



MERIT RULES ADVISORY COMMITTEE

MEETING MINUTES

Wednesday, May 5, 2021 at 10:00 a.m.

****VIRTUAL MEETING****

<p>DEPARTMENTS: PLEASE POST 3400 Airport/SBDC: Sasha King Academic Affairs: Sharon Thomas Accounts Payable: Cherry Aquino Admissions & Records: Esau Tovar African American Center: Sherri Bradford Athletics: Sandra Hernandez Auxiliary Services: Ofelia Meza Bundy: Beverly Redd-Walker Business Department: Peter Murray Campus Police Office: Jennifer Jones Campus Store: Jaime Recinos Career Services: Vicky Rothman Cashier's Office: Veronica Romo Center for Media & Design: Jamina Russell Community Education: Alice Meyering Counseling Office: Laurie Guglielmo Custodian Time Clock: Anthony Williams Disabled Students Center: Nathalie Laille Early Childhood Ed.: L. Manson Emeritus College: V. Rankin-Scales English Dept.: Martha Hall EOP&S: Nick Mata ESL Office: Jocelyn Alex Events Office: Yesenia Penate Faculty Association: Peter Morse Financial Aid Office: Stacy Neal Health Sciences: Clarendia Stephens Health Office: Nancy Alfaro HSS: Carolyn Baugh Institutional Research: International Education Center: Ana Jara KCRW: Latino Center: Maria Martinez Madison: Gail Johnson Maintenance/Operations: A. DiGregorio Math Village: Kristina Fukuda Media Center: L. Nakamura Modern Language: Travis Grant Music: Lori Geller Outreach & Recruitment: Will Taylor Payroll: Ian Fraser Science: Ingrid Cardwell Student Life: Amelia Trejo Superintendent/Presidents Office: L. Kilian STEM: Vanan Yahnian Theater Arts: Judy Louff W& ED/Bundy: Tricia Ramos</p>	<p>ADMINISTRATORS and MANAGERS</p> <p>Emeritus: Scott Silverman Facilities: Dennis Biddle HR: Tre'Shawn Hall-Baker Info Tech: Marc Drescher IEC: N. Pressian Instructional Technology: Maintenance: Devin Starnes Terry Kamibayashi Operations: Anthony Barlow Derrick Davis Felicia Hudson Robert Villanueva Receiving: Lisa Davis Supplemental Instruction: Wendi DeMorst</p>	<p>PRESIDENT/SUPERINTENDENT and SENIOR STAFF</p> <p>Superintendent/President: Kathryn Jeffery Executive VP: VP Academic Affairs: Jennifer Merlic VP Business/Admin: Chris Bonvenuto VP Enroll. Services: T. Rodriguez VP Human Resources: Sherri Lee-Lewis VP Student Affairs: M. Tuitasi Senior Director Government Relations & Institutional Communications: Don Girard Community Relations: Kiersten Elliott Public Information: Grace Smith</p> <p>PUBLIC POSTING LOCATIONS</p> <p>2714 Pico: exterior display box Online: www.smc.edu</p> <p>EMPLOYEE ORGANIZATIONS</p> <p>CSEA Labor Rep.: Jessica Gonzalez CSEA Chapter Pres.: Mike Roberts CSEA Chapter 1st V.P.: Kennisha Green CSEA Chapter 2nd V.P.: Cindy Ordaz CSEA Chief Job Steward: Lee Peterson CSEA Treasurer: Dagmar Gorman CSEA Secretary: Judith Mosher CSEA Chief Development Officer: Luis Martin CSEA Communications Officer: James Stevenson SMC POA President: Officer Cadena Management Association: Susan Fila</p> <p style="text-align: right;">Revised 2/10/2021</p> <p>IF YOU NEED AN ACCOMMODATION Written requests for disability-related modifications or accommodations that are needed in order to participate in the Commission meeting are to be directed to the Personnel Commission Office as soon in advance of the meeting as possible.</p>
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PUBLIC PARTICIPATION FOR VIRTUAL MEETINGS

During the COVID-19 (Coronavirus) Global Pandemic, the MRAC will be conducting virtual public meetings using Zoom. Virtual meetings have been authorized by Executive Order N-25-20 issued by Governor Gavin Newsom and dated March 12, 2020, to reduce and minimize the risk of infection by “limiting attendance at public assemblies, conferences, or other mass events.” Zoom meetings will ensure public participation while at the same time complying with the Governor’s Stay at Home executive order and Los Angeles County’s Safer at Home order.

Members of the public may address the Committee and public participation can occur in one of two ways. Members of the public can submit written comments to be read during the public meeting or they may speak during the Zoom meeting.

Individuals wishing to speak or submit written comments to be read at the meeting shall send an email to personnel_commission@smc.edu, by no later than 9:00 a.m. on Wednesday, May 5, 2021. The email should include the following information:

- Name
- Department (optional)
- Topic or Agenda Item # to be addressed
- Comments to be read (if submitting written comments)

Instructions for Speaking to the Commission through Zoom

Speakers may address any specific agenda item, or may provide general comments during the “Public Comments” period. When it is time for the speakers to address the Commission, their name will be called and the microphone on their Zoom account will be activated. A speaker’s Zoom Profile should match their real name to expedite this process. After the comment has been given, the microphone for the speaker’s Zoom profile will be muted.

All public comments will be subject to the general rules set forth below.

1. Five minutes is allotted to each speaker per topic. If there are more than four speakers on any topic or item, the Commission reserves the option of limiting the time for each speaker. A speaker’s time may not be transferred to another speaker.
2. Each speaker is limited to one presentation per specific agenda item before the Commission, and to one presentation per Commission meeting on non-agenda items.
3. Five minutes is allotted to each speaker per topic for general public comments. The speaker must adhere to the topic. Individuals wishing to speak during the Public Comments will be called upon during Public Comments.

Any person who disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting by uttering loud, threatening, or abusive language or engaging in disorderly conduct, shall, at the discretion of the presiding officer or majority of the Committee, be requested to be orderly and silent and/or removed from the meeting.

No action may be taken on items of business not appearing on the agenda.

Reference: Merit Rule 2.2.8

Government Code sections 54954.2, 54954.3, 54957.9

PUBLIC SESSION: 10:00 a.m.

I. ORGANIZATIONAL FUNCTIONS

- A. Call to Order
- B. Roll Call

Committee Members	Present	Absent
Commissioner Lawrence Leone, Chair	X	
Commissioner Barbara Greenstein	X	
Carol Long, Director of Classified Personnel	X	
Linda Subias for Tre'Shawn Hall Baker, Dean of Human Resources	X	
Lee Peterson, Commission Appointee	X	
Joshua Casillas, CSEA	X	
Ernesto Barba, CSEA	X	
Brent Heximer, CSEA	X	
Albert Echeverria, Police Officer Association		X

- C. Approval of Minutes:

1. April 7, 2021

DISPOSITION BY THE COMMITTEE

MOTION MADE BY: Lee Peterson
 SECONDED BY: Barbara Greenstein
 AYES: 8
 NAYS: 0
 ABSTENTIONS: 0

Amendments/Comments

II. PUBLIC COMMENTS (non-actionable comments from those in attendance)

NO PUBLIC COMMENTS.

III. MAJOR ITEMS OF BUSINESS

#	ITEM
1.	Chapter 9
2.	Chapter 12

Motion to approve revisions to Merit Rules 9.7.1, 9.7.2, 9.73., 12.2.9 and 12.2.13 and forward to the Personnel Commission for a first reading.

DISPOSITION BY THE COMMITTEE

MOTION MADE BY: Lee Peterson
SECONDED BY: Barbara Greenstein
AYES: 8
NAYS: 0
ABSTENTIONS: 0

Amendments/Comments

MERIT RULE 9.7.1 DEMOTION AND RESTORATION

~~Section 9.6.3.D~~

Rule 9.7 DEMOTION AND RESTORATION

9.7.1 VOLUNTARY DEMOTION

~~A.~~ A. ~~A Voluntary Demotion is an action initiated by the employee that results in a change in their assignment to a position in a different classification which is allocated to a lower salary range.~~

~~B.~~ B. ~~A permanent classified employee may request a voluntary demotion to a vacant position in a class with a lower maximum salary rate. A permanent employee may apply for a voluntary demotion by submitting an application to the Personnel Commission during the period the transfer opportunity is posted, provided that:~~

1. ~~_____~~ 1. ~~The employee has previously achieved permanent status in their current class, ~~or, and;~~~~

2. ~~_____~~ 2. ~~The request for demotion is to a related class in the same occupational group, which is subject to approval by the Director of Classified Personnel.~~

3. ~~_____~~ 3. ~~Selection of an employee into a vacant position shall be in accordance with Merit Rule 6.3.~~

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

~~BC.~~ BC. ~~An employee may request a voluntary reduction in assigned time in lieu of layoff in order to remain in his/her/their present position rather than to be reclassified or reassigned.~~

~~CD.~~ CD. ~~A permanent employee may accept a temporary demotion on a voluntary basis to fill a limited-term position or a summer assignment.~~

~~DE.~~ DE. ~~A voluntary demotion is a ~~privilege~~ available to a probationary employee only in cases when he/she/they would otherwise be laid off.~~

~~EF.~~ EF. ~~An employee who demotes to a position in a class in which he/she ~~does~~ they do not hold permanency shall complete the appropriate probationary period in the new class. In the event the employee does not satisfactorily complete the probationary period in the new class they have no right to return to their former position.~~

~~FG.~~ ~~Salary placement for ~~e~~Employees who voluntarily demote to a class with a lower salary rate, shall be in~~

MERIT RULE 9.7.2 INVOLUNTARY DEMOTION
MERIT RULE 9.7.3 RESTORATION

~~accordance with Rule 12.2.9.~~

G. Salary placement upon voluntary demotion shall be in accordance with Rule 12.2.9 (Salary On Demotion).

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-completed a lateral transfer~~ to a new class may be involuntarily returned to ~~his/her~~their 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 Rule 14.2).

D. Salary placement upon involuntary demotion shall be in accordance with Rule 12.2.9 (Salary On Demotion).

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~~their former class within 39 months. Restoration shall be discretionary with the appointing authority except when demotion or reduction was chosen in lieu of layoff.

~~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 tests of fitness for the class still apply. The Personnel Commission shall make a this determination of the specific eligibility period for each class. See Rule 3.4.~~

B. An employee who takes a voluntary demotion or a voluntary reduction in assigned time in lieu of layoff or to remain in his or her present position rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months, provided that the same tests of fitness under which the employee qualified for appointment to the class still apply. The personnel commission shall make the determination of the specific period of eligibility for reemployment on a class-by-class basis.

MERIT RULE 12.2.9 SALARY ON DEMOTION

Section 12.2.9

12.2.9 SALARY ON DEMOTION

~~A. — An employee who accepts voluntary demotion due to the reclassification, reorganization, or abolishment of his/her/their position shall be Y-rated as provided in Rule 12.2.13.~~

~~BA. Effective, 08/01/91, a~~An employee who accepts voluntary demotion for any reason other than disqualification from probationary or permanent status shall be ~~Y-rated as provided in paragraph A above~~ placed in the step of the lower salary range that provides the least amount of reduction in salary.

~~CB.~~ If the employee is eligible for an increment in his/her/their own class at the time a voluntary demotion is taken, the employee shall be credited with the increase before salary adjustment is made.

~~DC.~~ 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.

~~ED.~~ 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.

PC approved: 9-18-91

MERIT RULE 12.2.13 Y - RATED SALARY

Section 12.2.13

~~12.2.13 — Y-RATED SALARY~~

~~A. — A Y-rate shall be defined as a salary range, step or rate which is frozen because the salary amount is above the current approved rate.~~

~~B. — The Y rate shall apply to a range, step, or rate on the salary schedule only. Off-schedule pay, including longevity increments and differentials, shall not be included in the Y-rated salary.~~

~~C. — A regular classified employee's payrate shall be Y-rated under the following circumstances:~~

~~1. — When the employee is demoted to a position in a lower salary range due to displacement, reclassification, or abolishment of his/her/their position, and the employee has been performing satisfactorily. See Rule 3.3.4.B.3.~~

~~2. — When an employee accepts a voluntary demotion for any reason other than disqualification for probationary or permanent status (effective 8/1/91). See Rule 12.2.9.~~

~~D. — A salary Y-rate shall terminate on the earlier of the following dates:~~

~~1. — The effective date on which an annual salary increase results in the Y-rated salary amount falling within the salary range of the class to which the employee and his/her/their position is allocated.~~

~~2. — The date the employee is eligible to return to a position in his/her/their former class and range/step placement.~~

IV. MEETING ADJOURNED at 11:03 a.m.

DISPOSITION BY THE COMMITTEE

MOTION MADE BY: Barbara Greenstein

SECONDED BY: Lee Peterson

AYES: 8

NAYS: 0

ABSTENTIONS: 0

Amendments/Comments

As required by law, the agenda for the Wednesday, May 5, 2021 Regular Meeting of the Santa Monica College Merit Rules Advisory Committee was posted 72 hours in advance of the meeting.