- A. If an eligible who has been certified, refuses appointment or fails to report for an interview, the appointing authority may fill the vacancy from the remaining eligibles or may request additional certification.
- B. When a request for additional eligibles is made, the Director of Classified Personnel may:
  - 1. Certify additional eligibles, as required.
  - 2. Remove the names of eligibles who have refused appointment or have failed to report for a scheduled interview without notification.
  - 3. Investigate the matter at his/her discretion to determine that any refusal is, in fact, voluntary.
  - 4. Request authorization from the Personnel Commission to refuse further certification should the investigation determine that refusal of appointment by an eligible is, in fact, not voluntary.

#### 6.3.13 USE OF ALTERNATE ELIGIBILITY LISTS

- A. If there is no eligibility list for the class in which a vacancy occurs, certification may be made from a list for another class at the same or a higher salary level provided:
  - 1. The duties and qualifications of the class for which the examination was given include substantially all of the duties of the position to be filled.
  - 2. The Personnel Commission finds that the use of the list is in the best interest of the District and that the necessary skills and knowledge were adequately tested in the examination.

#### 6.3.14 SELECTIVE CERTIFICATION FOR POSITIONS WITH LANGUAGE REQUIREMENTS (EDUCATION CODE SECTION 88096)

- A. If a position requires the use of a language in addition to English, the appointing authority shall so indicate to the Director of Classified Personnel when requesting certification of eligibles to fill the vacancy.
- B. The Director of Classified Personnel shall determine which eligibles possess the required language skills and shall certify the names of the top three (3) ranks of eligibles who meet the special requirements.
- C. The recruitment bulletin announcing the examination shall indicate the special requirements which may be necessary for filling one or more of the positions in the class.

6.3.15 CERTIFICATION OF NAMES FOR SHIFT DIFFERENTIAL COMPENSATION  
(EDUCATION CODE SECTIONS 88180, 88181, 88182, 88183, 88184, 88185,  
88186)

- A. Assignment to a position which qualifies for shift differential compensation as specified in Rule 12.2.14 shall be made on the basis of seniority among those employees within the appropriate class. The following conditions shall apply:
  - 1. The assignment must exceed twenty continuous working days.
  - 2. The employee must submit an application for transfer to the Director of Classified Personnel at the time the vacancy is posted.
  - 3. Seniority shall be computed as provided in Rule 13.1.2.
- B. No employee assigned to work a shift which is entitled to differential compensation shall be demoted in class as a result of such an assignment.
- C. An employee receiving a shift differential shall not lose this compensation if he/she is temporarily, for twenty (20) working days or less, assigned to a shift not entitled to such compensation.
- D. When a vacancy exists in a permanent or temporary position for which differential compensation is designated, and no employee in the class wishes to volunteer for the shift, the assignment shall be made by the department supervisor on the basis of the needs of the department. Except in emergency circumstances, notification shall be made to the affected employee(s) in writing at least five (5) working days prior to becoming effective.

Rev. approved by the Personnel Commission on 3/16/16

Rule 6.4 EMPLOYMENT OF ELIGIBLES

6.4.1 NOTIFICATION OF ELIGIBLES

- A. Personnel Commission staff shall notify eligibles selected for a position.
- B. An eligible selected for a permanent position shall report for work within two calendar weeks (one month for management positions).
- C. An eligible is selected for a limited-term (temporary) position must report for work on the date specified by the appointing authority.
- D. At its discretion, the appointing authority may allow the selected eligible a longer period to report for work.

- E. Failure to report for work on the agreed upon date shall constitute refusal of appointment and be grounds for removal under Rule 6.3.8.

#### 6.4.2 DUTIES OF ELIGIBLES

- A. All persons placed on an eligibility or reemployment list shall provide their current contact information to the Personnel Commission Office. The Director of Classified Personnel shall use this contact information for all communication with the eligible.
- B. It shall be the responsibility of the eligible to notify the Personnel Commission Office promptly of any changes in their contact information. Failure to notify the Personnel Commission Office shall constitute a waiver of certification and may be grounds for removal under Rule 6.3.8.

#### 6.4.3 CONFIDENTIALITY OF CERTIFICATION

- A. The certification of eligibles shall be considered confidential and release of information shall be limited as follows:
  - 1. To the appointing authority: only information relating to eligibles who have been certified shall be released by the Director of Classified Personnel.
  - 2. To the eligibles: only the names of the eligibles who have accepted certification.
  - 3. To such other additional persons as specifically ordered by the Personnel Commission.

#### 6.4.4 ELIGIBILITY AFTER APPOINTMENT

- A. The same list shall be used for full time, part time, regular, and limited-term (temporary) assignments in a class. An eligible who accepts part time employment shall continue to be eligible for full time employment, and an eligible who accepts limited-term employment shall continue to be eligible for regular employment.

Rev. approved by Personnel Commission on 4/20/16.

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER VII

Presented to the Personnel Commission for First Reading on October 9, 1991.

Rule Revision 7.4 Approved by the Personnel Commission on November 19, 2014.

## CHAPTER VII -- APPOINTMENT TO CLASSIFIED POSITIONS

### Rule 7.1 APPOINTMENT TO CLASSIFIED APPOINTMENTS

<u>Section</u>	<u>7.1.1</u>	<u>Procedures for Selection</u>
	<u>7.1.2</u>	<u>Appointment</u>
	<u>7.1.3</u>	<u>Discrimination Prohibited</u>
	<u>7.1.4</u>	<u>Nepotism Prohibited</u>

### Rule 7.2 PROVISIONAL APPOINTMENT

<u>Section</u>	<u>7.2.1</u>	<u>General Provisions</u>
	<u>7.2.2</u>	<u>Qualifications of Provisional Appointees</u>
	<u>7.2.3</u>	<u>Status of Provisional Employees</u>
	<u>7.2.4</u>	<u>Terminating Provisional Appointment</u>

### Rule 7.3 SPECIAL APPOINTMENTS

<u>Section</u>	<u>7.3.1</u>	<u>Procedure for Emergency Appointment</u>
	<u>7.3.2</u>	<u>Conditional Appointment</u> Additional Assignments
	<u>7.3.3</u>	<u>Casual Appointment</u>
	<u>7.3.4</u>	<u>Summer Session Assignments</u>

### Rule 7.4 LIMITED-TERM (TEMPORARY) APPOINTMENTS

<u>Section</u>	<u>7.4.1</u>	<u>Limited-Term Positions Defined</u>
	<u>7.4.2</u>	<u>Procedure for Establishment of Limited-Term Positions</u>
	<u>7.4.3</u>	<u>Eligibility for Appointment</u>
	<u>7.4.4</u>	<u>Compensation</u>
	<u>7.4.5</u>	<u>Rights and Benefits</u>
	<u>7.4.6</u>	<u>Termination of Appointment</u>

Rule 7.1 PROCEDURES FOR APPOINTMENT

7.1.1 PROCEDURES FOR SELECTION

- A. The appointing authority, or its management representatives, shall interview all of the employees and eligibles who are certified from appropriate employment or eligibility lists. A selection shall be required when:
1. The certification is from a reemployment list or is based on seniority entitlement.
  2. Sufficient eligibles are certified for a given vacancy to total three (3) ranks of eligibles.
- B. In all other instances of certification for position transfer, voluntary demotion, reinstatement and lateral transfer, the decision to make a selection shall be at discretion of the appointing authority.

7.1.2 APPOINTMENT

- A. The Personnel Commission Office shall notify the prospective employee that he or she has been selected, subject to the terms and conditions of a written offer issued by the Human Resources Office. The offer shall include the time and date to report for duty, probation period and the salary at the time of hire. Appointment to the position shall be subject to approval by the Board of Trustees.
- B. The prospective employee shall be allowed no less than two (2) calendar weeks to report for duty after a written offer of employment to a permanent position has been made. Should this individual be unable or unwilling to report for duty by the required start date, the appointing authority may request additional certification as provided in Rule 6.3.12. (Procedures for Request and Certification of Additional Eligibles)
- C. Procedures for employment and orientation are listed under 9.2.2. (Orientation of New Employees)

### 7.1.3

DISCRIMINATION PROHIBITED (EDUCATION CODE SECTIONS 87100, 88112, 7056, Government Code Sections 11135, 12940, California Code of Regulations, Title V, 51010, 53000; California Administrative Code Title II, 7285; Title IV of the Civil Rights Act of 1964, Sections 102 and 103 of the Civil Rights Act of 1991; Sections 501 and 505 of the Rehabilitation Act; Equal Pay Act of 1963; Age Discrimination in Employment Act of 1967; Title I of the American's with Disabilities Act of 1990; Genetic Information Nondiscrimination Act of 2008; Immigration & Nationality Act)

- A. No person shall be subject to discrimination because of ethnic group identification, race, color, national origin, religion, age, disability, ancestry, sexual orientation, gender, gender identify, gender expression, language, accent, citizenship status, parental status, marital status, economic status, veteran status, medical condition, or other categories included in applicable laws or Board Policies. No person shall be subject to discrimination on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. No questions relating to these matters shall be asked of candidates in interviews.

Rule 7.1.4 NEPOTISM PROHIBITED (EDUCATION CODE SECTION 88080)  
(GOVERNMENT CODE SECTION 12940, a-3)

- A. No person shall be employed in a position which is in a direct line of supervision under a supervisor or administrator who is related to or a resident in the same household as the employee to be hired.
- B. No employee shall be assigned, transferred or remain in a position under a supervisor or administrator who is a close relative or a resident in the same household.
- C. For purposes of this rule, close relative shall be defined as follows:
  - 1. spouse, domestic partner, or co-habitant;
  - 2. child, including adopted, in-laws and step- or half-parent;
  - 3. grandchild, including adopted, in-laws and step-or half-grandparent;
  - 4. sibling, including in-laws and step- or half-;
  - 5. any other member of the employee's household whether or not related by blood or marriage; or
  - 6. children and family members of siblings and spouses
- D. A person serving in a supervisory position may not participate in decisions regarding hiring, reappointment, placement, scheduling, evaluation, rate of pay, salary increases, promotion, monetary awards, or other personal interest for a relative or household member employed by the District, even when the supervisor is not in the direct line of authority.

Rule 7.2 PROVISIONAL APPOINTMENT (EDUCATION CODE SECTIONS 88106-88108)

7.2.1 GENERAL PROVISIONS

- A. The appointing authority may make a provisional appointment only when the Personnel Director certifies that:
1. No eligibility list exists for the class, or
  2. An eligibility list exists, but there is an insufficient number of available eligibles (i.e. less than three ranks of eligibles), and the appointing authority chooses not to appoint an available eligible.
- B. An employee may receive one or more provisional appointments which may accumulate to a total of 90 working days in a fiscal year, after which a 90-calendar-day interval shall elapse during which the employee shall be ineligible to serve in any full-time provisional capacity.
- C. Notwithstanding the provisions of paragraphs A and B above, the Personnel Commission may extend the 90-working-day provisional appointment for a period not to exceed 36 additional working days provided all of the following criteria are met:
1. An examination for the class was given during the initial 90 working days of the employee's provisional assignment.
  2. Satisfactory evidence is presented indicating:
    - a. Adequate recruitment effort has been, and is being made;
    - b. Extension of this provisional assignment is necessary to carry on vital functions of the District;
    - c. The position cannot satisfactorily be filled by use of any of the following:
      - 1.) the eligibility list for the class;
      - 2.) other employment lists such as reinstatement, or transfer;
      - 3.) any other appropriate substitute eligibility lists.
  3. No person shall be employed full-time in provisional capacities under a given Governing Board for a total of more than 126 working days in any one fiscal year.

- D. In the absence of an appropriate eligibility list, successive 90 working day appointments may be made to a position for a period exceeding the 126 working day limitation when:
1. Continuous examination procedures have been authorized by the Personnel Commission; or
  2. The position is less than a half-time (20 hours/week) position.

Such appointment shall continue only until certification from an appropriate list can be made.

Rule 7.2.2 QUALIFICATIONS OF PROVISIONAL APPOINTEES

- A. Insofar as possible, provisional appointees shall be required to meet the qualifications for the class of the appointment as stated in the class descriptions. The Personnel Director shall determine the appropriateness of qualifications prior to appointment.

7.2.3 STATUS OF PROVISIONAL EMPLOYEES

- A. Time served in provisional status shall not be counted as credit toward permanency or completion of the probationary period for the class in which the provisional appointment is made.
- B. When an employee with permanent status in the District is hired into a position in which the individual has been serving provisionally, the employee's salary increment date shall be established beginning with the date of provisional appointment per Rule 12.2.5B.

7.2.4 TERMINATING PROVISIONAL APPOINTMENT

- A. The services of a provisional appointee shall be terminated no later than the statutory time limitation for a provisional assignment listed in Rule 7.2.1.
- B. A provisional appointment may be terminated at any time, at the discretion of the appointing authority.

Rule 7.3 SPECIAL APPOINTMENTS (EDUCATION CODE SECTION 88109)

7.3.1 PROCEDURE FOR EMERGENCY APPOINTMENT

- A. The appointing power may, to prevent the stoppage of public business when an actual emergency arises and persons on eligibility lists are not immediately available, make appointments for a period not to exceed 15 working days, in accordance with commission rule.
  
- B. When such emergency appointments are made, Board of Trustees shall notify the Personnel Director in writing, naming the appointee(s), date of appointment, and nature of duties performed, and giving a statement justifying the emergency nature of such appointment(s). Time served under such emergency appointment(s) shall be considered as part of the period permitted under the Education Code for provisional assignments.

7.3.2 ADDITIONAL ASSIGNMENTS TO EMPLOYEES ON LESS THAN 12 MONTH STATUS

Employees assigned to work less than twelve months during the year may request to be assigned to any work in their current classification which may be available during the period of time they are not scheduled to work. If additional assignments become available during such period, the District shall assign the work to any employee who has requested an additional assignment. In the event two or more employees request an additional assignment, the assignment will be given to the most senior employee. In order to be qualified for an additional assignment, an employee must have received at least an overall satisfactory rating on the last evaluation. In the event that no employee within the classification of work to be assigned is available, the District may assign the work to an employee in a related classification.

Rule 7.4

LIMITED-TERM (TEMPORARY) APPOINTMENTS  
(EDUCATION CODE SECTION 88105)

7.4.1

LIMITED-TERM POSITIONS DEFINED

- A. Positions established to perform duties which are not expected to exceed six months in one fiscal year shall be designated as temporary limited-term positions.
- B. Positions established to replace temporarily absent employees, shall be designated as substitute limited-term positions.

7.4.2

PROCEDURE FOR ESTABLISHMENT OF LIMITED-TERM POSITIONS

- A. When a temporary or substitute limited-term position is established, the appointing authority shall notify the Director of Classified Personnel in writing of the hours, starting date, and probable length of the assignment. Establishment of limited-term positions shall be subject to ratification by the Board of Trustees at their next regular meeting.
- B. Substitute limited-term appointment may be made for the duration of the absence of a regular employee but need not be for the full duration of the absence. The appointment may be in the same class as that of the absent employee or the duties may be reduced in level and the appointment may be made in a lower class. The duration of the appointment shall not exceed the authorized dates of absence of the regular employee.
- C. The Director of Classified Personnel shall place Limited Term positions on the Personnel Commission agenda as an advisory item.

7.4.3

ELIGIBILITY FOR APPOINTMENT

- A. Limited-term appointments shall be made from eligibility lists and employment lists in accordance with procedures for regular appointments.
- B. If an eligible is appointed from an eligibility list to a temporary or substitute limited-term position, he/she shall continue to be eligible for limited-term appointments in the same or a lower related class after the eligibility list has expired. The same privilege of continued eligibility shall apply to a former employee who has resigned in good standing and who accepts a limited-term appointment within 39 months after resignation. The names of such persons shall be ranked in order of seniority on a special list used for limited-term appointments and shall be certified before the current eligibility list is used.
- C. When no eligible is available to accept a limited-term position, the Director of Classified Personnel is authorized to certify applicants or candidates for provisional appointment, per Rule 7.2.

7.4.4

COMPENSATION

- A. When a regular employee is given a limited-term appointment in a second class in lieu of all or part of his/her regular appointment, the rate of pay shall be determined as follows:
  - 1. For assignments at a higher salary range, see Rule 12.2.8.
  - 2. For assignments at the same salary range, see Rule 12.2.12.
  - 3. For assignments at a lower range, see Rule 12.2.9.
- B. A former regular employee who accepts a limited-term assignment within 39 months after resignation shall be placed at the step of the salary range closest to his/her last regular rate of pay. This salary step shall be applicable to all future limited-term appointments of that employee in that class until he/she loses eligibility.
- C. All other limited-term employees including a former employee who accepts assignment to a new classification shall be paid at the hiring rate for regular appointments in the class.

7.4.5

RIGHTS AND BENEFITS

- A. Regular employees who are serving in limited-term assignments while retaining regular status in another class shall continue to earn and be granted all the rights and benefits of a regular employee.
- B. Except as provided in Paragraphs C and D below, all other limited-term employees shall be granted only those benefits provided by law.
- C. Until June 30, 2015, limited-term employees initially hired for a continuous assignment of three months or more shall be granted illness leave on the basis of one day per month of service, as provided to regular employees in Rule 11.3, effective from the first month of employment. Effective July 1, 2015, sick leave for limited term employees shall be governed by Rule 11.10.5.
- D. Commencing in 7/1/85, employees serving in classes designated as seasonal, shall be granted step advancement as follows:
  - 1. Advancement to Step B after serving 120 days in the class;
  - 2. Advance to subsequent steps after an additional 240 days for each step advancement.

Section 7.4.5.E

- E. The classes designated as seasonal and approved for step advancement are:

Registration and Information Clerk

Bookstore Clerk/Cashier

- F. No seniority or credit toward completion of probation shall accrue from service in a limited-term appointment, except as provided in Paragraph A above.

- G. Seasonal employees who have advanced to Step B or above and who are hired into a higher level seasonal classification listed in Paragraph E above, shall receive at least a one step salary increase as provided in Merit Rule 12.2.8.

Revised 9/18/96

Rev. approved by Personnel Commission 11/19/14

#### 7.4.6

#### TERMINATION OF APPOINTMENT

- A. A limited-term appointment may be terminated at the end of an assigned shift at the discretion of the appointing authority.
- B. A limited-term employee may be terminated without cause and his/her name may be removed from an eligibility list as specified in Rule 6.3.8. When the appointing authority dismisses a limited-term employee, the Director of Classified Personnel shall be notified in writing of the cause for dismissal. The Director of Classified Personnel shall investigate the matter, and may remove the limited-term employee's name from the list if his/her findings support the action. He/she shall notify the employee of the decision. The Director's action shall be subject to appeal to the Personnel Commission.

Rev. approved by Personnel Commission 11/19/14

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER VIII

Presented to the Personnel Commission for First Reading on November 20, 1991.

Approved by the Personnel Commission on January 15, 1992.

Approved by the Personnel Commission on April 19, 2017.

Approved by the Personnel Commission on June 21, 2017.

## **CHAPTER VIII -- NEW EMPLOYEE CLEARANCES**

### **Rule 8.1** **PHYSICAL EXAMINATIONS**

---

Section	8.1.1	Initial Employment
	8.1.2	After Employment
	8.1.3	Medical Review

### **Rule 8.2** **CRIMINAL RECORDS CHECK**

---

Section	8.2.1	Fingerprinting
	8.2.2	Review of Criminal Records

CHAPTER  
VIII  
EMPLOYEE  
CLEARANCES

(EDUCATION CODE SECTIONS 87408.6, 88006, 88021, 88024)

Rule 8.1                    PHYSICAL EXAMINATIONS  
(EDUCATION CODE SECTIONS 87408.6, 8802.1)

8.1.1                    INITIAL EMPLOYMENT

- A.     Prior to employment, every person hired in a classified position must undergo a tuberculosis risk assessment or medical examination as required by law. For exceptions to this Rule, see Education Code Section 87408.6.

8.1.2                    AFTER EMPLOYMENT

- A.     Employees who are skin test negative, or were not tested because of lack of risk factors, must undergo a tuberculosis risk assessment or medical examination as required by law, at least once every four years. The District shall provide the approved tuberculin skin test at no cost to the employee.

The District shall maintain adequate records on each employee which indicates compliance with these rules. For exceptions to this Rule, see Education Code Section 87408.6.

- B.     An employee may be required to undergo a medical examination at any time as permitted by law.

TRANSPORTATION STAFF

- A.     Pre-employment and random drug and alcohol screening will be carried out according to the procedures set forth in the District's Administrative Regulations.

### 8.1.3

#### MEDICAL REVIEW

- A. Rejection for medical reasons of an eligible, or of an employee who has applied for return from leave of absence, may be appealed to the Personnel Commission.
- B. The Personnel Commission may employ outside medical experts to give a medical advisory opinion. The applicant, eligible or employee may at his/her own expense submit additional medical information to be considered by the Personnel Commission.
- C. The Personnel Commission, based on evidence submitted and the advice of medical experts to the Personnel Commission, shall determine whether or not the denial of appointment or return from leave shall be sustained.

Rule 8.2

CRIMINAL RECORDS CHECK  
(EDUCATION CODE SECTION 88024)

8.2.1

FINGERPRINTING

- A. A criminal records check shall be done for each person at the time of his/her acceptance of initial employment. The District shall notify each prospective employee where and when to report for fingerprinting, prior to first day of employment. Any person who fails to report for fingerprinting at the day and time appointed by the District shall forfeit eligibility for employment.

Rev. approved by the Personnel Commission on 4/19/17.

8.2.2

REVIEW OF CRIMINAL RECORDS

- A. All criminal record reports shall be confidential. Any employee charged with receiving and/or reviewing these records who divulges information contained therein to an unauthorized person may be subject to disciplinary action.
- B. Criminal records shall be evaluated on the following basis:
  - 1. Nature, seriousness, recency, and circumstance(s) of the offense(s).
  - 2. Age of the person at the time of the offense.
  - 3. Number of convictions.
  - 4. Relationship of the offense(s) to the position applied for.
  - 5. Evidence of rehabilitation and maturation, including employment record with respect to job responsibility and duration.
  - 6. Truthfulness in admitting to the offense(s) during the hiring process.
- C. Criminal record information shall be evaluated as follows:
  - 1. Prior to an offer of employment, the Director of Classified Personnel shall review the criminal record information to determine if the person is eligible for employment.

2. After the person commences employment, Human Resources shall review the criminal record report from the California Department of Justice and/or the Federal Bureau of Investigation to determine continued eligibility for employment.
- 
- D. If a probationary employee is to be dismissed because of information disclosed on the criminal record report or if the appointing authority desires that an eligible be removed from an eligibility list because of such information, the Director of Classified Personnel shall be notified of the reasons and recommended actions.
  - E. An eligible candidate who cannot be hired or an employee who is to be dismissed because of information disclosed on the Criminal Records Report may be removed from all current eligibility lists, (See also Section 4.2.1.A.5).

Rev. approved by the Personnel Commission on 6/21/17.

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER IX

Rule Revision 9.1.1, 9.2.1 & 9.2.2 approved by the Personnel Commission on May 20, 2020.

Rule Revision 9.2.3 & 9.2.4 approved by the Personnel Commission on September 16, 2020.

Rule Revision 9.2.5, 9.3.1, 9.3.2, 9.3.3, 9.4.1 & 9.4.2 approved by the Personnel Commission on November 18, 2020.

Rule Revision 9.5.1, 9.5.2 & 9.5.3 approved by the Personnel Commission on November 18, 2020.

Rule Revision 9.5.4, 9.5.5, 9.5.6 & 9.5.7 approved by the Personnel Commission on January 27, 2021.

Rule Revision 9.6.1 removed, 9.6.2 and 9.6.3 (renumbered 9.6.1 and 9.6.2) approved by the Personnel Commission on April 21, 2021.

Rule Revision 9.6.2 approved by the Personnel Commission on May 18, 2022.

## **CHAPTER IX -- EMPLOYMENT STATUS**

### **Rule 9.1 CERTIFICATION OF PAYROLLS**

---

Section	9.1.1	Procedure for Certification of Payrolls
---------	-------	---

### **Rule 9.2 EMPLOYEE ASSIGNMENT**

---

Section	9.2.1	Assignment Data
	9.2.2	Information for New Employees
	9.2.3	Work Schedule
	9.2.4	Part-time Employment
	9.2.5	Flextime

### **Rule 9.3 PROBATIONARY STATUS**

---

Section	9.3.1	Initial Probationary Period
	9.3.2	Completion of Initial Probation
	9.3.3	Subsequent Probation for Permanent Classified Employees

### **Rule 9.4 PERMANENCY**

---

Section	9.4.1	Permanent Status Defined
	9.4.2	Rights, Benefits, and Burdens of Permanent Classified Employees

### **Rule 9.5 TRANSFER**

---

Section	9.5.1	Definitions
	9.5.2	Position Transfer
	9.5.3	Lateral Transfer
	9.5.4	Transfer in Lieu of Layoff
	9.5.5	Administrative Transfer
	9.5.6	Transfer Procedure
	9.5.7	Application of Transfer Procedure for Bargaining Unit Members

### **Rule 9.6 CHANGES IN ASSIGNED TIME**

---

Section	9.6.1	Increases in Assigned Time
	9.6.2	Decreases in Assigned Time

Rule 9.7 DEMOTION AND RESTORATION

---

Section	9.7.1	Voluntary Demotion
	9.7.2	Involuntary Demotion
	9.7.3	Restoration

Rule 9.8 REASSIGNMENT OF DISABLED EMPLOYEES

---

Section	9.8.1	General Policy
	9.8.2	Reassignments
	9.8.3	Effect of Refusal by Employee

Rule 9.9 EMPLOYEE PERSONNEL FILE

---

Section	9.9.1	General Policy
---------	-------	----------------

## CHAPTER IX

### EMPLOYMENT STATUS

Rule 9.1 CERTIFICATION OF PAYROLLS (EDUCATION CODE SECTION 88129)

9.1.1 PROCEDURE FOR CERTIFICATION OF PAYROLLS

- A. No person shall be appointed to a position in the classified service unless approved by the Personnel Director. The Personnel Director shall certify that the person who was named and the assignment are in accordance with these rules and the provisions of the Education Code.
- B. The Personnel Director shall audit all changes of status for classified employees and shall certify that all changes are in accordance with existing law and these rules.
- C. All time sheets, payroll reports or other financial or employment documents shall be made available to the Personnel Director upon request. They may audit all payrolls to insure that these assignments are in accordance with the law and these Rules and shall immediately notify the Superintendent or their designee of any irregularities and attempt to resolve these problems.
- D. When irregularities remain unresolved, the Personnel Director shall notify the Personnel Commission, which may, after a public hearing, order that no salary warrant shall thereafter be issued to the employee so appointed, for services rendered after the date of the order.

Rule 9.2

EMPLOYEE ASSIGNMENT

9.2.1

ASSIGNMENT DATA

- A. Upon initial assignment and upon each change in class thereafter, each regular classified employee shall be furnished:
  - 1. An offer of employment or change of status notice listing their salary including the pay period; the hourly daily, monthly, annual, overtime and differential rates of compensation, as applicable; the duty hours, prescribed work week, work year, and work location.
  - 2. A copy of their class description and a duty list for their position, if available.
  - 3. The terms and conditions of the probationary period, including evaluation procedures and dates.
- B. The employee shall acknowledge the receipt of the information. A copy of the document shall be given to the employee, the employee's supervisor and placed in the employee's file.
- C. The District shall have the right to make reasonable changes in the employee's work schedule. The process for changing the work hours of represented employees is set forth in the applicable bargaining agreement.

9.2.2

INFORMATION FOR NEW EMPLOYEES

- A. Prior to the start date of a new assignment, each employee shall receive information relating to their employment status, including specific duty hours, break time and lunch period, applicable work rules, procedures for reporting absences, the terms and conditions of probation, and performance evaluation procedures.

9.2.3 WORK SCHEDULE (EDUCATION CODE SECTIONS 88026, 88010.5, 88180, 88031)

- A. The standard workweek for all full-time employees with the exception of Police Officers shall be 40 hours.
- B. Police Officers may be assigned to a 3/12 schedule.
- C. For purposes of payroll computation, the work week shall be provided to the employee in writing at the time of hire.
- D. A classified employee shall not be required to change their workweek to include Saturday or Sunday, or both without their written consent. This does not apply to an employee that has consented to a variable hours schedule. No classified employee shall be reassigned to perform services on a Saturday or Sunday if the classified employee objects in writing that the assignment would conflict with their religious practices or beliefs.
- E. Each employee who works more than five (5) hours per workday shall be entitled to an unpaid lunch period consisting of at least one-half (1/2) hour as scheduled by their immediate supervisor.
- F. With the consent of their supervisor, an employee assigned to a work schedule of not more than six (6) hours per day may be allowed to waive their lunch period.
- G. Each employee who works four (4) or more hours per day shall be entitled to one paid 15 minute break per four (4) hours as scheduled by their immediate supervisor.
- H. The starting and ending times of the lunch and break periods shall be determined by the immediate supervisor. The lunch period for full time employees shall be scheduled as near as possible to the middle of each workday and break periods shall be scheduled as near as possible to the middle of each four (4) or five (5) hour shift.
- I. Management classes designated as exempt shall be excluded from all provisions of Rule 9.2.3.

9.2.4 PART-TIME EMPLOYMENT  
(EDUCATION CODE SECTIONS 88035, 88036)

- A. A part-time position is an assignment of less than 35 hours per week.
- B. Whenever a regular part-time employee is required to work for 30 minutes or more per day in excess of the regular assigned time of their position for 20 consecutive workdays, the assigned time of their position shall be changed to reflect the increased assignment. (See Rule 9.6.2.)

PC Approved Revisions September 16, 2020.

9.2.5 FLEXTIME

- A. Employees and their supervisors may choose to rearrange the employee's work schedule to allow each individual greater control over when hours are worked.
- B. Flextime scheduling requires the approval of the immediate supervisor, and the Office of Human Resources. The supervisor shall take into account the needs of the employee as well as the student, faculty and public service needs of the department and the District.

Rule 9.3 PROBATIONARY STATUS  
(EDUCATION CODE SECTION 88120)

9.3.1 INITIAL PROBATIONARY PERIOD

- A. Each new employee appointed from an eligibility list shall serve an initial probationary period of six (6) months or 130 days of paid service, whichever is longer, in one class, before attaining permanency in the classified service.
- B. For classes designated by the Personnel Commission as executive, administrative, or supervisory, or for employees designated as peace officers or dispatchers, the probationary period shall be twelve (12) months.
- C. Credit toward completion of probation shall be granted only for service in a regular position in a class after appointment from an eligibility list or an employment list, and shall not include time while an employee is absent from work for ten (10) or more consecutive workdays.

9.3.2

COMPLETION OF INITIAL PROBATION

- A. Each probationary classified employee shall be evaluated on job performance by their immediate supervisor.
- B. For an employee serving a six-month probation, the schedule of evaluation shall be at the end of the second, end of the fourth and prior to completion of the sixth month of employment. For an employee serving a twelve month probation, the schedule of evaluation shall be at the end of the fourth and eighth month of service, and prior to the completion of the twelfth month of service.
- C. A new employee may be disqualified at any time during the probationary period.
- D. A new classified employee shall be given a written notice of acceptance into or disqualification from the permanent classified service prior to the date on which the probationary period ends. Whenever a new employee is to be disqualified, the immediate supervisor shall prepare a written report, which shall be submitted for approval to the next level supervisor and the Office of Human Resources which, upon approval, shall notify the employee of the action taken. A copy of the notice shall be filed simultaneously with the Director of Classified Personnel.
- E. A new employee who is to be disqualified may be allowed the opportunity to resign in lieu of disqualification, prior to board action.
- F. A new employee who resigns in good standing during their initial probationary period shall, upon request, have their name restored in proper rank to the eligibility list. However, such action shall not extend the life of the list or the period of eligibility of the person.

9.3.3 SUBSEQUENT PROBATION FOR PERMANENT CLASSIFIED EMPLOYEES (EDUCATION CODE SECTION 88124)

- A. A permanent classified employee who has been promoted, transferred, or who has demoted voluntarily to a new class in which the employee has not previously served, shall serve a new probationary period in the class, before attaining permanency in that class.
- B. A permanent employee who has been promoted to a higher class, or transferred to a new class, may be involuntarily returned to their former class due to unsatisfactory work performance in the event they receive an unsatisfactory second or third performance evaluation. The employee shall not have the right to appeal, unless the demotion will result in separation of the employee from the classified service.
- C. Suspension or dismissal of a permanent classified employee serving a probationary period in a new class shall constitute disciplinary action and the employee shall retain their full right of appeal as provided in Rule 14.2.

Rule 9.4 PERMANENCY

9.4.1 PERMANENT STATUS DEFINED (EDUCATION CODE SECTION 88120)

- A. Upon successful completion of the prescribed initial probationary period, a classified employee shall be deemed to be in the permanent classified service.

9.4.2 RIGHTS, BENEFITS AND BURDENS OF PERMANENT CLASSIFIED EMPLOYEES

- A. Every permanent classified employee shall be entitled to all the rights, benefits and burdens conferred by law or by the action of the Board of Trustees for classified employees of like classification, including a vested right to their position. A permanent classified employee may be removed only for cause as listed in Rule 14.1, due to lay-off or as otherwise specified in these Rules.

Rule 9.5

TRANSFER (EDUCATION CODE SECTION 88097)

Transfer procedures for unit members are contained in Article 6 of the District/CSEA Contracts.

9.5.1

DEFINITIONS

- A. A position transfer shall mean the reassignment of an employee from one position to another position in the same class.
- B. Lateral transfer shall mean the reassignment of an employee to a position in a similar or related class with the same salary range.
- C. Transfer in lieu of layoff shall mean the reassignment by transfer without examination of an employee who meets the minimum qualifications, to a vacant position within a different classification with the same salary range or to a vacant position in a different classification with a lower salary rate provided that:
  - 1. the position has not been designated by the District as ineligible to be filled by transfer in lieu of layoff, and
  - 2. the employee has not previously achieved permanent status in the classification in which the position resides.

9.5.2

POSITION TRANSFER

- A. Position transfers may be made within the classified service from one position in a class to another position in the same class.
- B. An employee may submit an application for a position transfer at the time a vacancy is posted for transfer if they have permanent status in their current classification.

9.5.3

LATERAL TRANSFER

- A. Lateral transfers from a position in one class to a position in another related class must first be approved by the Director of Classified Personnel subject to ratification by the Personnel Commission at the next regular meeting. Determination of whether classes are sufficiently related to permit lateral transfer between them shall be based on similarity of:

1. Entrance qualifications.
  2. Examination content.
  3. Duties and responsibilities.
- B. Seniority in the new classification shall be counted separately as outlined in Chapter 13.

## 9.5.4

### Transfer in Lieu of Layoff

#### A. Authorization

1. Transfer in lieu of layoff may be considered by the District upon passage by the Board of Trustees of a Resolution for Layoff of positions in the classified service due to lack of work or lack of funds.
2. Transfer in lieu of layoff shall only occur for employees who do not have displacement (bumping) rights and will be separated from the classified service as the result of a layoff.
3. Transfer in lieu of layoff may only occur to positions at the same salary range or lower.

#### B. Eligibility

1. Employees who have gained permanent status are eligible to be considered for transfer in lieu of layoff.
2. Employees with fewer than six months of service in their position are not eligible to be considered for transfer in lieu of layoff.

#### C. Minimum Qualifications

An employee considered for transfer in lieu of layoff must meet the minimum qualifications of the classification of the position for which they are being considered.

#### D. Subsequent Probation (Education Code Section 88124)

1. An employee shall serve a new probationary period in the position into which they transferred before attaining permanency in the classification. In those instances where an employee has already attained permanency in the classification into which they are proposing to transfer in lieu of layoff, they will not serve another probationary period.
2. Failure to pass the probationary period shall result in dismissal from the position. The employee's name will remain on the reemployment list of the position from which they were initially laid off.

3. Successful completion of the probationary period shall mean that the employee is deemed to be in the permanent classified service and will enjoy all the rights, benefits and burdens associated therewith.

E. Salary

Salary placement of an employee who accepts a lateral transfer in lieu of layoff shall be at the same step as the employee's current salary of the lower or equal salary range of the position into which they will be transferring. When an employee accepts a voluntary demotion in lieu of layoff, the salary range and step shall be frozen, or Y-Rated, as described in Merit Rule 12.2.13.

F. Seniority ( Education Code Section 88127)

Seniority will accrue to persons who are transferred in lieu of layoff in the new classification beginning on the first day of service in the class and as defined in Merit System Rule 13.1.

G. Longevity

Longevity credits earned prior to transfer in lieu of layoff shall be retained.

H. Procedure

1. Within two (2) working days of the passage of the Resolution for Layoff by the Board of Trustees the District Human Resources office will notify the Personnel Commission in writing of vacant positions ineligible to be filled by transfers in lieu of layoff. In the absence of a list of ineligible positions, the Personnel Commission will deem all positions eligible to be considered for transfer in lieu of layoff.
  - a. The Personnel Commission will certify layoff lists to the District within five (5) working days after confirmation of the Resolution for Layoff. These layoff lists will contain the names of persons who could be separated from service as the result of displacement (bumping).
  - b. The District Human Resources Office will send the initial notice of layoff to those

persons occupying the position identified by the Board of Trustees. This initial notice of layoff shall be given at least 60 calendar days prior to the effective date of the layoff. The Personnel Commission will within the 60-day notification, contact all those persons whose names are on a layoff list and advise them they may submit an application for an evaluation of their experience and education for possible transfer or voluntary demotion.

2. Determination of whether an employee meets the minimum qualifications of a position to be filled by transfer or voluntary demotion shall be done by the Personnel Commission within the 60-day notification of layoff period.

a. Employees seeking transfer or voluntary demotion must submit an *online application* to the Personnel Commission within five (5) working days of the date of the receipt of the District's initial notification of layoff.

b. An employee who meets the minimum qualifications of the vacant position will have his or her name placed on a transfer list, which shall be formally ratified by the Personnel Commission before names are certified to the District.

(1) A transfer in lieu of layoff list shall be considered an employment list as defined by Merit System Rule 6.1

(2) An employment list established pursuant to the provisions of this rule shall consist of the names of current employees who are eligible for transfer in lieu of layoff into a vacant position without competitive examination.

(3) A transfer in lieu of layoff list shall take precedence over all other employment and eligibility list. This

list shall contain the names of all regular classified employees who meet the minimum qualifications for the classification for which the list is established and who, because of lack of work or lack of funds, will be separated from the classified service.

I. Certification

If two or more persons are eligible to transfer to a vacant position, the person with the greatest total seniority in the classification who meets the minimum qualifications of the classification, shall be offered the first opportunity. If that person declines the opportunity their name shall be removed from the transfer list and they will be laid off. Upon declination by the first person eligible for transfer in lieu of layoff, the next person with the next greatest total seniority in the classification of the vacancy, will be offered the transfer in lieu of layoff. If the second person declines the opportunity their name shall be removed from the transfer in lieu of layoff list and they will be laid off. Each subsequent offer made will be made to persons, in seniority order, who meet the minimum qualifications of the vacant position(s) as defined above.

J. A final notice of layoff will be sent by the Personnel Commission to persons who are unable or unwilling to transfer in lieu of layoff

K. Reemployment

Persons who attain permanency in a position into which they transferred in lieu of being laid off will have their names placed on a reemployment list for the classification into which they transferred in the event a subsequent reduction in force (layoff) in that classification due to lack of work or lack of funds. The reemployment list established shall have the same force and effect as any other reemployment list pursuant to Education Code Sections 88117 and 88127 and Merit System Rules 6.1.1 and 13.4.1

9.5.5 ADMINISTRATIVE TRANSFER

Administrative initiated transfers may be made at any time for the good of the service upon approval of the Vice President of Human Resources and the department supervisor(s) affected.

9.5.6 TRANSFER PROCEDURE (Non Fiscal Crisis)

- A. Transfer opportunities in vacant positions during periods of non-fiscal crisis, which shall be defined as periods when no layoffs are pending as the result of the passage of a Resolution for Layoff by the Board of Trustees shall be announced to employees by a written bulletin which shall be sent to all Classified Employees via email and shall be posted at all posting locations for ten (10) working days prior to filling the position.
- B. A permanent employee may apply for a transfer by submitting an application to the Personnel Commission during the period the transfer opportunity is posted.
- C. The Personnel Director shall certify the names of qualified position transfer applicants to the department supervisor for interview as provided in Rule 6.3.4. The department supervisor shall consider transfer applicants based on specific skills and qualifications, and prior job performance as evidenced by the employee's most recent job performance evaluation.

A selection may be made from the transfer applicants, or the department supervisor may request certification from the appropriate eligibility list.
- D. The department supervisor shall notify the Personnel Director of their decision within three (3) working days after completion of the interviews. An employee selected for transfer shall be released within 10 working days after the date of selection, unless otherwise agreed to by the District and the employee. The effective date of transfer shall be communicated in writing to the employee and the District by the Personnel Director.
- E. A transfer shall not change the employee's range and step placement on the salary schedule, salary Increment date, accumulated leave and vacation credit, nor in any other manner adversely affect their rights as provided in law and these rules.

9.5.7

APPLICATION OF TRANSFER PROCEDURE FOR  
BARGAINING UNIT MEMBERS

- A. Transfers for bargaining unit members shall be made in accordance with these rules and any applicable provisions of the relevant collective bargaining agreement.

PC approved revisions: 1/27/21

Rule 9.6

CHANGES IN ASSIGNED TIME

9.6.1

INCREASES IN ASSIGNED TIME (EDUCATION CODE SECTION 88036)

- A. When a part-time employee is required to work for 30 minutes or longer per day in excess of the regular assigned time of his/her position for 20 consecutive workdays, the assigned time of the position will be increased to reflect the longer hours.
- B. For purposes of this rule, when an increase in time of more than one hour per day is assigned to an existing permanent position the position shall be considered vacant.
- C. Such a vacant position shall be filled in accordance with Rule 6.3.
- D. An increase in time of one hour or less per day assigned to an existing permanent position shall not cause the position to be considered vacant, and the increased time shall be assigned to the existing incumbent.

## 9.6.2 DECREASES IN ASSIGNED TIME (REDUCTION)

A. For the purpose of this Rule, a decrease in the assigned time per day, hours per week, or months per year of an existing permanent position may be considered a layoff for lack of funds or lack of work, unless the reduction in hours was requested or initiated by the employee and approved by the District.

B. When the regular assigned hours of a position or positions are to be reduced, the Vice President of Human Resources shall:

1. Determine the class(es) and location(s) to be affected by the reduction.
2. Notify the employees affected and the Director of the Personnel Commission of the effective date of the reductions and the Board approval date. Notifications shall be made at least 60 days prior to the effective date.
3. Process reductions according to the paragraph below and Rule 13.2.

C. When the Board of Trustees has approved a reduction in the assigned time of a permanent position, the incumbent shall be transferred into any vacant position in the class, which is not greater in assigned time than the employee's original position. If a vacant, permanent position of equal time is not available, the incumbent shall have the right to displace (bump) into the position with equal time held by the employee with the least seniority in the class, provided that the employee exercising the bumping has greater seniority. If neither option is available, the employee may displace (bump) into a position with less time, provided they have greater seniority than the least senior incumbent. The employee who is displaced (bumped) shall have the same displacement (bumping) rights.

D. Every employee shall have the opportunity to voluntarily accept a reduction in assigned time in order to remain in their position, before they are transferred to another position. Employee-initiated requests for voluntary reduction to another position with lesser hours shall be processed as a voluntary demotion in accordance with Rule 9.7., if there are other employees in the same classification within the same department.

Rule 9.7

DEMOTION AND RESTORATION

9.7.1

VOLUNTARY DEMOTION

- A. A permanent classified employee may request a voluntary demotion to a vacant position in a class with a lower maximum salary rate provided that:
  - 1. The employee has previously achieved permanent status in the class, or;
  - 2. The request for demotion is to a related class in the same occupational group.

The request shall be subject to approval by the Personnel Director.

- B. An employee may request a voluntary reduction in assigned time in lieu of layoff in order to remain in his/her present position rather than to be reclassified or reassigned.
- C. A permanent employee may accept a temporary demotion on a voluntary basis to fill a limited-term position or a summer assignment.
- D. A voluntary demotion is a privilege available to a probationary employee only in cases when he/she would otherwise be laid off.
- E. An employee who demotes to a position in a class in which he/she does not hold permanency shall complete the appropriate probationary period in the new class.
- F. Salary placement for employees who voluntarily demote to a class with a lower salary rate, shall be in accordance with Rule 12.2.9.

9.7.2

INVOLUNTARY DEMOTION (EDUCATION CODE SECTION 88121)

- A. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent procedures listed in Rule 14.1.
- B. A permanent employee who has been promoted to a higher class, or transferred to a new class may be involuntarily returned to his/her former class during the probationary period due to unsatisfactory work performance without the right of appeal. (See Rule 9.3.3.)
- C. A permanent employee who is involuntarily demoted at any time other than the probation period(s) listed in paragraph B above, shall have the right to appeal. See 14.2.
- D. Salary placement upon involuntary demotion shall be in accordance with Rule 12.2.9.

9.7.3

RESTORATION (EDUCATION CODE SECTION 88117)

- A. An employee who has taken a voluntary demotion may be restored to a vacant position in his/her former class within 39 months. Restoration shall be discretionary with the appointing authority except when demotion or reduction was chosen in lieu of layoff.
- B. Employees, who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or to remain in their present position rather than to be reclassified or reassigned, shall be granted the same 39 month reemployment rights as all laid off employees and shall also be given an additional 24 month reemployment period, provided that the same qualifications for the class still apply. The Personnel Commission shall make a determination of the specific eligibility period for each class. See Rule 13.4.

Section 9.7.3.C

- C. Employees who take voluntary demotions or reductions in assigned time in lieu of layoff shall have the option to return to a vacant position in their former class or to a vacant position with increased time without time limitation.
- D. Salary placement shall be in accordance with Rule 12.2.13.

Rule 9.8

ASSIGNMENTS OF DISABLED EMPLOYEES  
(EDUCATION CODE SECTION 88098)

9.8.1

GENERAL POLICY

- A. When a permanent employee becomes unable to perform the duties of his/her classification because of illness or injury as determined by medical authority designated by the District, the employee may be reassigned to new duties, which are within his/her capabilities. Reassignment, if any, shall be at the discretion of the appointing authority, with the approval of the Personnel Commission as prescribed in this Rule.

9.8.2

REASSIGNMENTS

- A. A disabled employee's duties in his/her regular position may be altered in accordance with his/her disability. Such changes in duties shall be reported to the Personnel Director, and are subject to classification by the Personnel Commission.
- B. A disabled employee may accept demotion or transfer to a less demanding position in another class, with the approval of the Personnel Commission.
- C. A disabled employee may be assigned to a position in a higher class, with the approval of the Personnel Commission, but shall receive no salary benefit from such assignment until he/she is appointed to the higher class from an eligibility list resulting from a competitive examination.

9.8.3

EFFECT OF REFUSAL BY EMPLOYEE

- A. A disabled employee may refuse assignments to other classes without effect on his/her rights under sick leave provisions of the law and these Rules. However, there is no obligation for the appointing authority to renew offers of reassignment, which have been refused, or to make alternative offers.

Rule 9.9

EMPLOYEE PERSONNEL FILE (EDUCATION CODE SECTION 87031) (GOVERNMENT CODE SECTION 6250)

9.9.1

GENERAL POLICY

- A. The District shall maintain an official employee personnel file for each classified employee. The file shall be confidential.
- B. The employee personnel file shall be available for inspection by the Superintendent, the District Personnel Administrator and the Personnel Director and designated members of their designated staffs, a line manager above the employee, and the employee or his/her representative. When an employee wishes to inspect his/her personnel file, he/she shall request the approval of his/her supervisor for release time and make proper arrangements with the Classified Personnel Department.
- C. Materials in the employee's personnel file which may affect the status of his/her employment are available for inspection by the employee, except that, such materials shall not include confidential ratings, reports or records which were:
  - 1. Obtained prior to the employment of the employee.
  - 2. Prepared by examination committee members.
  - 3. Obtained in connection with a promotional examination.
- D. Whenever information of a derogatory nature is to be entered into an employee's personnel file, he/she shall first be given written notice that he/she has five (5) working days to review the information and submit a written comment on it. Such a review shall take place during normal business hours and without loss of pay to the employee.

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER X

Presented to the Personnel Commission for First Reading on June 17, 1992.

Approved by the Personnel Commission on July 8, 1992.

Rule Revisions 10.1, 10.1.1, 10.1.2 Approved by the Personnel Commission on October 18, 2017.

## **CHAPTER X -- PERFORMANCE EVALUATIONS**

Rule 10.1

### **GENERAL PROVISIONS**

---

Section	10.1.1	Performance Evaluation Defined
	10.1.2	When Evaluations are to be made
	10.1.3	Procedures to be followed
	10.1.4	Reports on Special Assignments
	10.1.5	Commendation
	10.1.6	Unsatisfactory Service
	10.1.7	Application of Evaluation Procedures to Unit Members

## CHAPTER X

### PERFORMANCE EVALUATIONS

#### Rule 10.1

#### GENERAL PROVISIONS

Performance evaluation procedures for bargaining unit members are contained in the applicable collective bargaining agreements (CBA). Performance evaluation procedures for employees not covered by a CBA are listed below.

#### 10.1.1

#### PERFORMANCE EVALUATION DEFINED

Performance evaluation shall be defined as periodic opportunity for a supervisor to measure an employee's performance on the job against the standards and requirements of the position as stated in the class description.

#### 10.1.2

#### WHEN EVALUATIONS ARE TO BE MADE

- A. The schedule of evaluations during the probationary period shall be as follows:
  - 1. For employees serving a six (6) month probation period - at the end of the second and fourth months of service and prior to completion of the sixth month of service.
  - 2. For employees serving a one year probationary period - at the end of the fourth and eighth months of service and prior to completion of the twelfth month of service.
- B. Evaluation of promoted and transferred employees shall be according to the schedule listed above.
- C. The schedule of evaluation for classified employees not covered by a CBA shall be carried out according to the appropriate administrative regulations.
- D. If the immediate supervisor does not submit an evaluation by the time limit, the employee may submit their self-evaluation and objectives for the coming year to Human Resources for inclusion in their personnel file.

### 10.1.3

#### PROCEDURES TO BE FOLLOWED

- A. Performance evaluation reports shall be made on the appropriate forms approved by the Personnel Commission. The report shall be prepared by the employee's immediate supervisor and shall be based on his/her knowledge or observation of the employee's performance.
- B. Evaluation ratings shall be accompanied by appropriate documentation as follows:
  - 1. an "unsatisfactory" rating shall contain a specific description of the deficient or substandard performance
  - 2. a "needs improvement" shall list suggestions for the required improvement
  - 3. an "outstanding" rating shall be accompanied by supporting comments
- C. The immediate supervisor shall present the performance evaluation report to the employee at an evaluation conference which shall include a review of the specific ratings given to the employee and suggestions for improvement where applicable. The conference shall take place during the employee's working hours. All copies of the evaluation report shall be signed by the employee to indicate receipt. Should the employee refuse to sign, the fact shall be noted on all copies of the evaluation form.
- D. The employee shall be notified by his/her immediate supervisor that the employee has seven (7) working days to attach a rebuttal before the evaluation is filed in the employee's personnel file.

### Section 10.1.3.E

- E. The performance evaluation report shall be distributed as follows: One copy of the evaluation shall be retained by the employee, one copy shall be retained by the immediate supervisor and one copy shall be sent to the Classified Personnel department for filing in the employee's personnel folder upon completion of the seven (7) working day rebuttal period.
- F. If the employee wishes to file a rebuttal the employee shall submit his/her comments in writing to the Personnel Director prior to the expiration of the seven (7) working day period. Upon receipt of the rebuttal, the Personnel Director shall forward a copy to the immediate supervisor and the second level supervisor who shall meet with the employee in an attempt to resolve the disagreement. The second level supervisor shall prepare, within ten (10) working days, a report of this conference which shall be filed in the department, with the employee, and in the employee's personnel file. The determination of the second level supervisor shall be final.
- G. Performance evaluation reports and attached rebuttal statements shall be available for review for a one year period, in connection with promotional examinations.

10.1.4

REPORTS ON SPECIAL ASSIGNMENTS

- A. For purposes of this rule, a special assignment is defined as a provisional appointment of a classified employee to a position for a period not to exceed 90 working days for which an eligibility list does not exist. This 90 day period may be extended by Personnel Commission action per Merit Rule 7.2.
- B. For purposes of this rule, Career Laddering is a special assignment defined as an assignment which places an employee in a job outside of the employee's regular assignment and which represents a vertical, lateral, or downward path towards a new career opportunity. A career laddering assignment is limited to 90 working days per paragraph A above .
- C. A permanent employee on a provisional or career laddering assignment with an expected duration of 30 days or more shall receive a written progress report, on the appropriate District form, at the completion of the first, third, and fifth months of the assignment.
- D. Provisional and career laddering assignments are temporary and do not automatically entitle the employee to probationary or permanent status. To obtain the position permanently, the employee must successfully compete through the regular merit system process.
- E. The progress report is for feedback purposes only and does not constitute a formal evaluation process as described in Rule 10.1. It is not subject to review in connection with promotional examinations or appointment.

Section 10.1.4.F

- F. Within ten (10) days after the end of the special assignment, the supervisor shall complete a final summary report outlining the employee's accomplishments during the special assignment which shall include a statement by the employee. This summary report shall become a part of the employee's permanent personnel record in accordance with the procedures contained in Merit Rule 9.9.

Approved: P. C. 10/9/91 Revised: P.C. 7/8/92

10.1.5

COMMENDATION

- A. Whenever a regular classified employee performs service of an exemplary character, he/she may be given a written commendation in recognition of his/her exemplary service. The commendation shall be prepared and signed by the employee's immediate supervisor and shall be placed in the employee's personnel file.

10.1.6

UNSATISFACTORY SERVICE

- A. A classified employee may be evaluated by his/her immediate supervisor at any time when unsatisfactory service is performed. The evaluation shall be made no later than 30 calendar days after the unsatisfactory work performance has taken place, on the appropriate Notice of Need for Work Improvement or Disciplinary Action Notice as provided in Rule 14.1.

10.1.7

APPLICATION OF EVALUATION PROCEDURES TO UNIT MEMBERS

- A. Performance evaluations for unit members shall be made in accordance with this Rule and Article 4 of the Agreements between the Santa Monica Community College District and Santa Monica Chapter 36, CSEA.

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER XI

Presented to the Personnel Commission for First Reading on July 8, 1992.

Approved by the Personnel Commission on August 26, 1992.

Rule Revision 11.10.5 Approved by the Personnel Commission on November 19, 2014.

## **CHAPTER XI -- VACATION, LEAVES OF ABSENCE, AND HOLIDAYS**

### **Rule 11.1 VACATION LEAVE (EDUCATION CODE SECTION 88197)**

Section	11.1.1	Ratio for Earning Vacation Leave for Management and Confidential Employees
	11.1.2	Ratio for Earning Vacation Leave for Unit Employees
	11.1.3	Vacation Leave Procedures
	11.1.4	Vacation Leave for Twelve Month Employees
	11.1.5	Vacation Leave for Less Than Twelve Month Employees
	11.1.6	Interruption of Vacation Leave (Education Code Section 88200)
	11.1.7	Unit Members

### **Rule 11.2 LEAVES OF ABSENCE (EDUCATION CODE SECTIONS 88198, 88199)**

Section	11.2.1	General Provisions
	11.2.2	Procedure for Request and Notification of Absence
	11.2.3	Application of Leave of Absence Provisions to Unit Members

### **Rule 11.3 SICK LEAVE (EDUCATION CODE SECTION 88191)**

Section	11.3.1	Regular Sick Leave Provisions
	11.3.2	Industrial Accident and Industrial Illness Leave (Education Code Section 88192)
	11.3.3	Verified Illness Leave (Extended Sick Leave) (Education Code Section 88196)
	11.3.4	Unpaid Illness Leave (Education Code Section 88195)
	11.3.5	Return from Sick Leave
	11.3.6	Application of Sick Leave Provisions to Unit Members

### **Rule 11.4 BEREAVEMENT LEAVE (EDUCATION CODE SECTION 88194)**

Section	11.4.1	General Provisions
	11.4.2	Immediate Family Defined
	11.4.3	Bereavement Leave for Other Than Immediate Family Members
	11.4.4	Application of Bereavement Leave Provisions to Unit Members

Rule 11.5 PERSONAL NECESSITY LEAVE (EDUCATION CODE SECTION 88207)

Section	11.5.1	General Provisions
	11.5.2	Application of Personal Necessity Leave Provisions to Unit Members

Rule 11.6 MATERNITY LEAVE (EDUCATION CODE SECTION 88193)

Section	11.6.1	General Provisions
	11.6.2	Application of Maternity Leave Provisions to Unit Members

Rule 11.7 UNPAID CHILD REARING LEAVE

Section	11.7.1	General Provisions
	11.7.2	Application of Unpaid Child Rearing Leave Provisions to Unit Members

Rule 11.8 JURY DUTY AND COURT WITNESS LEAVES (EDUCATION CODE SECTIONS 87035, 87306)

Section	11.8.1	General Provisions
	11.8.2	Application of Jury Duty and Court Witness Provisions to Unit Members

Rule 11.9 MILITARY LEAVE

Section	11.9.1	General Provisions
	11.9.2	Applications of Military Leave Provisions to Unit Members

Rule 11.10 MISCELLANEOUS LEAVES

Section	11.10.1	Leaves of Absence Due to Epidemic/Quarantine
	11.10.2	Leave to Vote (Elections Code Sections 14350-52)
	11.10.3	Release Time for Examinations and Other Personnel Actions
	11.10.4	Leave of Absence to Serve in an Exempt, Temporary, or Limited-Term Position
	11.10.5	Sick Leave for Temporary Employees

Rule 11.11 SPECIAL LEAVES OF ABSENCE FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES

Section	11.11.1	Casual Absence Leave
	11.11.2	Convention Attendance

Rule 11.12 TRANSFER OF SICK LEAVE AND OTHER BENEFITS FROM ANOTHER DISTRICT (EDUCATION CODE SECTION 88202)

Section	11.12.1	General Provisions
	11.12.2	Application of Transfer of Sick Leave Provisions to Unit Members

Rule 11.13 UNPAID LEAVE OF ABSENCE

Section	11.13.1	General Provisions
	11.13.2	Application of Unpaid Leave of Absence Provisions to Unit Members

Rule 11.14 HOLIDAY PAY (EDUCATION CODE SECTIONS 88203, 88205, 88205.5, 88206)

Section	11.14.1	Paid Holidays
	11.14.2	Eligibility for Holiday Pay
	11.14.3	Application of Paid Holiday Provisions to Unit Members

## CHAPTER XI

### VACATION, LEAVES OF ABSENCE AND LIDAYS

Rule 11.1

#### VACATION LEAVE (EDUCATION CODE SECTION 88197)

Vacation provisions for unit members are contained in Article 9 of the District/CSEA Contract.

11.1.1

#### RATIO FOR EARNING VACATION LEAVE FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES

- A. All regular classified management or confidential employees shall earn vacation at the following rate:
1. 12 month employees - 24 days/192 hours per year.
  2. 11 month employees - 22 days/176 hours per year.
  3. 10 month employees - 20 days/160 hours per year.
- B. Management and confidential employees shall be credited at the beginning of the fiscal year with the full amount of vacation to which they are entitled for the entire year.
- C. Vacation leave at the rate of 2 days/16 hours per month shall be deducted for any month in which the employee is not in paid status for more than one-half the working days.

11.1.2

RATIO FOR EARNING VACATION LEAVE FOR UNIT MEMBERS

- A. Regular classified employees who are unit members shall earn vacation at the rate provided in Article 9 of the Agreement between the District and Chapter 36, CSEA:
  - 1. Eight (8) hours per month for employment through three (3) years.
  - 2. Ten (10) hours per month for employment from four (4) through seven (7) years.
  - 3. Twelve (12) hours per month for employment from eight (8) through eleven (11) years.
  - 4. Thirteen and one-third (13.3) hours per month of employment beginning the twelfth year and continuing each year thereafter.
  
- B. Regular classified employees working part-time shall receive prorated vacation leave prorated in the same proportion as the number of hours worked per week bears to 40 and the number of days worked per month bears to full time employment.

11.1.3

VACATION LEAVE PROCEDURES

- A. A regular classified non-management employee shall not be entitled to vacation until the employee has successfully completed the initial six (6) months of continuous employment.
- B. Regular classified non-management employees shall accumulate vacation based on months of service. A month of service shall count in the computation for accumulation of earned vacation when the employee is in paid status during one-half or more of the working days in the month. Vacation shall also be earned during paid leave of absence.
- C. Vacation shall be taken at the convenience of the District and as workload permits upon approval of the department supervisor.
- D. Vacation leave shall be requested in advance on the District Absence Report form and must be approved by the immediate supervisor before it is taken.
- E. In determining the vacation schedule for the department, the supervisor shall give employees the choice of times available on the basis of seniority.
- F. Notwithstanding the provisions of paragraph A, with the approval of the immediate supervisor and the Personnel Director, a classified employee may be advanced vacation up to the allotment to be earned during the school year in which the vacation is to be taken.
- G. Regular classified employees who work part-time shall be entitled to vacation leave prorated in the same proportion as the number of hours worked per week bears to 40 and the number of days worked per month bears to full time employment.
- H. The rate at which vacation is paid shall be the employee's current rate at the time the vacation is taken.
- I. The minimum increment of vacation which can be taken is one hour per day.

- J. Permanent classified employees shall be entitled to lump sum compensation for all earned and unused vacation upon separation from the District.
- K. A classified employee who has not completed six (6) months of continuous employment in regular status at the time of separation from the classified service shall not be entitled to any compensation for vacation.
- L. Upon separation the full amount of salary which was paid to an employee for vacation which has been granted in advance of being earned shall be deducted from the employee's final paycheck.

11.1.4

VACATION LEAVE FOR TWELVE MONTH EMPLOYEES

- A. Regular classified employees assigned to a 12 month work year may take their vacation at any time during the school year upon the approval of the employee's immediate supervisor.
- B. Vacation which is not taken during the fiscal year in which it is earned must be taken within the 14 months following ending on September 1 of the following year. Vacation which is not used within this period shall be forfeited unless extended by the District, or when extenuating circumstances such as illness or bereavement, make the taking of the vacation impossible.

11.1.5

VACATION LEAVE FOR LESS THAN 12 MONTH EMPLOYEES

- A. Classified employees assigned to a work year of less than 12 months shall take their vacation during the school year in which it is earned and will use their vacation during the class recess periods, unless otherwise scheduled by the immediate supervisor.
- B. Classified employees assigned to a less than 12 month work year shall be compensated by lump sum payment for accrued but unused vacation days at the end of their assignment each school year.

11.1.6 INTERRUPTION OF VACATION LEAVE (EDUCATION  
CODE SECTION 88200)

Permanent classified employees may interrupt vacation leave in order to begin another type of paid leave such as sick leave, bereavement leave, or personal necessity leave without a return to active service, provided they give adequate and timely notice furnishing relevant supporting verification to the Classified Personnel Department.

11.1.7 APPLICATION OF VACATION LEAVE PROVISIONS TO  
UNIT MEMBERS

- A. Vacation provisions for unit members shall be in accordance with Article 9 of the Agreement between the Santa Monica Community College District and Chapter 36, CSEA and this Rule, unless the Rule provision is limited to management and confidential employees.

Rule 11.2

LEAVES OF ABSENCE (EDUCATION CODE  
SECTIONS 88198, 88199)

Leave of absence provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.2.1

GENERAL PROVISIONS

- A. A leave of absence is an authorization for an employee to be absent from duty for a specific period of time and for an approved purpose.
- B. The granting of a paid leave of absence or an unpaid leave of absence of 6 months or less shall guarantee the employee the right to return to his/her same position.
- C. The granting of an unpaid leave of absence of more than 6 months shall guarantee the employee the right to return to a position of equal status in the employee's same classification, however, the assignment may be in a different department and/or location.
- D. For purposes of this Rule, a position of equal status shall be defined as one in which the assigned work year, workweek and shift are the same as the original position held by the employee before the leave was granted.
- E. Notwithstanding the provisions of paragraphs A and B above, if the Board of Trustees approves the layoff of an employee on a leave of absence, or the abolishment of the employee's position, the leave of absence shall be canceled and the employee shall be notified as required in Rule 13.2.
- F. A leave of absence shall not constitute a break in service, but time on unpaid leave, except military leave as provided in applicable federal or state laws, shall be deducted for purposes of salary increment, longevity, and seniority credit.
- G. An employee on a paid leave of absence shall continue to accrue all benefits to which he/she is entitled as a regular classified employee.

11.2.2

PROCEDURE FOR REQUEST AND NOTIFICATION OF ABSENCE

- A. Each leave of absence request shall be accompanied by the appropriate verification and shall be reported as follows:
1. Absence due to emergency, such as illness, emergency medical treatment, bereavement, or personal necessity shall be reported to the immediate supervisor no later than one hour after the scheduled starting time on the employee's first day of absence. In case of emergency, the employee shall notify the immediate supervisor as soon thereafter as practicable. Unit members shall be governed by the call-in schedule listed in Article 7 of the Agreement between the District and Chapter 36, CSEA.
  2. A written Absence Report form shall be completed and signed by the employee and submitted to the immediate supervisor on the first day the employee returns to work.
  3. Requests for unpaid leaves of absence, except for emergency situations, shall be submitted at least one month in advance with the recommendation of the immediate supervisor to the Classified Personnel Department for final approval. (See Rule 11.13.)
  4. All other requests for leaves of absence, including absence for routine doctor's visits shall be submitted on the appropriate leave request form to the immediate supervisor for final approval at least three (3) working days before the first day of requested absence.

## Section 11.2.2.B

- B. Absence claims and leave requests which do not meet the reporting and request requirements may be denied and the employee may receive no pay for the period of absence or may be refused authorization to be absent. However, the District Personnel Administrator may allow paid or unpaid leave or authorization for absence where the employee can demonstrate that extenuating circumstances prevented his/her from complying with the requirements of this Rule.
- C. Absence without authorized leave shall be grounds for disciplinary action under Rule 14.1.
- D. Allegations that a refusal to grant a leave of absence is due to unfair treatment, abuse of discretion or discrimination are subject to appeal through Administrative channels and ultimately to the Board of Trustees.

### 11.2.3

#### APPLICATION OF LEAVE OF ABSENCE PROCEDURES TO UNIT MEMBERS

- A. Leave of absence procedures for unit members shall be in accordance with Article 7 of the Agreement between the Santa Monica Community College District and Chapter 36, CSEA and this Rule, unless the procedures in this Rule are limited to management and confidential employees.

Rule 11.3

SICK LEAVE (EDUCATION CODE 88191)

Sick leave provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.3.1

REGULAR SICK LEAVE PROVISIONS

- A. Sick leave is the authorized absence of a regular classified employee when absence is due to:
  - 1. Physical or mental inability to perform the usual and customary duties of his/her position due to illness, injury, pregnancy, miscarriage, childbirth or recovery therefrom, or exposure to contagious disease.
  - 2. A visit to a licensed physician, practitioner, or a psychological or other therapist for examination, treatment, consultation or therapy.
- B. For purposes of these rules, licensed physician, practitioner, or a psychological or other therapist shall be defined per Labor Code Section 3209.3.
- C. Every regular classified employee shall earn one (1) day of sick leave per full month of service as provided below:
  - 1. To qualify for a full month of service, the employee must be in paid status for 1/2 or more of the working days in a calendar month.
  - 2. At the beginning of each fiscal year, the sick leave bank of each regular classified employee assigned to a full time 12 month position shall be credited with 12 days (96 hours).
  - 3. Regular classified employees assigned to a work year of less than 12 months or a workweek of less than 40 hours shall receive sick leave prorated in the same proportion as the number of months bear to 12 and the number of hours worked bear to 40.
  - 4. An employee's sick leave bank shall be adjusted whenever a change of assignment alters the amount of sick leave which is earned.

#### Section 11.3.1.D

- D. Sick leave which is accrued, but not used, shall carry over from one fiscal year to another with no limit on accumulation.
- E. A new probationary employee may not use more than six (6) days of paid sick leave during the initial probationary period.
- F. Pay for any day of sick leave shall be the same pay the employee would have received if he/she had worked that day.
- G. In order to receive sick leave pay, the employee must follow the procedures listed below:
  - 1. Notify his/her supervisor or the party designated by the supervisor of the reason for his/her absence within the first scheduled hour of the first day of absence, as provided in Rule 11.2.2.
  - 2. Complete an Absence Report on the first day of return to work.
  - 3. When the absence period is five (5) consecutive working days or more, 40 work hours for employees on alternate work patterns, the employee must submit medical leave of absence request accompanied by medical verification to the Classified Personnel Office as soon as possible and a medical release from his/her physician prior to readmission to work as provided in Rule 11.3.5.
- H. The medical leave of absence request shall be presented to the Personnel Director for approval/disapproval.
- I. A medical release must include a statement of the nature of the illness and the dates when the employee has been under care or treatment and must be signed by a licensed physician, surgeon, practitioner, psychologist or other therapist.
- J. Upon separation any unearned sick leave which has been taken shall be deducted from the employee's last pay check.

- K. The minimum increment of paid sick leave which may be taken is one (1) hour.

11.3.2

INDUSTRIAL ACCIDENT AND INDUSTRIAL ILLNESS LEAVE (EDUCATION CODE SECTION 88192)

- A. An industrial accident or illness shall be defined per Labor Code Section 3208 as any injury or disease arising out of employment. Industrial accident or industrial illness leave shall be granted in accordance with the provisions of Education Code Section 88192 and this Rule.
- B. An employee in the classified service, who is absent from duty because of an illness or injury defined as an industrial illness under provisions of the Worker's Compensation Insurance Law, shall be granted paid industrial accident leave for each such accident or illness while receiving temporary disability benefits as specified under Labor Code Sections 4453 and 4460 provided that:
  - 1. The employee has probationary or permanent status.
  - 2. The employee has reported the injury or illness to his/her supervisor on a District Accident report form no later than the day of the injury or onset of illness.
  - 3. In the opinion of the Director of Administrative Services, the illness or injury constitutes an industrial accident or illness, or, if contested by the District, it is ultimately determined to be work connected.
- C. Paid industrial accident leave shall be for not more than 60 working days in any one fiscal year for the same industrial illness or accident. If the full 60 days will overlap into the next fiscal year, the employee shall be entitled only to that amount of leave remaining from the previous fiscal year.
- D. Paid industrial accident and illness leave shall be reduced by one day for each day of authorized absence regardless of the temporary disability allowance made under Labor Code Sections 4453 and 4460. Days absent while on paid industrial accident or illness shall not be deducted from the number of days of paid sick leave to which an employee may be entitled.

### Section 11.3.2.E

- E. If the employee is still unable to return to duty after exhausting paid industrial accident or illness leave, the employee shall be placed on paid sick leave. Accumulated illness leave will be reduced only in the amount necessary to provide a full daily wage or salary, as indicated in the employee's assignment, when added to temporary disability benefits as specified under Labor Code Sections 4453 and 4460.
- F. After all paid illness leave has been exhausted following a paid industrial accident or illness leave, an employee shall be placed on verified illness leave and the employee shall utilize accrued vacation, earned compensatory time, or other earned leave to the extent necessary to make up the employee's full salary when combined with temporary disability benefits as specified under Labor Code Sections 4453 and 4460.
- G. An employee shall be permitted to return to service after an industrial accident or illness only upon presentation of a release from the District appointed physician and the licensed treating physician or practitioner. The physicians shall certify that the employee is able to return to his/her position without detriment to his/her emotional and physical well-being or the emotional and physical well-being of other employees.
- H. Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in his/her former class ahead of any employee with a lesser amount of seniority. If no vacancy exists in his/her former class, he/she may displace the most recently appointed employee in the class with less seniority. If an employee's former class has been abolished, the employee may be reassigned or placed on an appropriate reemployment list.
- I. An employee returning from paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the Education Code and Personnel Commission rules. An employee shall continue to receive appropriate seniority credit while on paid industrial accident or illness leave of absence.

## Section 11.3.2.J

- J. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness and the employee is unable to return to work, the employee's name shall be placed on the reemployment list for the class from which he/she was on leave for a period not to exceed 39 months.
  
- K. An employee receiving benefits under this Rule who fails to accept an appropriate assignment after being medically approved to return to work shall be removed from the reemployment list. Appropriate assignment is defined as an assignment to the employee's former class, in his/her former status and time basis, and in assignment areas in which the employee has made himself/herself available. An employee removed from a reemployment list under this Rule may appeal the removal to the Personnel Commission.
  
- L. While an employee is on any paid leave resulting from an industrial accident or industrial illness, the employee's salary paid by the District shall when added to a normal temporary disability allowance as specified under Labor Code Sections 4453 and 4460, not exceed the employee's regular salary. A permanent employee's salary is computed on the basis of the number of hours and days in his/her basic daily assignment. An employee who is not full time shall have his/her regular salary computed on the basis of the average number of hours worked each month in which the employee was in paid status during the preceding year. During all paid leaves from an industrial accident or industrial illness, the employee shall endorse to the District wage loss benefit checks received from the District's claims management firm, if applicable. The District shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary, and/or leave benefits and shall deduct normal retirement and other authorized contributions. An employee receiving benefits under this Rule who accepts employment during the period of leave shall be deemed to have abandoned his/her position. See Rule 14.1.4.

Section 11.3.2.M

- M. The Final Award for permanent industrial disability settlement shall not be subject to remittance to the District under this Rule.
- N. The reassignment of an employee who incurs a permanent disability shall be processed according to Rule 9.8.

11.3.3

VERIFIED ILLNESS LEAVE (EXTENDED SICK LEAVE)  
(EDUCATION CODE SECTION 88196)

- A. When a regular employee has exhausted all accumulated sick leave credit and the employee continues to be unable to resume the regular duties of his/her position due to illness or injury, the employee may request to be placed on verified illness leave or on unpaid illness leave.
- B. Within five (5) working days after the employee is first absent due to the illness or injury, the employee shall submit a request accompanied by a medical verification from a licensed physician or practitioner stating the nature of the illness or injury, the dates the employee has been under care and treatment and the expected date of return of the employee.
- C. Verified illness leave shall be limited to five (5) calendar months per fiscal year (108 days) and shall be subject to the following procedures:
  - 1. The employee's pay shall be his/her regular rate of pay less the amount actually paid to the substitute.
  - 2. If no substitute is hired, the employee shall receive full pay.
  - 3. For purposes of the Rule, a substitute shall be defined as the new employee hired due to the absence of the regular employee. A temporary upgrade of an existing employee shall not be counted for difference pay.
- D. The leave shall commence on the first day of illness or injury and shall run concurrent with all other leaves listed in the paragraph below.
- E. In order to be eligible for verified illness leave, the employee shall utilize available leave in the following order:
  - 1. All industrial accident or illness leave, when applicable.
  - 2. All current year credited sick leave.
  - 3. All accumulated sick leave.
  - 4. All accumulated compensatory time.
  - 5. All earned vacation.

11.3.4

UNPAID ILLNESS LEAVE (EDUCATION CODE SECTION 88195)

- A. A permanent classified employee, who has exhausted all entitlement to sick leave, vacation, compensatory time, or any other available paid leave, and who is absent because of non-industrial illness or injury may be granted an additional unpaid leave of absence for six (6) months, which may be extended for two additional six (6) month periods upon recommendation of the department supervisor, the Personnel Administrator and the approval of the Board of Trustees. In granting the leave, the following factors shall be considered:
1. The likelihood that the employee can return to normal duties upon completion of the leave of absence as evidenced by the treating doctor's prognosis.
  2. The seniority and the work record of the employee as documented in the official District personnel file.
  3. The employee's previous sick leave record and the degree and reasons for use of sick leave.
  4. The number of positions in the employee's classification, the uniqueness of duties performed by the employee, and availability of a substitute.
- B. The granting of a leave of absence, under this Rule, shall guarantee the employee the right to return to a position in his/her former class with equal rights and benefits.
- C. An employee may return from the leave of absence, upon adequate and proper notice as provided in Rule 11.3.5.
- D. An illness leave of absence without pay shall not constitute a break in service. Upon return the employee shall be reinstated to all rights and benefits of a regular employee.

11.3.5

RETURN FROM SICK LEAVE

- A. When an employee, who has been placed on paid or unpaid leave of absence due to illness for a duration of five (5) consecutive working days or more, wishes to return to work, the employee must submit a medical release from his/her licensed treating physician or practitioner. The release must provide medical verification acceptable to the District indicating that the employee has recovered sufficiently to return to his/her regularly assigned duties without detriment to his/her physical or emotional well-being, or the physical or emotional well-being of other employees. Clearance to return to work is subject to approval by the College physician, the Personnel Director and in the case of industrial injury or illness, the Director of Administrative Services.
- B. The employee shall give the Classified Personnel Department and his/her immediate supervisor adequate advance notification of his/her return.
- C. If, at the conclusion of all sick leave, paid or unpaid, granted under this Rule, the employee is still unable to resume the regular duties of his/her position, the employee shall be placed on a reemployment list for a period of 39 months in the same manner as if the employee were laid off for lack of work or lack of funds.

11.3.6

APPLICATION OF SICK LEAVE PROVISIONS TO UNIT MEMBERS

- A. Sick leave provisions for unit members shall be in accordance with Article 7 of the Agreement between the Santa Monica Community College District and Chapter 36, CSEA and this Rule, unless the Rule provision is specifically limited to management and confidential employees.

Rule 11.4

BEREAVEMENT LEAVE (EDUCATION CODE SECTION 88194)

Bereavement Leave provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.4.1

GENERAL PROVISIONS

- A. Every person employed in the classified service shall be granted necessary leave of absence with pay for not more than three (3) working days, or not more than five (5) working days if out of state or more than 300 miles of travel is required on account of the death of any member of the immediate family.
- B. Leave of absence for bereavement shall not be deducted from the sick leave bank or any other leave entitlement of the employee provided by the Education Code or these rules.

11.4.2

IMMEDIATE FAMILY DEFINED

- A. A member of the immediate family means the mother, father, grandparent or grandchild of the employee or the spouse of the employee; the spouse, the son, the daughter, foster or adopted child, the son-in-law or daughter-in-law, brother or sister, brother-in-law, sister-in-law, of the employee or the spouse of the employee, or any person living in the immediate household of the employee.

11.4.3

BEREAVEMENT LEAVE FOR OTHER THAN IMMEDIATE FAMILY MEMBERS

- A. Bereavement leave for other than immediate family members shall be charged to personal necessity leave as provided in Rule 11.5.

11.4.4

APPLICATION OF BEREAVEMENT LEAVE PROVISIONS TO UNIT MEMBERS

- A. Bereavement leave provisions for unit members shall be in accordance with Article 7 of the Agreement between the Santa Monica Community College District and Chapter 36, CSEA and this Rule unless the Rule provision is limited to management and confidential employees.

Rule 11.5

PERSONAL NECESSITY LEAVE (EDUCATION CODE SECTION 88207)

Personal necessity leave provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.5.1

GENERAL PROVISIONS

- A. A regular classified employee may elect to use six (6) days of regular sick leave in a fiscal year, as provided in Education Code Section 88191, for personal necessities which fall in the following categories:
1. Bereavement leave for immediate family members which is required over and above the leave authorized in Rule 11.4.
  2. Incapacitating illness of a member of the immediate family.
  3. Accident involving the person or property of the employee or a member of his/her immediate family.
  4. Appearance in court or before any administrative tribunal as a litigant or party.
  5. Other appropriate and compelling reasons as approved by the District Personnel Administrator.

## Section 11.5.1.B

- B. A maximum of three (3) days of personal necessity leave specified above may be used in a fiscal year at the employee's election for any one or a combination of the following reasons:
1. Bereavement leave for other than family members (example: aunt, uncle, nephew, etc.) as authorized in Rule 11.4.
  2. Paternity leave at the time of the birth or adoption of the child.
  3. Observance of major religious holidays of the employee's faith.
  4. Natural disaster such as earthquake, flood, or fire of a serious nature which requires the absence of the employee during his/her regular working days.
- C. Immediate family as used in this section shall have the same meaning as provided in Rule 11.4.

## 11.5.2

### APPLICATION OF PERSONAL NECESSITY LEAVE PROVISIONS TO UNIT MEMBERS

- A. Personal necessity leave provisions for unit members shall be in accordance with the provisions of Article 7 of the Agreement between Santa Monica Community College District and Chapter 36, CSEA and this Rule unless the Rule provision is limited to management and confidential employees.

Rule 11.6

MATERNITY LEAVE (EDUCATION CODE SECTION 88193)

Maternity leave provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.6.1

GENERAL PROVISIONS

- A. Every female classified employee who must be absent from her regular duties because of pregnancy or convalescence following childbirth shall be entitled to utilize all regular and extended sick leave benefits to which she may be entitled under Rule 11.3.
- B. Paid leave benefits, including regular sick leave and extended sick leave benefits may be used for the period of absence medically certified by the employee's attending physician and approved by the District's physician.
- C. Prior to the eighth month of pregnancy, the employee shall furnish the Classified Personnel Department with a medical certificate of the last date on which she will be able to work, accompanied by a completed and signed Absence Report listing the dates on which the employee will be absent.
- D. Prior to returning to service, the employee must present a certificate to the Classified Personnel Department from her physician certifying that she is able to resume the regular duties of her position and be approved by the District physician to return to work.

11.6.2

APPLICATION OF MATERNITY LEAVE PROVISIONS TO UNIT MEMBERS

- A. Maternity leave provisions for unit members shall in accordance with the provisions of Article 7 of the Agreement between Santa Monica Community College District and Chapter 36, CSEA and this Rule unless the Rule provision is limited to management and confidential employees.

Rule 11.7

UNPAID CHILD REARING LEAVE

11.7.1

GENERAL PROVISIONS

- A. A permanent classified employee who is the natural or adoptive parent of a child shall be entitled to an unpaid leave of absence for the purpose of rearing his/her child immediately after the birth of the child or completion of appropriate adoption procedures. Such leave shall be for a maximum period of nine (9) months and shall be granted provided that the employee submits a leave request to the Classified Personnel Department at least four (4) weeks prior to the anticipated date on which the leave is to commence.

11.7.2

APPLICATION OF UNPAID CHILD REARING LEAVE PROVISIONS TO UNIT MEMBERS

- A. Unpaid child rearing leave provisions for unit members shall be in accordance with the provisions of Article 7 of the Agreement between Santa Monica Community College District and Chapter 36, CSEA and this Rule unless the Rule provision is limited to management and confidential employees.

Rule 11.8

JURY DUTY AND COURT WITNESS LEAVES

Jury duty and court witness leave provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.8.1

JURY DUTY LEAVE (EDUCATION CODE SECTIONS 87035, 87036)

- A. Every regular classified employee shall be entitled to leave with full pay for any time he/she is required to perform jury duty service or appear as a witness in a local, state or federal court. Leave shall be granted for the entire period of jury service or the number of days the employee is required to be in attendance in court as a witness. The employee shall receive full pay provided that:
1. The per diem jury service or court witness fee is endorsed to the District for any day on which the employee receives jury duty leave.
  2. The summons for jury service is presented to the supervisor and the Classified Personnel Department at least one week before the first date of jury service.
  3. The subpoena to appear as a witness shall be presented to the immediate supervisor and the Classified Personnel Department as soon as possible but no later than the working day after it is served.
  4. The employee files an Absence Report form and a certification of attendance from the court in the Payroll Department.
  5. The employee shall be entitled to any meal, parking, and transportation allowances provided by the court.
- B. It is unlawful for any manager of the District to encourage an employee to seek exemption from jury duty or to discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of his/her service on a jury panel.

## Section 11.8.1.C

- C. Notwithstanding the provisions of part B, a supervisor may request a postponement of jury service to accommodate the specific needs of his/her department.
- D. Every employee shall be required to return to duty on any day on which he/she is released from jury service or court appearance by noon.
- E. Evening and night shift employees shall be released from duty on any day on which they are required to serve all or part of the day for jury service.
- F. Court witness leave shall not be granted if the employee is required to appear in court as a litigant, in which case, the employee shall have the option to utilize personal necessity leave as provided in Rule 11.5.

## 11.8.2

### APPLICATION OF JURY DUTY AND COURT WITNESS LEAVE PROVISIONS TO UNIT MEMBERS

- A. Jury duty and court witness leave provisions for unit members shall be in accordance with the provisions of Article 7 of the Agreement between Santa Monica Community College District and Chapter 36, CSEA and this Rule unless the Rule provision is limited to management and confidential employees.

Rule 11.9

MILITARY LEAVE (Military and Veteran's Code 389, 395, 395.1, 395.3)

Military leave provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.9.1

GENERAL PROVISIONS

- A. Classified employees, under official orders, who are called to duty or who volunteer in the Armed Services of the United States shall be granted military leave of absence for the period of the required service or enlistment.
  - 1. Employees who have served one or more years in the District shall be granted up to 30 calendar days of paid leave in one fiscal year.
  - 2. Employees who have not served one year in the District shall be granted leave without pay.
  - 3. The employee's salary advancement shall not be interrupted by military leave and he/she shall continue to accrue seniority for purposes of layoff due to lack of work, lack of funds or abolishment of position, and for longevity and vacation entitlement; however, no other fringe benefits such as sick leave or vacation shall accrue during any unpaid portions of the absence.
  
- B. Classified employees who are members of reserve corps, and who must temporarily be absent due to active military training or exercises shall be granted temporary military leave of absence not to exceed 180 calendar days.
  - 1. Employees who have been in the service of the District for one or more years shall be granted leave with the first 30 calendar days of full pay and they shall not suffer loss of benefits of any kind, nor shall they lose any rights granted other employees due to their absence.
  - 2. Employees who have not been in the service of the District for one year shall be granted leave without pay.

Section 11.9.1.C.

- C. In order for a Leave of Absence to be granted, the employee must submit official orders stating the date he/she must report for duty at least one week before the duty commences.
- D. Upon return from temporary military leave the employee shall be reinstated into his/her regular position and upon honorable discharge from regular active duty the employee shall be reinstated into his/her same position or an equal position in the same class as specified in Military and Veteran's Code 395.1.
- E. An employee shall return to his/her position in the District within six (6) months of separation for military service or as otherwise provided in Military and Veteran's Code 395.1.

11.9.2

APPLICATION OF MILITARY LEAVE PROVISIONS TO UNIT MEMBERS

- A. Military leave provisions for unit members shall be in accordance with the provisions of Article 7 of the Agreement between Santa Monica Community College District and Chapter 36, CSEA and this Rule unless the Rule provision is limited to management and confidential employees.

Rule 11.10

MISCELLANEOUS LEAVES

11.10.1

LEAVE OF ABSENCE DUE TO  
EPIDEMIC/QUARANTINE/NATURAL DISASTER

- A. Every regular classified employee shall be allowed a leave of absence from duty with full pay on any day on which his/her regular place of employment is closed because of quarantine, epidemic, natural disaster or other conditions involving the health or safety of college staff or students, provided that:
1. The employee cannot be reassigned to an alternate work location to perform his/her regular duties or other suitable duties.
  2. The employee is ready, willing, and able to report for duty.
  3. This leave shall continue until the Board of Trustees has taken action to permanently establish the status of the affected employees.

11.10.2

LEAVE TO VOTE (ELECTIONS CODE 14350-52)

- A. Every classified employee shall be allowed time off with pay to vote in general, direct primary or presidential primary elections, subject to the following conditions:
1. The employee's regular scheduled work hours would make it impossible for the employee to reach his/her polling place to vote outside of working hours.
  2. The time off shall be only that time that is necessary and in no case shall exceed two hours per general or primary election.
  3. The time off shall be taken at the beginning or end of the work shift assignment whichever, as determined by his/her supervisor, allows the employee the most free time to vote.
  4. The employee must submit a written request certifying the need for time off at least two (2) working days before the election day on which he/she is to be absent.

11.10.3

RELEASE TIME FOR EXAMINATIONS AND OTHER  
PERSONNEL ACTIONS

- A. Each classified employee shall be permitted time off from duty without deduction of pay or penalty as needed for the following reasons:
  - 1. To take an examination or interview for promotion or transfer in the District.
  - 2. To attend a Personnel Commission meeting at which a recommendation affecting the employee's classification, salary or employment status is being presented.
- B. Evening and night shift employees who are scheduled for examination or interview during off-duty hours before or after their regular shift on a scheduled working day shall be permitted equivalent release time, when requested by the employee to prepare for the examination or interview.

11.10.4

LEAVE OF ABSENCE TO SERVE IN AN EXEMPT,  
TEMPORARY, OR LIMITED-TERM POSITION

- A. Any permanent classified employee may accept an assignment to an exempt (non-merit), temporary or limited-term position without loss of status in his/her position and classification or entitlement to benefits.
- B. The employee may voluntarily return to his/her former position at any time prior to the completion of service in the exempt, temporary or limited-term position with the approval of the supervisors affected.

11.10.5

SICK LEAVE FOR TEMPORARY EMPLOYEES  
(LABOR CODE SECTION 246).

- A. This rule shall apply to any employee not covered by other provisions of this Chapter governing sick leave.
- B. An employee who, on or after July 1, 2015, works 30 or more days within a year from the commencement of employment is entitled to paid sick days as specified in this rule.

Section 11.10.5.C.

- C. An employee shall accrue paid sick days at the rate of one hour per every 30 hours worked from the commencement of employment or July 1, 2015, whichever is later. No employee shall be allowed to have an accrual of more than 48 hours of sick leave.
- D. An employee shall be entitled to use accrued paid sick days beginning on the 90<sup>th</sup> day of employment, after which day the employee may use paid sick days as they are accrued.
- E. Upon the oral or written request of an employee, an employer shall provide paid sick days for the following purposes: (1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member. (2) For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in subdivision (c) of Section 230 and subdivision (a) of Section 230.1 of the Labor Code.
- F. No compensation shall be paid to an employee for accrued, unused paid sick days upon termination, resignation, retirement, or other separation from employment.
- G. If an employee separates and is rehired within one year from the date of separation, previously accrued and unused paid sick days shall be reinstated. The employee shall be entitled to use those previously accrued and unused paid sick days and to accrue additional paid sick days upon rehiring.

Rule 11.11

SPECIAL LEAVES OF ABSENCE FOR MANAGEMENT  
AND CONFIDENTIAL EMPLOYEES

11.11.1

CASUAL ABSENCE LEAVE

- A. Regular management and confidential classified employees may utilize up to a one-half (1/2) day of leave per month without loss of pay to attend to personal business situations that the employee could not be expected to disregard.
- B. Casual absence leave may not be accumulated from month to month and is intended to supplement other available leave.
- C. Casual absence leave may be taken only with the approval of the immediate supervisor.

11.11.2

CONVENTION ATTENDANCE

- A. A regular employee shall receive release time without loss of pay to attend conventions, workshops, seminars or professional business meetings related to the employee's job and approved by the District.

Rule 11.12

TRANSFER OF SICK LEAVE AND OTHER BENEFITS  
FROM ANOTHER DISTRICT (EDUCATION CODE  
SECTION 88202)

11.12.1

GENERAL PROVISIONS

- A. Any classified employee who is employed by the District shall be entitled to transfer all accumulated sick leave and a classified management employee shall be entitled to transfer longevity credit for purposes of vacation and longevity increment eligibility on a year for year basis under the following circumstances:
1. The employee was employed for a period of one year or more in a school district, or county community college district or county superintendent of schools, or accredited 4 year institution of higher education.
  2. The employee separated from the previous District in good standing (voluntary resignation or layoff) and he/she was not dismissed for cause.
  3. The employee is employed by the District within one year of separation from the previous District.
  4. The maximum length of service credit allowed for a new management employee shall be 4 years of credit for 4 years of service.
  5. Length of service credit provided under this Rule shall not count toward seniority credit for purposes of layoff or reduction in assigned time.
- B. The length of service credit provisions of this Rule shall become effective on 7/1/83.

11.12.2

APPLICATION OF TRANSFER OF SICK LEAVE  
PROVISIONS TO UNIT MEMBERS

- A. The transfer of sick leave provisions of this Rule shall apply to unit members unless a Rule provision is specifically limited to management or confidential employees.

Rule 11.13

UNPAID LEAVE OF ABSENCE

Unpaid leave of absence provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.13.1

GENERAL PROVISIONS

- A. A regular classified employee may be granted a personal leave of absence without pay for a period not to exceed 30 days, upon written request by the employee, recommendation of the immediate supervisor and approval of the District Personnel Administrator.
- B. A permanent classified employee may be granted an unpaid personal leave of absence for a period not to exceed one year upon written request of the employee and approval of the Board of Trustees, for any of the following reasons:
  - 1. Rest and recuperation required to maintain the employee's well-being.
  - 2. Educational improvement by enrollment at a college, university or vocational/trade school.
  - 3. Study and travel which will contribute to the employee's professional development.
  - 4. Opportunity leave for the purpose of reassignment to a position with another employer or self-employment which will contribute to the employee's professional development.
  - 5. Care of a family member or relative due to illness.
  - 6. Other appropriate reasons as determined by the District Personnel Administrator.
- C. Every request for personal leave of absence without pay shall, except under extenuating circumstances, be submitted to the District Personnel Administrator at least 30 calendar days prior to the commencement of the leave.

## Section 11.13.1.D

- D. For leaves of absence requiring Board approval the District Personnel Administrator shall present a recommendation for approval or disapproval at the next meeting of the Board of Trustees.
- E. The recommendation shall be based on the following factors:
  - 1. The likelihood that the employee can return after completion of the leave of absence.
  - 2. The seniority and work record of the employee as documented in the employee's official personnel file.
  - 3. The number of positions in the employee's classification, the uniqueness of duties performed by the employee, and the availability of a substitute.
- F. The Governing Board, for good cause, may cancel an unpaid leave of absence by giving the absent employee a minimum two (2) week notification of the cancellation of the leave. The employee may appeal the cancellation to the Personnel Commission who shall investigate and hear the appeal. The appeal shall stay the action of the Board of Trustees until the Personnel Commission has issued a determination, which shall be final and binding.
- G. An employee may make a written request to the Governing Board to return to work prior to the expiration date of the leave. The Governing Board may approve or reject the request at its discretion.
- H. Failure to report for duty within five (5) working days after a leave has been canceled or expires shall be considered abandonment of the position. Termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause. This provision is not applicable to military leave.
- I. An employee on an unpaid leave of absence may continue to participate in the District health and welfare benefits, as provided by the insurance carrier, at his/her option, however, the employee must pay the entire premium.

11.13.2

APPLICATION OF UNPAID LEAVE OF ABSENCE  
PROCEDURES TO UNIT MEMBERS

- A. Unpaid leave of absence provisions for unit members shall be in accordance with Article 7 of the Agreement between the Santa Monica Community College District and Chapter 36, CSEA and this Rule, unless the Rule provision is limited to management and confidential employees.

Rule 11.14

HOLIDAY PAY (EDUCATION CODE SECTIONS 88203, 88205, 88205.5, 88206, 79020, 79022.1318)

Paid holiday provisions for unit members are contained in Article 8 of the District/CSEA Contract.

11.14.1

PAID HOLIDAYS

A. All regular classified employees shall be entitled to the following paid holidays, which occur during their assigned work years, subject to the provisions of Rule 11.4.2.

1. Legal Holidays

July 4

The first Monday in September - Labor Day

\*September 9 - Admissions Day

\*November 11 - Veterans' Day

Thanksgiving Day

December 25

January 1

The third Monday in January - Martin

Luther King Day

\*February 12 - Lincoln's Day

\*The third Monday in February -

President's Day

\*The last Monday in May - Memorial Day

2. Board Approved Holidays

In addition to the legal holidays listed above, all regular classified employees shall be granted five additional paid holidays as designated on the official District calendar adopted each year prior to the beginning of the fiscal year.

3. Specially Declared Holidays

Regular classified employees shall also be entitled to pay for all other holidays appointed by the President or the Governor of this State or the Governing Board as provided in Education Code Sections 79020, 79022 or 1318.

Section 11.14.1.B

- B. The District may designate other days during the year as holidays in lieu of any of the holidays marked with an asterisk (\*) in Part A-1 of the Rule, provided that:
  - 1. The in-lieu holidays are scheduled in such a way as to provide for at least a 3-day weekend.
  - 2. The in-lieu holidays are designated prior to the beginning of the fiscal year.
- C. Pay for the holiday shall be the same pay that the employee would have received had the day not been a holiday.
- D. Regular classified employees who have voluntarily selected a work pattern of a 10 hour day/40 hour workweek or a 9 hour day/80 hour biweekly workweek shall receive pay for eight hours on the holiday and shall be required to utilize vacation leave or compensatory time for the remaining hours of the work day.
- E. Regular classified employees who are required to work on a holiday shall be paid:
  - 1. At their regular overtime rate (time and one-half) for all hours worked on the holiday, and;
  - 2. The regular pay for the holiday.

The total pay shall equal double time and one-half.

11.14.2

ELIGIBILITY FOR HOLIDAY PAY

- A. To be eligible for holiday pay, a regular employee must be in paid status during some portion of the working day before or the working day after the holiday.
- B. Provisional, limited-term, temporary and substitute employees and employees hired for exclusive weekend or holiday work under Rule 3.1.8 shall not be eligible for holiday pay.
- C. When a holiday falls on Saturday, the holiday shall be observed on the preceding Friday. When the holiday falls on Sunday, the holiday shall be observed on the following Monday.
- D. A regular classified employee who is assigned to a workweek other than Monday through Friday shall be provided a substitute holiday whenever the regular holiday falls on a day on which he/she is not assigned to work.
- E. A regular employee who is not assigned to duty during the college recess which includes December 25 and January 1, shall nevertheless be paid for the holidays which occur during this period if he/she is in paid status during any portion of the working day of his/her regular assignment which precedes or follows the recess.

11.14.3

APPLICATION OF HOLIDAY PAY PROVISIONS TO UNIT MEMBERS

- A. Holiday pay provisions for unit members shall be in accordance with Article 8 of the Agreement between the Santa Monica Community College District and Chapter 36, CSEA and this Rule, unless the Rule provision is limited to management and confidential employees.

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES CHAPTER XII

Rule Revision 12.2.5 & 12.2.8 Approved by the Personnel Commission on April 15, 2015.

Rule Revision 12.2.4 Approved by the Personnel Commission on November 18, 2015

Rule Revision 12.2.8 Approved by the Personnel Commission on June 17, 2020.

Rule Revision 12.1.2 through 12.1.4 Approved by the Personnel Commission on November 17, 2021.

Rule Revisions 12.2.2 through 12.2.11(As Renumbered) Approved by the Personnel Commission on January 19, 2022.

Rule Revisions 12.2.12 through 12.2.17 Approved by the Personnel Commission on April 20, 2022.

Rule Revisions 12.2.7, and 12.3.1 through 12.3.5 Approved by the Personnel Commission on May 18, 2022.



Section	12.4.1	Health and Welfare Benefits
	12.4.2	Mileage Reimbursement
	12.4.3	Uniform Allowance (Education Code Section 88037)
	12.4.4	Application of Benefit Provisions to Unit Members

## CHAPTER XII

### SALARIES, OVERTIME PAY AND BENEFITS

#### Rule 12.1

DETERMINATION OF SALARY SCHEDULES  
(EDUCATION CODE SECTIONS 88061, 88087, 88160 –  
88163)

#### 12.1.1

FIXING ANNUAL SALARY SCHEDULES

- A. The Governing Board shall fix the annual salaries for all classified employees for each ensuing year no later than the date prescribed by law.
- B. The Board may increase the salary schedule for classified employees at any time during the fiscal year, including increases to the salaries of employees resulting from the reclassification of a position, class of positions, or group of classes approved by the Personnel Commission.
- C. The provisions of this section shall not be construed to permit the Board to demote or dismiss an employee due to the reclassification of a position or class of positions, unless otherwise authorized by law or these rules.
- D. If the Governing Board is unable to comply with the provisions of paragraph A above, because of collective bargaining negotiations or because a salary study is being conducted, the board may, prior to the final adoption of the budget:
  - 1. Reserve the right to adjust salaries upon completion of the study and/or negotiations, or
  - 2. Adopt an interim salary schedule as provided in Education Code Section 88163.
- E. The Governing Board shall employ, pay and otherwise control the services of classified employees only in accordance with the provisions of Title 3, Division 7, Chapter 4, Article 3 (Merit System) of the Education Code of the State of California and applicable provisions of these rules.

12.1.2

FACTORS IN SALARY RECOMMENDATIONS

- A. The Director of the Personnel Commission shall prepare recommendations for the allocation of classes to salary ranges for approval by the Personnel Commission. These recommendations shall take into account the following factors:
  - 1. The principle of like pay for substantially similar work within the classified service.
  - 2. Appropriate differentials between related classes to reflect differences in duties and responsibilities, as established in the classification plan, and
  - 3. Wages and salaries paid for similar work in comparable job classifications within other government agencies within a comparable market area.
  - 4. Wages and salaries paid by private sector employers may be considered when there are insufficient comparable government data.
  - 5. Such other information as the Personnel Commission may deem relevant.

12.1.3

SALARY STUDIES

- A. The Director of the Personnel Commission shall conduct a salary study:
  - 1. When directed by the Personnel Commission.
  - 2. Whenever a new class is created.
  - 3. Whenever the Director of the Personnel Commission determines it is necessary to carry out the purposes of the Merit Rules
- B. A salary study shall consist of an analysis of factors listed in Section 12.1.2.
- C. The Director of the Personnel Commission shall work cooperatively with the Administration and employee organizations, while conducting salary studies, in an effort to ameliorate significant differences before recommendations are submitted to the Personnel Commission.

#### 12.1.4

#### SALARY RECOMMENDATIONS (EDUCATION CODE SECTION 88087)

After making its findings, the Personnel Commission shall present salary recommendations to the Board for approval. The Board may approve, amend or reject the recommendation but not alter the percentage relationships among classes in the occupational family as established by the classification plan. No amendment shall be adopted until the Personnel Commission is first given a reasonable opportunity to comment on the effect the amendments will have on the principle of like pay for substantially similar work. No changes shall be adopted which disturb the percentage relationship among classes in the occupational family as established by the Personnel Commission.

Rule 12.2 GENERAL SALARY PROVISIONS

12.2.1 INTERPRETATION OF THE SALARY SCHEDULE

- A. The employee's appropriate salary range and step shall be considered the employee's base salary.
- B. Base salary does not include longevity pay increments, differentials, stipends, or reimbursements.

12.2.2 TIME FOR PAYMENT  
(EDUCATION CODE SECTION 85244)

- A. Payroll orders for the payment of wages shall be made to all classified employees twice during each calendar month, in accordance with provisions mandated by the Education Code and applicable bargaining agreements.

12.2.3 CORRECTION OF ERROR IN SALARY  
(EDUCATION CODE SECTION 88166,  
CODE OF CIVIL PROCEDURE 338)

- A. Whenever it is determined that an error has been made in the calculation or reporting in any classified employee's payroll or in the payment of any classified employee's salary, the District shall, within five working days following such determination:
  - 1. Provide the employee with a statement of correction.
  - 2. Issue a supplemental payment to cover any amount owed to the employee.
  - 3. Make equitable arrangement for repayment where the employee has been overpaid.
- B. The correction of errors made in the calculation, reporting, or in the payment of any classified employee's salary shall be limited to the three year period preceding the date a claim is filed, or the error is discovered.

12.2.4

SALARY ON EMPLOYMENT

A. New employees shall normally be hired at the first step in the salary range for the classification, except for cases in which an accelerated hiring rate or an Advanced Step Placement has been approved.

B. Advanced Step Placement

A new employee may be granted Advanced Step Placement on the salary schedule upon recommendation of the Director of the Personnel Commission. The Director of the Personnel Commission shall base their recommendation on a determination that Advanced Step Placement is necessary due to labor market conditions, or to properly compensate a new employee for previous training, experience, and qualifications which greatly exceed the standard expectations of a new employee on entry into the classification. Input from subject matter experts and the hiring manager regarding the criteria for advanced step placement will be considered when making this determination.

1. Placement at the second step may be approved if the employee has had at least two (2) additional years of training and experience beyond the years indicated in the class qualifications, and two or more of the criteria listed in Section 12.2.4.B.3 are present.
2. Placement at the third step may be approved if the employee has had at least four (4) additional years of training and experience beyond the years indicated in the class qualifications, and two or more of the criteria listed in Section 12.2.4.B3 are present.

3. The following guidelines will be taken into account when making the final determination:
  - a) The candidate possesses value-added experience performing substantially the same duties listed in the class description, above and beyond standard expectations for a new hire.
  - b) The candidate possesses value-added training which is directly related to the required duties of the job, above and beyond standard expectations for a new hire.
  - c) Verifiable difficulty is experienced in attracting well-qualified candidates, or there is an insufficient number of eligible candidates ready and willing to accept a permanent assignment in spite of a targeted recruitment effort.

4. The maximum initial salary placement is the third step on the salary schedule, unless approval for higher initial salary placement is granted by the Personnel Commission, Superintendent/President, and the appropriate appointing authority. In order to be considered for initial salary placement above Step C, candidates must have more than four (4) additional years of training and experience beyond the years indicated in the class qualifications, and two or more of the criteria listed in 12.2.4.B.3. must be present.
5. The initial offer or denial of Advanced Step Placement will be made as part of the job offer, and will be subject to receipt of written verification submitted by the new employee indicating that relevant criteria as outlined in Section 12.2.4 (B) have been met. Failure of the employee to submit the verification by the start date of employment shall result in ineligibility for Advanced Step Placement.

C. Accelerated Hiring Rate

An Accelerated Hiring Rate may be set prior to opening recruitment with the approval of the Personnel Commission and the Board of Trustees, at any step of the schedule of the class. Accelerated Hiring Rates may be utilized for classes where past recruitment efforts have indicated difficulty in recruiting at the first step. If an Accelerated Hiring Rate is approved, all current employees in the class shall be advanced to that rate and shall begin a new cycle of step advancement.

12.2.5

SALARY INCREMENTS

- A. Upon completion of the probationary period, a regular classified employee initially hired at step A shall advance to step B on the appropriate range of the salary schedule.
- B. Notwithstanding the provisions of paragraph A, a new employee who has served continuously in limited-term or provisional status immediately prior to appointment to a regular position in the same class shall, for purposes of salary increment advancement, be credited back to the original date of hire in the class. The maximum amount of time which may be credited is six months.
- C. After receipt of the initial salary increment, each regular classified employee shall advance one step on the appropriate salary range upon completion of each year of continuous service until the maximum is reached
- D. A regular classified employee initially hired at step B or higher shall advance to the next step on the appropriate range of the salary schedule upon satisfactory completion of one year of service.

12.2.6

SPECIAL SALARY INCREMENTS FOR MANAGEMENT  
AND CONFIDENTIAL EMPLOYEES

- A. A permanent classified management or confidential employee may be granted a special one-step salary increment in advance of the scheduled increment subject to the following conditions:
1. When the employee's supervisor wishes to request a special salary increment, they shall submit to the Vice President of Human Resources or designee a recommendation with documentation of outstanding and meritorious service in the improvement of the educational service to students or the administration of the District. The recommendation shall include a specific listing of the accomplishments and achievements of the employee which exceeds the performance standards of the class.
  2. The recommendation shall be submitted to the Superintendent/President. If approved by the Superintendent/President it shall be forwarded to the Board of Trustees for action.
  3. The recommended employee has not received a regular salary increment within the preceding six months.
  4. The employee shall be eligible for no more than one special one-step salary increment within a three and one-half year period.
  5. Upon receipt of a special salary increment, the employee salary increment anniversary date shall be adjusted and the date of the special increment shall become the employee's new increment date.

### 12.2.7 SALARY ON PROMOTION

- A. When an employee is promoted to a position on a higher salary range, they shall receive at least a one step (5%) salary increase.
- B. If the amount of the first step of the new salary range is less than a one step salary increase, the employee shall be placed at the next higher step which will ensure a minimum of a one-step or 5% salary increase.
- C. A promotional employee may be granted Advanced Step Placement on the salary schedule upon recommendation of the Director of the Personnel Commission.
  - 1. The Director of the Personnel Commission shall base their recommendation to properly compensate a promotional employee for previous training, experience, and qualifications which greatly exceed the standard expectations of a new employee on entry into the classification,
  - 2. Advanced Step Placement for promotional employees shall otherwise be in accordance with Merit Rule 12.2.4.
- D. After promotion, an employee shall advance one step on the salary schedule after satisfactory completion of a probationary period in the new class. This shall become the employee's new increment anniversary date.
- E. Thereafter, salary increment advancement shall be in accordance with Rule 12.2.5.

### 12.2.8 SALARY ON DEMOTION

- A. An employee who accepts voluntary demotion for any reason other than disqualification from probationary or permanent status shall be placed in the step of the lower salary range that provides the least amount of reduction in salary.
- C. If the employee is eligible for an increment in their own class at the time a voluntary demotion is taken, the employee shall be credited with the increase before salary adjustment is made.
- D. When an employee is involuntarily demoted during probation, as provided in Rule 9.3.2, salary placement shall be at the step of the lower salary range to which the employee would have progressed

had the employee served continuously in the lower class. The employee's previous salary increment date shall be used to determine advancement on the salary schedule.

- E. When the demotion is due to a disciplinary action, the Disciplinary Action Notice shall specify the step of the salary range on which the employee shall be placed.

#### 12.2.9 SALARY ON RECLASSIFICATION

- A. When an employee is reclassified with their position to a class with a higher salary range, the employee shall be placed on the same step on the higher range with the same increment date as held in the lower range.
- B. When an employee is ineligible for reclassification with their position but qualifies for the higher class through the appropriate examination process, the change of classification shall be treated as a promotion under Rule 12.2.7.

#### 12.2.10 SALARY ON REALLOCATION

- A. When a class is reallocated to a higher salary range, all employees in the class shall be placed on the new salary range on the same step which they held prior to the reallocation. Step placement and anniversary increment date shall not change.

#### 12.2.11 SALARY ON TRANSFER

- A. When an employee is transferred from one position to another in the same class, or a related class on the same salary range, the employee's step placement and anniversary increment date shall not change.

12.2.12

SALARY ON RETURN FROM LEAVE OF ABSENCE,  
REEMPLOYMENT AND REINSTATEMENT

- A. An employee who returns from leave of absence, is reemployed in the same class within 39 months after layoff, or is reinstated into their former class within 39 months after resignation, shall be placed on the same step of the salary range for the class held prior to leave or separation.
- B. Credit for step advancement shall accrue during the following leaves of absence:
  - 1. All paid leaves of absence including sick leave, verified illness leave, personal necessity, bereavement, jury duty, vacation, etc.
  - 2. For military service, paid or unpaid.
  - 3. To serve in limited-term assignments in the District.
  - 4. For industrial accident or injury leave, paid or unpaid.
- C. An employee who is reinstated or reemployed in a related lower class shall be placed on the step of the lower salary range which is closest to, but not higher than, the last step held prior to separation.
- D. An employee who is reinstated or reemployed in a limited-term position shall be placed on the same step of the appropriate salary range which they would receive had they been reinstated to a permanent position in the class.

12.2.13

SHIFT DIFFERENTIAL PAY

- A. Shift differential pay shall be applicable to employees serving in regular positions, as follows:
1. Evening shift employees (NS1) who are permanently assigned to a shift requiring four (4) or more hours after 5:00 p.m. shall be paid a differential of two (2) ranges (approximately 5%) over the regular rate for daytime employees in the same class.
  2. Night shift employees (NS2) who are permanently assigned to a shift requiring four (4) or more hours between 12:00 midnight and 7:00 a.m. shall be paid a differential of four (4) ranges (approximately 10%) over the regular rate for daytime employees in the same class.
  3. Employees who are permanently assigned to a split-shift schedule which requires one or more unpaid periods exceeding a total of three (3) hours per day shall be paid a differential of two (2) ranges (approximately 5%) over the regular rate for regular employees in the same class.
  4. Employees who are permanently assigned to a variable hours schedule shall be paid a differential of two (2) ranges (approximately 5%) over the rate for regular employees in the same class.
  5. Employees who are permanently assigned to a regular 40 hour workweek consisting of a work schedule other than Monday through Friday which requires a Saturday or Sunday shift shall be paid a differential of two (2) ranges (approximately 5%) over the rate for regular employees in the same class.

- B. Employees who are assigned to evening and night-shift work on a continuous basis and are ordered to temporary daytime work, shall continue to receive their regular pay. However, on the 21st day the employee's pay shall be adjusted to the daytime schedule.
- C. Assignments to positions for which differential compensation is designated, other than temporary assignments (20 working days or less), shall be made on the basis of seniority, as specified in Merit Rule 6.3.15 A.
- D. To be eligible for shift differential pay, an employee shall serve more than two (2) evening, night, or split shifts per week. An employee shall be eligible to be paid for no more than one (1) shift differential under this rule. Where more than one shift differential can apply, the employee shall be paid at the higher differential rate.

#### 12.2.14

#### LONGEVITY PAY

- A. Each regular classified employee shall receive a salary increment in addition to their regular salary in recognition of completion of satisfactory and continuous service to the District. The increment shall be equal to a two range increase (approximately 5%) after completion of:
  - 1. Five years (Effective 7/1/80)
  - 2. Ten years (Effective 7/1/76)
  - 3. Fifteen years (Effective 3/1/64)
  - 4. Twenty years (Effective 7/1/81)
  - 5. Twenty-five years (Effective 10/1/77)
  - 6. Thirty years (Effective 7/1/78)
  - 7. Thirty-five years

#### 12.2.15

#### ADJUSTMENTS OF SERVICE CREDIT

- A. For purposes of salary increment and longevity computation, time in unpaid status, other than military or industrial injury leave, or recess periods which are part of an employee's work calendar, shall be deducted from the employee's accumulated service time. The employee's longevity and salary increment dates shall be adjusted accordingly.

#### 12.2.16

#### EFFECTIVE DATE OF SALARY CHANGES

- A. All salary and longevity increments shall be effective on the first day of the calendar month as provided below:
  - 1. When the actual date of the change falls on or before the 15th of the month, the salary change shall be effective on the first of the month.
  - 2. When the actual date of the change falls after the 15th of the month, the change shall be effective on the first of the following month.

#### 12.2.17

#### APPLICATION OF SALARY PROVISIONS TO BARGAINING UNIT MEMBERS

- A. The salary provisions for bargaining unit members are contained in the applicable collective bargaining agreements.

Rule 12.3

OVERTIME COMPENSATION (EDUCATION CODE SECTIONS 88027-88031, 88039)

Salary provisions for bargaining unit members are contained in the applicable collective bargaining agreements.

12.3.1

OVERTIME DEFINED

- A. Overtime shall be defined as the authorized work time in excess of 40 hours in one work week or the authorized number of hours in an employee's approved workday pattern that includes at least eight (8) hours per day.
- B. For purposes of determining overtime compensation, work time shall include:
  - 1. All actual hours worked.
  - 2. All hours of paid leave time including sick leave, vacation, holidays, compensatory time off, or any other paid leave.

12.3.2

OVERTIME COMPENSATION

- A. An employee who works authorized overtime as defined in Rule 12.3.1 shall be paid at the rate of one and one-half (1-1/2) times their regular rate of pay for all overtime hours worked. Compensation shall be in cash payment or, by mutual agreement, compensatory time.
  - 1. The employee's regular rate of pay shall include shift and special assignment differentials.
  - 2. The employee's regular rate of pay shall be the appropriate rate for the class in which the duties are performed.
- B. Overtime at the rate of one and one-half times their regular rate shall also be paid to a regular part-time employee as follows:
  - 1. An employee having an average workday of four (4) hours or more shall receive overtime compensation for any authorized work performed on the sixth and seventh consecutive day of work.
  - 2. An employee having an average workday of less than four (4) hours during the workweek, shall receive overtime compensation for any authorized work performed on the seventh consecutive day of work.
- C. When an employee is required to work on a paid District holiday, the employee shall be paid, in addition to the regular pay received for the holiday, at the rate of one and one-half (1-1/2) times the employee's regular rate of pay.
- D. The minimum authorized period which shall qualify for overtime pay is one-half (1/2) hour.

12.3.3

ASSIGNMENT OF OVERTIME

- A. Overtime work shall be assigned on a rotating seniority basis among all qualified employees who are in the same class, the same organizational unit, and at the same work location. If an employee chooses not to work the overtime assigned under this procedure, no punitive action shall be taken by the District or the immediate supervisor.
- B. If no employee in the class, organizational unit and work location accepts the overtime assignment using the rotating seniority process, the District may assign the overtime in reverse rotating seniority order.
- C. The following are allowable exceptions to the seniority overtime assignment process:
  - 1. When overtime is authorized for completion of a specific assignment, project, or work in progress, the employee who began the assignment, project or work may be assigned the overtime.
  - 2. When the District determines it is necessary to consider special skills and training of employees to perform particular work.
  - 3. When other employees working on a non-overtime basis are available to perform the duties, the District shall not be required to assign the work on an overtime basis.

12.3.4

COMPENSATORY TIME (EDUCATION CODE SECTION 88028)

- A. Compensatory time off may be granted in lieu of cash payment for overtime hours worked by mutual agreement of the employee and of the department supervisor. The following provisions shall apply:
  - 1. A record of all compensatory time worked and taken for each employee shall be maintained in the time record of the department.
  - 2. Compensatory time may be taken as leave by the employee in lieu of any other authorized leave.
  - 3. Compensatory time shall be approved by the department supervisor before it is taken.
- B. Compensatory time shall be earned at the rate of one and one-half (1-1/2) hours for every 1 hour of overtime worked.
- C. Compensatory time may be accumulated for no more than 12 calendar months following the month in which the overtime was worked by any employee, provided that:
  - 1. An employee may retain a reasonable "bank" of compensatory time, which may not exceed 80 hours, at any time, for their use as authorized under this Rule.
  - 2. An employee shall be required to utilize any additional compensatory time beyond the 80 hours, within the month in which it is earned.
  - 3. When an employee transfers to a new department or a new assignment, compensatory time maintained in the employee's "bank" shall either be transferred with the employee or compensated in cash at the employee's current overtime rate as determined by the District.

4. All compensatory time accumulated in an employee's "bank" at the time of separation from the District shall be compensated in cash at the employee's current overtime rate.

#### 12.3.5

#### CALL BACK PAY

- A. Whenever an employee is required by the employee's supervisor to return to work after having departed from their work location after termination of their work shift (call back), the employee shall receive a minimum payment of two (2) hours at their regular or overtime rate, as appropriate.
- B. Whenever an employee is required by the employee's supervisor to report for work on a day on which they are not regularly scheduled to work the employee shall receive a minimum payment of two (2) hours at their overtime rate provided the employee was given at least five (5) working days advance notice. In the event the employee is not given the advance notice, the employee shall receive a minimum payment of four (4) hours at their overtime rate.
- C. If an employee works more than two (2) hours on call back as provided above, the employee shall receive the appropriate pay for the actual hours worked.

12.3.6

EXEMPTION FROM OVERTIME PROVISIONS  
(EDUCATION CODE SECTIONS 88026, 88029)

- A. All positions/classes designated as executive, administrative, or supervisory by the Personnel Commission shall be exempted from the provision of these Rules.
- B. To be exempted from overtime provisions, all classes or positions must clearly be:
  - 1. Management positions in which the duties, authority, flexibility of hours, salary and benefit structure sets them apart from other positions or classes.
- C. Classes which are subject to fluctuations in daily working hours not subject to administrative control, such as police, security, or recreation but not food service or transportation, may be exempted from overtime provisions requiring payment of overtime for hours worked in excess of eight (8) in one day. For alternate work pattern assignments, this exemption shall apply to hours worked in excess of nine (9) hours in one day or ten (10) hours in one day, as appropriate.
- D. The Personnel Commission shall certify in writing that each position is properly exempted from the overtime provisions of Education Code Section 88027 and that the employees serving in such classes are not therefore unreasonably discriminated against.
- E. The list of designated management classes exempt from overtime provisions shall be maintained in the District's Management Salary Schedule.
- F. The list of classes designated as exempt from overtime compensation for hours worked in excess of eight (8) in one day shall be maintained in the Classified Personnel Office.

Section 12.3.6.G

- G. Notwithstanding the provisions of paragraph A of this Rule, if an exempted employee is required to work on a holiday, he/she shall be compensated at his/her regular rate of pay for the hours worked on the holiday or shall be granted an equal amount of compensatory time.
  
- H. Whenever a non-management employee is temporarily assigned to a designated management position for which he/she receives pay on the management salary schedule, the employee shall be ineligible for overtime pay for the entire period in which he/she serves in the management position.

12.3.7

APPLICATION OF OVERTIME COMPENSATION PROVISIONS TO UNIT MEMBERS

- A. Overtime compensation provisions for unit members shall be in accordance with Article 3 of the Agreements between the Santa Monica Community College District and Chapter 36, CSEA and this Rule, unless the Rule provision is specifically limited to management and confidential employees.

Rule 12.4

EMPLOYEE BENEFITS

Employee benefit provisions for unit members are contained in Article 12 of the District/CSEA Contract.

12.4.1

HEALTH AND WELFARE BENEFITS (GOVERNMENT CODE SECTION 53200)

- A. The Santa Monica Community College District shall provide a basic Health and Welfare Benefit Plan to all regular employees serving in positions assigned on a half time (20 hour) basis or more.
- B. The basic Health and Welfare Benefit shall be the amount approved by the Board of Trustees for the year.
- C. The basic Health and Welfare Benefit Plan shall provide for a contribution by the District for group medical insurance, dental insurance and vision coverage.
- D. Each regular eligible employee, shall select coverage from the group health insurance, dental program, and vision plan offered by the District within the first 30 days after initial employment. Thereafter, a covered employee may change plans or add eligible family members only during open enrollment periods.
- E. Employees who work five days per week, seven to eight hours per day, 35 to 40 hours per week, and who are employed for the academic year, or instructional year, shall be considered full-time employees for the purposes of this rule.

Section 12.4.1.F

- F. Employees who work less than 35 hours per week, but 20 or more hours per week, shall receive a prorata share of the amounts which are authorized for a full-time employee if they elect to be enrolled in a health, vision, and dental program. The proration shall be based on the number of hours worked as it bears to 40 and as the number of months worked bears to ten.
  - 1. Unit member employees who were employed for 20 hours per week or more prior to September 19, 1977, and who have been continuously employed, shall continue to receive full benefits.
- G. Employees who work less than 20 hours per week shall not be eligible for benefits enumerated in the Rule.
- H. The District shall provide the basic Health and Welfare Benefit Plan to retired annuitant employees of the District. The benefit plan shall provide the group medical, dental and vision care coverage for the employee and eligible dependents as defined by the insurance carrier. The amount of contribution shall be determined by the Board of Trustees.
- I. The District shall provide the supplemental retirement benefit to all retired employees who meet the eligibility requirements for the District's Classified Employees' Early Retirement Program.
- J. The District supplemental retirement benefit shall continue until the employee's 65th birthday or the employee's death, whichever occurs first. The supplemental benefit shall not be provided to the employee's estate or surviving dependents.

Section 12.4.2

#### 12.4.2

#### MILEAGE REIMBURSEMENT

- A. Any classified employee who is required by his/her supervisor to use his/her personal vehicle for college business shall be reimbursed for mileage at the rate approved by the Board of Trustees.
- B. Claims for mileage reimbursement shall be approved by the immediate supervisor and filed with the Business Services Department on the Mileage Reimbursement form at the close of each semester.

#### 12.4.3

#### UNIFORM ALLOWANCE (EDUCATION CODE SECTION 88037)

- A. The District may require classified employees to wear a distinctive uniform. The cost of purchase, lease, rental, and maintenance of uniforms, and equipment, identification badges, emblems, and cards which are required by the District shall be paid for, or the cost shall be reimbursed to the employee, by the District.

#### 12.4.4

#### APPLICATION OF BENEFIT PROVISIONS TO UNIT MEMBERS

- A. The benefit provisions for unit members shall be in accordance with Article 12 of the Agreements between the Santa Monica Community College District and Chapter 36, CSEA, and this Rule.

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER XIII

Presented by the Personnel Commission for First Reading on May 5, 1993.

Presented to the Personnel Commission for Approval on June 23, 1993.

Approved by the Personnel Commission on June 23, 1993.

**CHAPTER XIII -- SENIORITY, LAYOFF, DISPLACEMENT AND REEMPLOYMENT**  
**(EDUCATION CODE SECTIONS 88014, 88015, 88017, 88117)**

**Rule 13.1 SENIORITY PROVISIONS (EDUCATION CODE SECTION 88127)**

Section	13.1.1	Seniority Defined
	13.1.2	Computation of Seniority
	13.1.3	General Provisions
	13.1.4	Seniority Lists

**Rule 13.2 LAYOFF PROCEDURES (EDUCATION CODE SECTIONS 88127, 88017, 88117)**

Section	13.2.1	Procedures For Layoff of Permanent Employees
	13.2.2	Procedures For Layoff of Probationary Employees

**Rule 13.3 DISPLACEMENT (BUMPING RIGHTS)**

Section	13.3.1	Displacement Rights for Permanent Employees
	13.3.2	Rights of Non-Permanent Employees

**Rule 13.4 REEMPLOYMENT**

Section	13.4.1	Reemployment Rights of Permanent Employees
	13.4.2	Reemployment of Probationary Employees

## CHAPTER XIII

### SENIORITY, LAYOFF, DISPLACEMENT AND REEMPLOYMENT

Rule 13.1 SENIORITY PROVISIONS (EDUCATION CODE SECTION 88127)

13.1.1 SENIORITY DEFINED

- A. Seniority shall be defined as the length of time which a permanent classified employee has served in his/her class plus higher related classes.
- B. For service commencing on or continuing after July 1, 1971, length of service shall mean all hours in paid status in the class plus higher related classes during the regular school year, a recess period, a holiday, or an approved leave of absence with pay, but shall exclude hours compensated solely on an overtime basis.
- C. For service prior to July 1, 1971, length of service shall mean years of service in the class plus higher related classes. Seniority shall be credited for each year, month and day of service regardless of the assigned hours per day or months per year as follows:
  - 1. One year shall equal 2080 hours.
  - 2. One month shall equal 174 hours.
  - 3. One day shall equal eight (8) hours.

13.1.2

COMPUTATION OF SENIORITY

- A. Computation of seniority in the class shall include hours in paid status up to a maximum of 40 hours per week including:
1. Vacation, sick leave, military and other paid leaves.
  2. Limited-term (substitute or temporary) or provisional assignments held after gaining permanency.
  3. Additional part time hours in the employee's class.
  4. Hours which the employee has transferred from employment with the Santa Monica-Malibu Unified School District prior to separation of the classified service on July 1, 1980.
  5. Hours which the employee has transferred from permanent and continuous employment with the Santa Monica College Associated Student Body prior to July 1, 1985.
  6. Hours served in restricted status upon qualification of the employee as provided in Rule 3.1.7.G.
- B. Computation of seniority shall not include:
1. Hours served or compensated for in a limited-term (substitute or temporary) or provisional assignment prior to entering into the classified service as a probationary employee.
  2. Any hours compensated solely on an overtime basis.
  3. Time in unpaid status including unpaid leave and docked time.

TABLE 13-1 SENIORITY CREDIT UPON CHANGE OF CLASS

<u>RECLASS</u>		<u>SENIORITY</u>
<p>From</p> <p>Abolished Class</p> <p>Existing Class (not abolished)</p>	<p>To</p> <p>New Class</p> <p>Existing higher class</p> <p>Existing lateral class</p> <p>New class</p> <p>Existing class</p>	<p>Keep old seniority</p> <p>Start new seniority</p> <p>Keep old seniority</p> <p>Start new seniority</p> <p>Start new seniority</p>
<u>RETITLE</u>	<p>From</p> <p>Old Title abolished</p>	<p>To</p> <p>New Title established</p> <p>Keep old seniority</p>
<u>LATERAL TRANSFER</u>	<p>From</p> <p>Abolished class</p>	<p>To</p> <p>New class</p> <p>Existing class</p> <p>Keep old seniority</p> <p>Keep old seniority</p>

13.1.3

GENERAL PROVISIONS

- A. Whenever a tie in seniority in the class exists, it shall be broken according to the following order:
  - 1. The employee with the longest total service in the District shall be accorded the greater seniority.
  - 2. The employee with the greater seniority in the higher class shall be accorded the greater seniority.
- B. If two (2) or more employees continue to be tied, the Personnel Director shall provide for the employees to draw lots to break the tie.
- C. When reclassification results either in the merger of two (2) or more classes into a newly created class and the abolishment of the previous class, or the separation of a class into two (2) or more newly created classes, seniority rights of regular employees who are reclassified with their positions shall be computed from the date the employee first began regular service in the former class(es).
- D. When an employee is reclassified with his/her position to an already existing class, seniority shall be computed from the effective date the position is reclassified.
- E. When an employee is transferred from one class to another, seniority in the new class shall begin on the effective date of the transfer.
- F. When a class is retitled to a newly created title and the old class title is abolished, the new class shall begin seniority on the date of hire in the previous class.

See Table 13-1 on accompanying page.

13.1.4

SENIORITY LISTS

- A. Seniority lists shall be prepared or updated for each class as necessary. When each list is initially established, it shall be approved by the Personnel Director and certified by the Personnel Commission before it is used.
- B. When a seniority list is initially established or updated, the list shall be made available to the employee (s) for review during a five (5) working day period before it is approved.
- C. During the prescribed review period, an employee who believes that an error has been made on his/her seniority computation shall notify the Personnel Director, who shall review the computations together with any additional information provided by the employee. The Personnel Director shall determine if a recomputation is appropriate and present an appropriate recommendation for action by the Personnel Commission.
- D. Seniority lists that are maintained will be available for inspection in the Classified Personnel Department.

Rule 13.2

LAYOFF PROCEDURES (EDUCATION CODE SECTIONS 88127, 88017, 88117)

13.2.1

PROCEDURES FOR LAYOFF OF PERMANENT EMPLOYEES

- A. The Board may lay off employees because of lack of work, lack of funds, or the abolishment, reclassification or reorganization of positions. In the event of layoff, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class plus higher related classes shall be laid off first. Classified employees who have been laid off shall have the right of reemployment in the reverse order of layoff. The Personnel Director shall prepare a layoff list by class and it shall be certified at a regular or special meeting of the Personnel Commission. The list shall be used in carrying out all applicable rules in regard to layoff.
  
- B. When the Board of Trustees determines that classified employees must be laid off and has approved the positions and services or programs which are to be eliminated, the District Personnel Administrator shall notify the employees affected and the Personnel Director of the effective date of layoff and the Board approval date. The Personnel Administrator shall utilize the approved layoff list in effecting all layoffs under these Rules. The following procedures shall apply:
  - 1. Employees who are to be laid off shall be given at least a 45 calendar day notice prior to the effective date of the layoff.
  
  - 2. Employees who are to be laid off due to the expiration of a specially-funded program, shall be given a notice not less than 45 calendar days prior to the expiration date of the program.

3. The notice shall include:
  - a. the effective date of the layoff;
  - b. the employee's displacement (bumping and voluntary reduction) rights;
  - c. the employee's reemployment rights;
  - d. the employee's benefit entitlement, unemployment compensation rights and promotional testing preference.
4. The Board of Trustees may waive the 45 calendar day notification procedures for layoff due to lack of funds only in the event of an actual and existing financial inability to pay classified employee salaries.
5. When the assigned work year and/or the assigned hours of a position must be reduced, or when a position is reclassified to a lower level, the employee regularly assigned to the position shall be given the opportunity to elect a voluntary demotion or voluntary reduction in order to remain in the position. This demotion or reduction shall be in lieu of layoff.
6. Whenever a limited-term assignment exists in the same class in which a regular employee is to be laid off, the regular employee shall be offered the limited-term assignment. If the regular employee accepts it, the limited-term employee shall be terminated.

13.2.2

PROCEDURES FOR LAYOFF OF PROBATIONARY EMPLOYEES

- A. Probationary employees may be laid off at any time without regard to the minimum 45-day notice listed in Rule 13.2.1; however, the District shall make every effort to provide probationary employees the same minimum notification that is provided to permanent employees.

MRC appr: 9-30-91

Rule 13.3

DISPLACEMENT (BUMPING) RIGHTS

13.3.1

DISPLACEMENT RIGHTS FOR PERMANENT EMPLOYEES

- A. Displacement shall be defined as the replacement of a junior employee by an employee with more seniority in the same class.
  
- B. Permanent classified employees who are laid off may exercise displacement rights in their class or in any other class with the same or lower maximum salary in which they hold seniority credit greater than an incumbent. The employee who is displaced shall be the one with the least total seniority in the class (plus equal and higher classes). The following rules shall apply in determining displacement rights:
  - 1. In cases of reclassification, reorganization, or abolishment of position, or in cases where the employee is promoted and subsequently disqualified during probation, an incumbent's seniority in the class shall be computed as stated in Rule 13.1.2.
  
  - 2. An employee may displace only that employee within his/her class who has the least seniority in the class plus higher classes.
  
  - 3. When an employee displaces into a class having positions which are full time, part time and/or assigned to different yearly assignments, (such as 12, 11, 10, 9 month or school year or 157 days per year assignments), the employee shall be placed in that position with the next most comparable assignment. Decreases in assigned time shall be processed in accordance with Rule 9.6.3.

#### Section 13.3.1.B.4

4. If an employee waives the opportunity to displace within his/her own class, the employee may follow these procedures in any equal or lower class in which he/she holds seniority credit greater than the least senior incumbent, or the employee may be placed on a reemployment list.
5. When an employee exercises displacement rights into a lower class, the employee(s) shall receive credit for accumulated seniority in all related higher classes.
6. Each employee shall respond to the Personnel Director within one week after notification of layoff whether or not the employee will exercise displacement into his/her own regular class or any other class in which seniority is held.
7. Displacement into a lower class under this Rule shall be considered a voluntary demotion which shall qualify the employee for Y-rate salary placement under Rule 12.2.9.

13.3.2

RIGHTS OF NON-PERMANENT EMPLOYEES

- A. Probationary employees who are laid off shall hold no displacement rights but may be restored to their former place on eligibility list(s) from which they were appointed provided the list(s) have not expired.
- B. All other employees without permanency in the classified service, shall hold no displacement rights and may be terminated at the end of their work shift without regard to the notification procedures of Rule 13.2.
- C. No regular employee shall be laid off from any position while temporary (limited-term) employees are assigned to positions in the same class, unless the regular employee declines the temporary assignment.

MRC appr: 9-30-91

Rule 13.4

REEMPLOYMENT

13.4.1

REEMPLOYMENT RIGHTS OF PERMANENT EMPLOYEES  
(EDUCATION CODE SECTIONS 88117, 88127)

- A. A permanent employee after having had the opportunity to exercise all rights guaranteed under this policy who must be laid off shall be placed on a preferential 39 month reemployment list. Reemployment in the first opening occurring in the class in which layoff has taken place shall be in the reverse order of seniority. The following procedures shall apply:
1. A laid off employee on a reemployment list may decline three (3) offers of reemployment in his/her former class. After the third refusal no additional offers need be made and the employee shall be considered unavailable until he/she indicates otherwise.
  2. If a laid off employee is on an eligibility list at the time of layoff, he/she shall remain on the list until he/she is placed, or the list is terminated, whichever occurs first.
  3. Laid off employees on reemployment lists shall be eligible to compete in promotional examinations for which they qualify.
  4. Laid off employees shall not accumulate seniority in the class while on the reemployment list.

- B. For purposes of this Rule the term, "reemployment list" shall mean a list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolishment or reclassification of positions, or other reasons specified in these Rules, and who are eligible for reemployment without examination in their former class, arranged in order of their right to reemployment.
- C. An employee who has accepted a demotion in order to remain in his/her position in lieu of layoff has the right to be reemployed without examination, in accordance with his/her seniority in a vacant position in the employee's former class for 63 months after demotion provided that same tests of fitness still apply. Intervening assignments to other classes shall not abrogate this right.
- D. Upon reemployment the District shall restore to the employee all the rights, benefits and burdens of permanent employment in the class for which he/she is reemployed. Salary placement shall be determined according to Rule 12.2.13.

13.4.2

REEMPLOYMENT OF PROBATIONARY EMPLOYEES

- A. Probationary employees who are reemployed after layoff into their former class from the appropriate eligibility list shall be credited for the time served as part of their probationary period.

MRC appr: 9-30-91

Rule 14.1 DISCIPLINARY ACTION – SUSPENSION, DEMOTION AND DISMISSAL (EDUCATION CODE SECTION 88123)

Section	14.1.1	General Provisions
	14.1.2	Notice of Disciplinary Action
	14.1.3	Definitions
	14.1.4	Causes for Suspension, Demotion or Dismissal
	14.1.5	Procedure for Suspension
	14.1.6	Procedure for Demotion and Dismissal
	14.1.7	Procedure for Notification of Charges

Rule 14.2 PROCEDURE FOR APPEAL AND HEARING (EDUCATION CODE SECTIONS 88124, 88125) ?

Section	14.2.1	Procedure for Appeal
	14.2.2	Procedure for Hearing
	14.2.3	Findings and Order
	14.2.4	Transcript of Hearing

## CHAPTER XIV

### DISCIPLINARY ACTION AND APPEALS

#### Rule 14.1

DISCIPLINARY ACTION - SUSPENSION, DEMOTION,  
AND DISMISSAL (EDUCATION CODE SECTION 88123)

#### 14.1.1

##### GENERAL PROVISIONS

- A. A permanent classified employee shall be subject to disciplinary action only for cause as prescribed by law or Section 4 of this Rule. No disciplinary action shall be taken against any permanent employee for any cause which arose prior to the date in which the employee became permanent, nor for any cause which arose more than two years preceding the date of the filing of the Notice of Disciplinary Action, unless such cause was concealed or not disclosed by the employee when it could reasonably be assumed that the employee should have disclosed the facts to the appropriate authority.
- B. No classified employee shall be suspended, demoted, or dismissed, or in any way discriminated against because of his/her affiliations, race, color, national origin, age, marital status, sex, disabilities, ancestry, medical condition (as defined in Government Code Section 12926), or religious or political beliefs or acts, except as provided in Section 4.A.6 of this Rule.
- C. No permanent or probationary classified employee shall be suspended, demoted or dismissed until final approval is given by the Board, except for suspensions processed under Section 5.C of this Rule.

#### 14.1.2

##### NOTICE OF DISCIPLINARY ACTION

- A. A Notice of Disciplinary Action under this Rule shall contain specific charges in ordinary and concise language of the individual acts or omissions of the employee which have resulted in the recommendation for disciplinary action. The charges shall also include a listing of the cause specified in Section 4 of this Rule which has been violated by the employee and the date(s), time(s) and place(s) when the violation occurred.

- B. The employee shall be advised of his/her right to respond either orally or in writing within 5 working days after receipt of the notice to the person so designated on the notice. The employee shall also be advised of his/her right to review and copy all documents in his/her personnel file on which the disciplinary action is based.
- C. All communications from the District to the employee shall either be:
  - 1. Delivered personally and signed for by the employee.
  - 2. Sent by certified mail, return receipt requested, to the last known address of the employee on file in the Personnel Commission Office.

14.1.3

DEFINITIONS

- A. Suspension shall mean the temporary removal of an employee from a position for cause with loss of pay as a disciplinary measure, or indefinite removal preliminary to investigation of charges pursuant to Section 88123 of the Education Code.
- B. Demotion shall mean the involuntary reduction of an employee from a class with a higher pay scale to a class with a lower pay scale or from a higher salary increment to a lower salary increment.
- C. Dismissal shall mean the involuntary separation of an employee from service for cause.

14.1.4

CAUSES FOR SUSPENSION, DEMOTION OR DISMISSAL

- A. A permanent classified employee may be subject to immediate disciplinary action by the Board only for the following causes:
  - 1. Insubordination, including, but not limited to refusal to do reasonably assigned work or any other serious breach of discipline.
  - 2. Discourteous, offensive or abusive conduct toward other employees, students or the public.

### Section 14.1.4.A.3

3. Misuse or theft, destruction or mishandling of District property, or property of employees of the District.
4. Offering anything of value, or offering any service in exchange for special treatment in connection with the employee's job or employment, or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
5. Unauthorized possession of opened alcoholic beverage containers or drinking alcoholic beverages or being intoxicated while on the job or unauthorized use of narcotics or habit forming drugs not prescribed by a licensed physician.
6. Engaging in political activities during assigned hours of employment.
7. Immoral conduct.
8. Conviction of a crime of violence or moral turpitude or a serious crime where the nature of the crime is such that it will indicate that the employee is a poor employment risk for the particular job which he/she holds in the District.
9. Conviction of a sex offense or a narcotics offense as defined in Education Code Sections 87010 or 87011.
10. Absence without approved leave or abuse of leave privileges.
11. Knowingly falsifying any information supplied to the District including but not limited to information supplied on application forms, employment records and other records.
12. Persistent violation or refusal to obey District safety rules or other procedures made applicable to the District by the Board, or by any appropriate state or governmental agency.

Section 14.1.4.A.13

13. Any willful failure of good conduct tending to injure the public service or its reputation with particular regards to students.
  14. Abandonment of position, which shall be interpreted to mean an absence without continued notification in excess of 5 working days except in case of dire emergency.
  15. Advocacy of the overthrow of federal, state, or local government by force, violence or other unlawful means.
  16. Willful or persistent violation of these rules or adopted and implemented procedures of a department when such procedures are made known to the employee in writing.
  17. Failure to report for review of criminal records or for a health examination after due notice.
- B. A permanent classified employee shall be subject to disciplinary action for the following causes only after completion of Need for Work Improvement and Unsatisfactory Work Performance Notices as provided in Section 6B of this Rule.
1. Incompetence, below standard work performance, a pattern of inefficiency, or continued negligence in the performance of the duties of his/her position.
  2. Repeated or unexcused tardiness or absence after warning.
- C. A permanent classified employee may be subject to removal from service or change in status under this rule due to physical or mental unfitness for service as determined by the District physician. The employee shall retain his/her right to appeal. The administration shall base its decision to recommend removal or change in status on the following factors:
1. The degree of physical or mental unfitness and the doctor's prognosis as they relate to the duties to be performed.

## Section 14.1.4.C.2

2. The number of positions in the employee's classification and subsequent uniqueness or degree of specialty in the position, and the availability of a person qualified to substitute during the absence of the employee.
3. The degree and frequency of previous sick leave usage. Particular attention shall be paid to employees who have extraordinary use or lack of use of sick leave, together with consideration for the circumstances surrounding previous use of sick leave.

14.1.5

PROCEDURE FOR SUSPENSION

- A. An employee may be suspended for cause as listed in Section 4.A of this Rule without pay for no more than 30 calendar days upon the approval of the Superintendent or the District Personnel Administrator subject to ratification by the Board of Trustees at their next regular meeting.
- B. When a request for suspension is made, a Notice of Disciplinary Action must be completed by the immediate supervisor and submitted to the District Personnel Administrator for final approval after approval by the departmental administrator. The Notice of Disciplinary Action must contain specific charges as required in Section 2 of this Rule and must be delivered to the employee not less than 1 working day prior to the effective date of the suspension. A copy of the notice shall be filed with the Personnel Director.
- C. An employee may be peremptorily suspended for up to one day without pay by his/her immediate supervisor with the approval of the departmental administrator for cause as listed in Section 4.A of this Rule when such suspension is necessary to safeguard the best interest of the District or the employee. Such suspensions shall be documented on the appropriate Notice of Disciplinary Action and presented to the employee prior to his/her return to work at a conference, with the employee's supervisor(s) and the Personnel Administrator. All procedures for notification required in these rules shall then be complied with.
- D. Preemptory Board suspensions are subject to ratification by the Board at the next meeting following the suspension.

14.1.6

PROCEDURE FOR DEMOTION AND DISMISSAL

- A. When a regular classified employee is recommended for demotion or dismissal for cause as listed in Section 4.A of this Rule, a Notice of Disciplinary Action shall be prepared by the immediate supervisor, approved by the departmental administrator, and transmitted to the District Personnel Administrator for final approval. A copy of the Notice shall be presented to the employee at least 5 working days prior to Board action as provided in section 2 of this Rule. A copy of this Notice shall also be filed with the Personnel Director. The District Personnel Administrator shall then present the recommendation for demotion or dismissal of the employee to the Board for action at their next meeting.
- B. In cases of disciplinary action arising from causes listed in Section 4.B of this Rule, the immediate supervisor and departmental administrator shall provide the employee with the following three Notices before demotion or dismissal can be recommended:
1. First Notice: Need of Work Improvement
  2. Second Notice: Unsatisfactory Work Performance
  3. Final Notice: Recommendation of Disciplinary Action

The Notices shall be prepared according to procedures provided in Section 2 of this Rule and each notice shall provide a minimum 30 calendar day period for the employee to improve. Should the employee improve his/her performance to a satisfactory level, the immediate supervisor and departmental administrator shall document the employee's performance on the following form:

4. Job Performance Progress Report

Should the employee's performance not improve, the disciplinary action may proceed as specified in part A of this section.

Section 14.1.6.C

- C. An employee who has permanent status in the classified service and who has been promoted to a higher class may be demoted involuntary during the probationary period to his/her former class without right of appeal, unless the demotion shall result in separation of the employee from the classified service, or the employee's appeal falls under the provision of Section 1.B of this Rule.
- D. Dismissal shall cause removal of the employee's name from all employment lists.

14.1.7

PROCEDURE FOR NOTIFICATION OF CHARGES

- A. When the Board has taken final action to demote or dismiss the employee, the District Personnel Administrator shall, within 3 working days, notify the Personnel Director in writing of the Board's action.
- B. The Personnel Director shall, within 10 working days of the Board's action to approve suspension, demotion, or dismissal, notify the employee. The Personnel Director shall, at the next regular meeting, file written charges with the Commission.
- C. The notification of charges to the employee shall contain:
  - 1. A copy of the written charges.
  - 2. The time allowed to file an appeal.
  - 3. The right of the employee to a hearing on the appeal.
  - 4. The requirements for the employee's response as set forth in these Rules.

Rule 14.2

PROCEDURE FOR APPEAL AND HEARING (EDUCATION CODE SECTIONS 88124, 88125 ?)

14.2.1

PROCEDURE FOR APPEAL

- A. A permanent employee who has been suspended, demoted, or dismissed may appeal to the Personnel Commission within 14 calendar days after receipt of the Notice of Charges from the Personnel Director by filing a written answer to the charges and he/she may request a hearing.
- B. The employee's written answer to the charges must include facts based on the following grounds:
  - 1. That the charges made do not constitute sufficient cause for the action taken.
  - 2. That the action taken was not in accord with the facts.
  - 3. That there was an abuse of discretion.
  - 4. That the procedures set forth in these rules have not been followed.
  - 5. That the disciplinary action was taken because of political affiliations, or religious beliefs or opinions, race, color, national origin, ancestry, sex, employee organization members or non-membership, marital status, disability, or medical condition (as defined in Government Code Section 12926).
- C. For purposes of this Rule, if a notice is mailed, the working day following the postmark date and time of the notice shall be considered to be the official date and time of receipt.
- D. Failure to appeal as provided in this Rule shall make the action of the Board final and conclusive.

14.2.2

PROCEDURE FOR HEARING

- A. After an employee has made and filed his/her appeal in answer to the charges against him/her, the Personnel Commission shall investigate or cause to be investigated the matter on appeal and may require further evidence from either party. The Commission may, and upon request of an accused employee, shall order a hearing. If a hearing is to be conducted, the Personnel Commission shall then fix the time and place of the hearing which shall be within a reasonable length of time from the receipt of the appeal and shall provide written notification to all parties.

The Personnel Commission may appoint a hearing officer to conduct any hearing and report the findings and recommendations to the Commission. Such recommendations shall not be binding on the Commission.

- B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officers shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.
- C. The hearing shall be electronically tape recorded. However, either party may request that the hearing be recorded by a court reporter, in which case the party making the request shall bear the cost as determined by the Personnel Director.
- D. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on a preponderance of evidence.
- E. The burden of proof shall be on the Board.

## Section 14.2.2.F

- F. Each party will be permitted an opening statement, with the Board or its designated representatives opening first. Each party shall be permitted closing arguments with the employee closing first. The Board shall next present its witnesses and evidence to sustain its charges, and the employee will then present his witnesses and evidence in defense.
- G. Each party will be allowed to examine and cross examine witnesses.
- H. The Board, the Commission and the employee will be allowed to be represented by separate legal counsel or other designated representatives.
- I. The Commission or the Personnel Director may and shall, if requested by the Board or the employee, subpoena witnesses and/or require the production of records or other material evidence.
- J. The Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.
- K. A hearing shall be held in closed session unless an open hearing is requested by the employee. The Commission may, at its discretion, exclude witnesses not under examination except the employee and the party attempting to substantiate the charges against the employee and their respective counsel. When hearing testimony on alleged scandalous or indecent conduct, all persons not having a direct interest in the hearing may be excluded.
- L. The Commission may deliberate its decision in closed session and exclude all persons other than members of the Commission and its staff or counsel. If its counsel also served as counsel for the Board, he/she shall be barred from the Commission's final deliberations.

14.2.3

FINDINGS AND ORDER

- A. The Commission shall render its judgment as soon after the conclusion of the investigation or hearing as possible, and unless an agreement for an extension is accepted by all parties, the decision shall be made within 14 calendar days after conclusion of the hearing. Its decision shall set forth which charges, if any, are sustained or rejected and the reasons therefore.
  - 1. The Commission's decision shall be set forth in writing by the Personnel Director and signed by the chairman of the Commission and be sent to all parties of interest.
  
- B. The Commission may sustain or reject any or all of the charges filed against the employee. If the Commission finds in favor of the employee, it may:
  - 1. Order the employee's reinstatement upon such terms and conditions as it may determine appropriate.
  - 2. Modify the disciplinary action, but not to make more stringent the action taken by the Board.
  - 3. Order paid all or part of the employee's full compensation from the time of suspension, demotion, or dismissal.
  - 4. Order paid by the Board compensation for all or part of the legitimate expenses incurred by all parties in pursuit of the appeal.
  - 5. Order the employee transferred or changed in work location.
  - 6. Order seniority credit for off-time pending reinstatement.
  - 7. Order expunction from the employee's personnel file all records pertaining to the disciplinary action on charges which were or were not sustained by the Commission.
  
- C. The decision of the Commission shall be final.

14.2.4

TRANSCRIPT OF HEARING

- A. A copy of the transcript of the hearing shall be furnished to either party upon written request made within 90 calendar days of the decision of the Commission. The Personnel Director shall cause the transcript to be typed and the cost of copies shall be borne by the party requesting such copies in an amount as determined by the Personnel Director to be representative of the actual costs of preparation.





- G. Employees who become members of the Public Employees Retirement System prior to July 1, 1980 will receive additional service credit on retirement of 0.004 years for each day of unused sick leave at the time of retirement. This benefit does not apply to any person who becomes a member on or after July 1, 1980.

15.1.2

CLASSIFIED EMPLOYEE EARLY RETIREMENT INCENTIVE (BOARD POLICY)

- A. The District shall continue to provide health and welfare benefits for regular classified management, confidential and unit employees to age 65 or until the employee's death, whichever occurs first.
  - 1. For management and confidential employees the retirement schedule shall be:
    - a. at age 50 or thereafter with 10 years of continuous service in the District.
    - b. at age 55 or thereafter with 5 years of continuous service in the District.
  - 2. For unit employees the retirement schedule shall be:
    - a. at age 55 or thereafter with 10 years of continuous service in the District.
- B. Paid benefits shall be limited to health insurance for the employee only and a family dental and vision insurance plan. For specific provisions see Rule 12.4.

Rule 15.2

REINSTATEMENT (EDUCATION CODE SECTION 88128)

15.2.1

GENERAL PROCEDURES

- A. A permanent employee who resigned in good standing may be reinstated in a vacant position in his/her former class and status within 39 months of the last date of paid service. He/she may also be reinstated in a vacant position in a lower related class, if qualified, or in limited-term status in the same or lower class. Such reinstatement is discretionary with the appointing authority.
  
- B. Reinstatement of a former employee shall have the following effects:
  - 1. If the employee is reinstated to a permanent position in his/her former class or a lower related class, he/she shall be restored all the rights, benefits, and burdens of a classified employee.
  
  - 2. Restoration of salary in accordance with Section 13 of Rule 12.2.

Rule 15.3

EMPLOYMENT OF PERS OR STRS RETIREES  
(EDUCATION CODE SECTION 88034)

15.3.1

GENERAL POLICY

- A. Any person receiving a retirement allowance from the California Public Employees' Retirement System or California State Teachers' Retirement System may be employed in accordance with the rules and regulations of the applicable retirement system.

Rev. approved by the Personnel Commission 6/19/19

15.3.2

COMPENSATION

- A. A retired employee under authority of this Rule shall be entitled only to the appropriate salary earned to include overtime compensation as provided for in Section 2 of Rule 12.3.
- B. Retired employees appointed to positions in their previous class or classes shall be placed on the step of the salary schedule closest to their last regular rate of pay. Retired personnel appointed to positions in other classifications shall be placed on the first step of the appropriate range on the salary schedule.

15.3.2, 15.3.2, 15.3.3 added P.C. 4/27/83

15.3.3

ASSIGNMENT

- A. A retired employee employed under this Rule is not subject to reinstatement to PERS nor does the compensation period provide for retirement allowance adjustment.
- B. The appointing authority shall certify to the Personnel Director that a retired employee employed under this Rule meets the provisions thereof and his/her combined calendar-year employment does not exceed 90 working days or 35 percent of the hours employed during the last fiscal year prior to retirement.

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES CHAPTER XVI

Chapter 16 Revisions Approved by the Personnel Commission on October 19, 2016.



CHAPTER  
XVI

COMPLAINT PROCEDURES

Rule 16.1

COMPLAINT PROCEDURES FOR CLASSIFIED PERSONNEL

16.1.1

PURPOSE OF THE COMPLAINT PROCEDURE

- A. The Complaint Procedure is the medium through which permanent classified employees may bring complaints arising out of alleged violations of the Merit Rules. Because complaints should be resolved in a prompt and orderly manner, various steps and time limits have been established to assist in resolution at the administrative level closest to the employee and to minimize delays. It shall be the obligation of the aggrieved employee to cooperate in this process by making known the existence of his/her complaint at the earliest possible date so that efforts can be made through the complaint procedure to resolve differences and promote harmonious relationships.

16.1.2

MATTERS EXCLUDED

- A. Matters excluded from the complaint procedure shall be:
1. Matters which are part of a collective bargaining agreement (union contract covering classified employees). Such matters shall be processed according to the grievance procedures of the applicable collective bargaining agreement.
  2. Accusatory charges relating to the moral or professional fitness of an employee. Such charges shall be submitted to the Superintendent.
  3. Matters covered by other procedures documented within the Merit Rules.

### 16.1.3

### GENERAL PROCEDURES

- A. A complaint shall be filed with the Director of Classified Personnel within 30 calendar days of the occurrence of the event giving rise to the complaint, or within 30 calendar days of the complainant's knowledge of the event.
- B. The complaint shall be filed in writing.
- C. The Director of Classified Personnel shall review any complaint to determine if the matter is within the jurisdiction of the Commission. If the complaint should be processed under some other procedure of the Commission, the Director of Classified Personnel shall notify the complainant in writing of the correct procedure to follow. If the complaint concerns a matter not within the jurisdiction of the Commission, the Director of Classified Personnel shall notify the complainant in writing of this finding.
- D. Complaints within the jurisdiction of the Commission shall be investigated by the Director of Classified Personnel. Appropriate action shall be taken in response to the complaint. The Director of Classified Personnel shall provide the Commission with a report of any action taken on a complaint.
- E. The complainant shall receive a written response to the complaint within 30 calendar days. The Director of Classified Personnel may extend the time for response if more time is needed to conduct the investigation.
- F. The Director of Classified Personnel may bring any complaint to the Commission for resolution.
- G. The resolution of a complaint by either the Director of Classified Personnel or the Commission shall be final and there shall be no further appeal or review.
- H. No reprisal, discrimination, or reduction in status shall be invoked against any employee for having instituted complaint procedures, or for having participated as a representative, conferee, or witness.
- I. All documents, communications, and records used in processing a complaint shall be filed separately from personnel files of the participants.