

**BEFORE THE
BOARD OF TRUSTEES OF THE
SANTA MONICA COMMUNITY COLLEGE DISTRICT
STATE OF CALIFORNIA**

In the Matter of the Reduction in Force of:

**CLASSIFIED EMPLOYEES OF THE SANTA MONICA
COMMUNITY COLLEGE DISTRICT,**

Respondents.

OAH No. 2026040108

PROPOSED DECISION

Thomas Heller, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on April 17, 2026.

Daniel A. Ojeda, Esq., and Sean Lahey, Esq., Fagen Friedman & Fulfroost, LLP, represented the Santa Monica Community College District (District).

Respondents are the 52 classified employees of the District listed on Attachment A who requested a hearing on the District's proposed reduction in force. Most of the listed respondents appeared at the hearing, with appearances noted on the record.

Cindy Ordaz, a union representative, made a statement on behalf of union member respondents. Respondent Johnnie Adams, the District's Chief of Police, made

a statement on behalf of Police Department respondents (Chief of Police Adams, Chiquita Brown, Sonya Patterson, and Bryan Wilson). Respondents otherwise represented themselves.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on April 17, 2026.

SUMMARY

The District's Board of Trustees (Board) resolved to reduce or eliminate certain classified positions within the District at the end of the 2025-2026 college year, making it necessary to reduce or discontinue the employment of a corresponding number of classified employees. Respondents are classified employees affected by the resolution who appealed the District's proposed reduction or discontinuation of their employment. The District proved that respondents may be notified that their services will not be required for the upcoming college year, except for respondents Johnnie Adams, Chiquita Brown, Daniella Gomez, Sonya Patterson, and Bryan Wilson. The District's Statements of Reduction in Force are sustained as to all but those five respondents, for whom the Statements of Reduction in Force are overruled.

FACTUAL FINDINGS

Background and Procedural History

1. Respondents are classified employees of the District. "There are two general categories of public school employees under California law: certified employees, or teachers, and classified employees, who are not subject to the

certification requirements of teachers. [Citations.]” (*Gately v. Cloverdale Unified School Dist.* (2007) 156 Cal.App.4th 487, 493.).

2. On February 3, 2026, the Board adopted a resolution to reduce or eliminate certain classified positions within the District at the end of the 2026-2026 college year. The resolution called for the elimination or reduction of a total of 57 full-time equivalent (FTE) non-management classified positions and 50 FTE management classified management positions, as well as the abolishment of 9.5 FTE vacant classified positions. The resolution lists each position by name and corresponding FTE, and it also lists the corresponding department and operational group for each non-management position. For management positions, the resolution also states, “[t]he intention of adding these positions [to the resolution] is not to eliminate all of them, but to allow consideration of all of these positions in the restructuring of the College in the coming weeks.” (Exhibit 2, p. A39, emphasis omitted.) The Board declared that the reduction or elimination of the identified positions was necessary “due to a lack of work and/or lack of funds.” (*Id.* at p. A35.)

3. The Board further resolved that the District would follow the reduction in force procedures listed in Education Code section 88017. The Board directed the superintendent or a designee to send appropriate notices to the affected classified employees. By March 15, 2026, the District gave each affected employee an individualized “Notice of Layoff” that their employment would be reduced or eliminated as proposed. (Exhibits 3, 12.)

4. Respondents appealed and requested a formal hearing on the proposed reductions in force. Other affected classified employees also requested a hearing, but they have since withdrawn their requests. Additionally, two classified Police Department employees (Steve Vannoy and Alexander Zamora) had a separate hearing

about their proposed layoffs, which are therefore not addressed in this Proposed Decision.

5. On or about April 3, 2026, the District served a Statement of Reduction in Force on each respondent, along with a blank Notice of Participation in Reduction in Force Hearing form and relevant sections of the Education Code and Government Code. (Exhibits 5, 13.) The District thereafter requested that OAH schedule a hearing on the proposed reductions in force.

Hearing

DISTRICT'S CASE

6. Christopher Bonvenuto is the District's Vice President for Business/Administration. He testified that the District has a \$17.45 million deficit this fiscal year, and the proposed layoffs are necessary to ensure the District's fiscal stability and the adequacy of its fiscal reserves.

7. Tre'Shawn Hall-Baker, Ph.D., is the District's Vice President for Human Resources. Dr. Hall-Baker signed the preliminary notices of layoff and the Statements of Reduction in Force that the District served on respondents. Dr. Hall-Baker identified those documents at the hearing and testified that the District properly served respondents with all required notices and other documents for the proposed layoffs. Dr. Hall-Baker also testified that the District considered all known, "positively assured" attrition of employees in connection with the proposed layoff.

8. Carol Long is the Director of the District's Personnel Commission. Long authenticated the District's seniority lists for classified employees, which the Personnel Commission maintains. Seniority lists are maintained for each position, and they

include the seniority date for each employee as to that position. The lists also identify the current classifications of employees who have changed positions. (Exhibit 9.)

9. Long testified that the seniority lists were prepared in accordance with Chapter XIII of the District's Merit Rules, which address seniority, layoff, displacement, and reemployment. (Exhibit 8a.) Rule 13.3 grants "Displacement (Bumping) Rights" for permanent employees, which is defined as "replacement of an employee by an employee with more seniority in the same class." (*Id.* at p. A11881.) Under that rule, "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." (*Ibid.*)

10. Long testified that the District's proposed layoffs include some employees with "bumping" rights, and the District complied with the displacement (bumping) rights of those employees. The District's evidence includes a spreadsheet detailing how the District applied the bumping rules. (Exhibit 14.)

RESPONDENTS' CASE

11. Respondent Theresa Tang is an Administrative Assistant II in the Student Success operational group. The layoff notice she received stated her seniority date in her current classification is March 3, 2025, and she has no "bumping" rights. Ms. Tang testified she is not questioning the District's resolution to proceed with layoffs, but she questions why she is subject to layoff.

12. Respondent Daniella Gomez is also an Administrative Assistant II in the Student Success operational group. The layoff notice she received stated her seniority date in her current classification is September 16, 2022, and she has "bumping" rights.

According to Ms. Gomez, three less senior employees in her classification did not receive layoff notices. Therefore, she questions why she is subject to layoff.

13. Respondent Johnnie Adams, Chief of Police, contended his proposed layoff and that of respondents Chiquita Brown, Sonya Patterson, and Bryan Wilson “would be legally indefensible because these positions are statutorily and functionally mandatory to operate lawful community college police departments. Eliminating them would collapse required supervision, violate POST [i.e., Peace Officer Standards and Training] certification and training standards, and place the District in direct violation of its own board policies and California law.” (Tr. of Hearing.) According to Chief of Police Adams, the District “may not lay off the Chief of Police or police officers because doing so would violate Education Code 72330, and Penal Code Section 830.32, render the department noncompliant with POST, contravene Board-adopted policy, breach the District's nondelegable public safety duties, and expose the District to significant civil and regulatory liability. Any attempt to implement such layoffs would be arbitrar[y], capricious[], ultra vires, and subject to immediate legal action.” (*Ibid.*)

14. Respondent Hadass Elnathan is an Administrative Assistant I in the Athletics Department. Her seniority date is August 16, 2022. Ms. Elnathan testified her department was not mentioned in the District’s layoff resolution, but she was nonetheless told by a human resources analyst that she will be “bumped” by another employee. The process has been very confusing, and she requests that the District’s layoff determination be based on “current and finalized facts” about employee attrition and management layoffs, which are uncertain.

15. Respondent Cristina Arsene is an Instructional Assistant in the English Department. Her seniority date is August 29, 2017. Ms. Arsene testified that another

employee in her department who was hired at the same time as her did not receive a layoff notification. In addition, Ms. Arsene has been on unpaid medical leave since September 2025, and she anticipates remaining on unpaid leave until the end of the year. Therefore, it “doesn’t cost the college anything” to retain her.

16. Respondent Alice Gheorghiu is a Programmer Analyst for the District. She challenges the District’s calculation of her seniority date of January 1, 2017. Ms. Gheorghiu testified she joined the District in 2010 in a different classification as a Programmer Analyst I. According to Ms. Gheorghiu, that classification and the classification of Programmer Analyst II were “retitled” as her current classification, and her correct seniority date should be in 2010 when she started in that prior position.

17. Respondent Daniel Phillips is the District’s Director of Safety and Risk Management. His seniority date in that classification is February 3, 2021. Mr. Phillips testified he possesses specialized expertise in environmental and occupational regulatory compliance, and the compliance work he performs must continue for the District to maintain compliance. Therefore, he believes his employment must continue.

18. Cindy Ordaz, a union representative, expressed concern on respondents’ behalf about the accuracy of the District’s layoff determinations and the lack of finality with respect to which employees will be laid off. According to Ms. Ordaz, respondents cannot verify the accuracy of the District’s layoff determinations due to the lack of finality, which raises due process concerns. Some determinations depend on whether managers are laid off, which is uncertain.

DISTRICT’S REBUTTAL CASE

19. In rebuttal, the District recalled Dr. Hall-Baker to address some of the specific challenges described above. Dr. Hall-Baker’s testimony was based largely on

the District spreadsheet describing how the District applied its bumping rules. (Exhibit 14.)

20. Dr. Hall-Baker testified as follows:

a. Ms. Tang does not have enough seniority as an Administrative Assistant II to bump anyone else in that classification. She was previously an Administrative Assistant I, but her seniority date for purposes of that classification also does not give her bumping rights in that classification.

b. Ms. Gomez "ultimately . . . will not be laid off." Due to bumping rights, she will be placed in a different classification.

c. Ms. Elnathan is being bumped by a more senior employee, who is himself being bumped by an even more senior employee.

d. Ms. Arsene is the lowest in seniority in her classification with no one to bump.

e. Ms. Gheorghiu is being bumped by a more senior employee. Her seniority date is correct because her prior classification was abolished, not "retitled" as Ms. Gheorghiu testified, and she was reclassified in an existing higher class. Under District rules, those circumstances resulted in a seniority date of when she entered the higher class. (See Exhibit 8a, p. A11877.)

Analysis of Evidence

21. The evidence supports findings that: the Board's resolution is based on a lack of funds; the District complied with the procedures specified in the Board's

resolution; and the seniority lists for the positions at issue were properly compiled and maintained.

22. As to Ms. Gomez, Dr. Hall-Baker's testimony indicates she is subject to placement in a different classification given her seniority and bumping rights, not to a layoff.

23. As to Ms. Tang, Ms. Elnathan, Ms. Arsene, and Ms. Gheorghiu, the District's determinations and analyses as to seniority dates and bumping rights are consistent with District rules and procedures. No other error or irregularity is apparent in those determinations and analyses as to any other respondent.

24. As to Mr. Phillips, his contention that his layoff would result in the cessation of required compliance work at the District lacks evidentiary support and does not demonstrate an error in the District's determination.

25. As to the Police Department respondents, the contentions of Chief of Police Adams present legal rather than factual issues. When asked about those contentions, District counsel gave no response to them. Absent any response, those contentions prevail as to the Police Department respondents.

LEGAL CONCLUSIONS

Legal Standards

1. Classified employees of a community college district "shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service." (Ed. Code, § 88127.) "The employee who has been employed the shortest time in the class, plus

higher classes, shall be laid off first. Reemployment shall be in the reverse order of layoff." (*Ibid.*)

2. No later than March 15, the superintendent of a community college district shall give a written notice (preliminary notice) to each classified employee and to the district's governing board of the decision recommending that the employee's services will not be required for the ensuing year, stating the reasons for the recommendation and the employee's right to a hearing. (Ed. Code, § 88017, subd. (a).) The classified employee may request a hearing to determine if there is cause for not reemploying the employee ensuing year. (*Id.*, subd. (b).) "[T]he cause shall relate solely to the welfare of the colleges and the students thereof and provided that cause is a bona fide lack of funds or reduction in services." (*Id.*, subd. (d).) "For purposes of this section, 'cause' for layoff includes community college district compliance with the seniority requirements of this code, including Section 88127." (*Id.*, subd. (d)(2).)

3. If a hearing is requested, the community college district files and serves an accusation, which the employee answers with a Notice of Participation. (Ed. Code, § 88017, subd. (c); Gov. Code, §§ 11503, subd. (b), 11505.) The hearing takes place before an administrative law judge who prepares a proposed decision that the Board may or may not accept. The proposed decision shall contain "a determination as to the sufficiency of the cause and a recommendation as to disposition." (Ed. Code, § 88017, subd. (c)(3).)

4. "Copies of the proposed decision shall be submitted to the governing board of the community college and to the classified employee on or before May 7 of the year in which the proceeding is commenced." (§ 88017, subd. (c)(3).) "Notice of termination to the classified employee by the governing board of the community college district that the employee's service will not be required for the ensuing year

shall be given no later than May 15." (*Id.*, subd. (e).) "If the governing board of a community college district does not give notice provided for in subdivision (e) on or before May 15, a permanent employee shall be deemed reemployed for the ensuing college year, except that this section shall not be construed to interfere with the right of a district to release probationary employees who never become permanent without notice or hearing." (*Id.*, subd. (h)(1).)

Analysis

5. The District proved it satisfied the jurisdictional and notice requirements for the proposed reduction and elimination of services as to respondents. The Board regularly considered and adopted the resolution, and the District gave prompt and detailed notices to respondents of the proposed action and their rights.

6. The proposed layoffs relate to the welfare of the college and the students thereof and to a bona fide lack of funds. No evidence indicates the Board's decision is arbitrary, capricious, or an abuse of its discretion.

7. According to Chief of Police Adams, the District may not lay off the Police Department respondents because doing so would violate Education Code 72330, Penal Code Section 830.32, and various other laws and District policies. District counsel did not challenge or otherwise respond to these arguments. The District's failure to respond may be deemed a concession of the merits of the arguments. (See *Herzberg v. County of Plumas* (2005) 133 Cal. App. 4th 1, 20 [finding failure to oppose issue raised in demurrer deemed abandonment of the issue].) Therefore, the District did not prove that those proposed layoffs should be upheld.

8. As to Ms. Gomez, she is not subject to layoff according to the District's own evidence. As to all other respondents, the District's proposed layoffs comply with the seniority requirements of the Education Code.

9. Ms. Ordaz's concerns about the lack of finality with respect to which employees will be laid off do not justify delaying or overturning the District's layoff process. The proposed layoffs are subject to strict deadlines in the Education Code, and those deadlines necessitate proceeding with the layoff process at this time.

10. Given these considerations, the order below is the recommended disposition of the Statements of Reduction in Force.

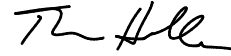
ORDER

11. The Statements of Reduction in Force are sustained as to the following respondents: Nancy Alfaro, Cristina Arsene, Aldo Bobadilla, Carla Brown, Pedro Curiel Lopez, Wilmer De Los Santos, Alysha Deluna, Robert Devine, Hadass Elnathan, Robert Escobar, Alice Gheorghiu, Travis Grant, Gustavo Gutierrez, Rico Gutierrez, Faby Hernandez, Patricia Hernandez, Sandra Hernandez, Edgar Hernandez Solis, Kristine Herrera, Dwayne Iles II, Anthony Johnson, Janet Kleinman, Matt Larcin, Yomira Lopez, Paul Lucero, David Mendoza, Calixto Morales, Brian Pena, Beverly Redd-Walker, Henrique Sertao, Theresa Tang, Randall Taylor, Trang Tran, Jason Trinh, Demeryst Upshaw, Erin Vanhemelrijck, Jesus Vargas, Robert Wimley, Dana Wise, Tracy Beidelman, Lisa Davis, Hector Gutierrez, Wendy Liu, Stacy Neal, Daniel Phillips, Mario Samano, and Paul Trautwein.

12. Notice may be given to the above respondents that their services will not be required for the upcoming college year.

13. The District Statements of Reduction in Force are overruled as to respondents Johnnie Adams, Chiquita Brown, Daniella Gomez, Sonya Patterson, and Bryan Wilson.

DATE: **04/27/2026**



[Thomas Heller \(Apr 27, 2026 18:07:11 GMT+2\)](#)

THOMAS HELLER

Administrative Law Judge

Office of Administrative Hearings

ATTACHMENT A

ALJ Appeal List						
	Hearing Withdraw	Date Received	Last Name	First Name	Department	EE GROUP
1		3/13/2026	Alfaro	Nancy	Health Services	CSEA
2		3/25/2026	Arsene	Cristina	English	CSEA
3	■					
4		3/24/2026	Bobadilla	Aldo	Maintenance	CSEA
5		3/19/2026	Brown	Carla	Malibu	CSEA
6	■					
7	■					
8		3/24/2026	Curiel Lopez	Pedro	Grounds	CSEA
9		3/24/2026	De Los Santos	Wilmer	Maintenance	CSEA
10		3/25/2026	Deluna	Alysha	HR	CSEA
11		3/20/2026	Devine	Robert	Warehouse	CSEA
12		3/25/2026	Elnathan	Hadass	Athletics	CSEA
13		3/25/2026	Escobar	Robert	Operations	CSEA
14	■					
15	■					
16		3/23/2026	Gheorghiu	Alice	MIS	CSEA
17		3/20/2026	Gomez	Daniella	Counseling/SS	CSEA
18	■					
19		3/25/2026	Grant	Travis	Modern Languages/Earth Science	CSEA
20		3/20/2026	Gutierrez	Gustavo	Grounds	CSEA
21		3/12/2026	Gutierrez	Rico	Grounds	CSEA
22	■					
23		3/25/2026	Hernandez	Faby	Payroll	CSEA
24		3/13/2026	Hernandez	Patricia	A&R	CSEA
25		3/13/2026	Hernandez	Sandra	Financial Aid	CSEA
26		3/25/2026	Hernandez Solis	Edgar	Fiscal	CSEA
27		3/18/2026	Herrera	Kristine	HR	CSEA
28	■					
29		3/23/2026	Iles II	Dwayne	Operations	CSEA
30		3/25/2026	Johnson	Anthony	Maintenance	CSEA
31		3/13/2026	Kleinman	Janet	Malibu	CSEA
32		3/16/2026	Larcin	Matt	Distance Ed	CSEA
33		3/23/2026	Lopez	Yomira	EOPS and Sustainability	CSEA
34		3/13/2026	Lucero	Paul	Bookstore	CSEA
35		3/24/2026	Mendoza	David	Emeritus	CSEA
36	■					
37		3/26/2026	Morales	Calixto	Grounds	CSEA
38		3/25/2026	Pena	Brian	MIS	CSEA
39		3/26/2026	Redd-Walker	Beverly	Bundy	CSEA
40	■					
41		3/25/2026	Sertao	Henrique	IT	CSEA
42		3/19/2026	Tang	Theresa	Student Success & Counseling	CSEA
43		3/23/2026	Taylor	Randall	Modern Languages	CSEA
44	■					
45		3/25/2026	Tran	Trang	IT	CSEA
46	■					
47		3/24/2026	Trinh	Jason	Fiscal	CSEA
48	■					
49		3/23/2026	Upshaw	Demeryst	IT	CSEA
50		3/24/2026	Vanhemelrijck	Erin	ISC	CSEA
51		3/25/2026	Vargas	Jesus	Maintenance	CSEA
52	■					
53		3/12/2026	Wimley	Robert	Mailroom	CSEA
54		3/19/2026	Wise	Dana	Art	CSEA
55	■					
56	■					
57		3/19/2026	Adams	Johnnie	Police	MGMT
58		3/25/2026	Beidleman	Tracy	Foundation	MGMT
59		3/19/2026	Brown	Chiquita	Police	MGMT
60		3/19/2026	Davis	Lisa	PCAL	MGMT
61		3/24/2026	Gutierrez	Hector	Grounds	MGMT
62		3/12/2026	Liu	Wendy	IT	MGMT
63		3/12/2026	Neal	Stacy	Financial Aid	MGMT
64		3/16/2026	Patterson	Sonya	Police	MGMT
65		3/25/2026	Phillips	Daniel	Risk Management	MGMT
66		3/24/2026	Samano	Mario	Maintenance and Operation	MGMT
67		3/24/2026	Trautwein	Paul	Director of Web and Social Media Strategy	MGMT
68		3/13/2026	Wilson	Bryan	Police	MGMT
69						
70						