



MERIT RULES ADVISORY COMMITTEE MEETING MINUTES

Wednesday, April 6, 2022 at 10:00 AM

****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: Auxiliary Services: Ofelia Meza Bundy: Beverly Redd-Walker Business Department: Peter Murray Campus Police Office: Jennifer Jones Campus Store: Elease Juarez Career Services: Vicky Rothman Cashier's Office: Veronica Romo Center for Media & Design: Maria Calvento Community Education: Alice Meyering Counseling Office: Angela Valentine 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: Sandra Hernandez Health Sciences: Clarenda 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: Kasey Garland 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 Justin Carter 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: Bradley Lane 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>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.: Cindy Ordaz CSEA Chapter 2nd V.P.: Kennisha Green 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 3/29/2022</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 Board of Trustees has determined in accordance with Government Code Section 54953 that as a result of the ongoing emergency that meeting in person would present imminent risks to the health and safety of the attendees at public meetings. The Zoom format used for College public meetings ensures public participation and provides an opportunity for the public to directly address the body. Members of the public have the right to request to make public comments until such time as the public comment period is over. 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 are requested to send an email to personnel_commission@smc.edu, by no later than 9:00 a.m. on Wednesday, April 6, 2022. 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 **10:01AM**
- B.** Roll Call

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

- C.** Approval of Minutes:

1. March 2, 2022

DISPOSITION BY THE COMMITTEE

MOTION MADE BY: Carol Long
SECONDED BY: Brent Heximer
AYES: 5
NAYS: 0
ABSTENTIONS: 2 – Lee Peterson and Tre'Shawn Hall-Baker Not Present

Amendments/Comments

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

No Comments.

III. MAJOR ITEMS OF BUSINESS

1	CHAPTER IX: EMPLOYMENT STATUS
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A Motion was made to move 9.6.2 to the Personnel Commission for a First Reading.

DISPOSITION BY THE COMMITTEE

MOTION MADE BY: Lawrence Leone

SECONDED BY: Carol Long

AYES: 5

NAYS: 0

ABSTENTIONS: 2 – Lee Peterson and Tre'Shawn Hall-Baker Not Present

Amendments/Comments

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 ~~shall~~ 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.

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 Classified Personnel 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.

2	CHAPTER XII: SALARIES, OVERTIME PAY AND BENEFITS
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A Motion was made to move 12.2.7 to the Personnel Commission for a First Reading.

DISPOSITION BY THE COMMITTEE

MOTION MADE BY: Lee Peterson
SECONDED BY: Tre'Shawn Hall-Baker
AYES: 7
NAYS: 0
ABSTENTIONS:

Amendments/Comments

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, ~~provided advanced step placement was not awarded at the time of initial hire within the same job family, or for previous promotions within the same job family.~~
 - 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.

A Motion was made to send 12.3.1 through 12.3.5 to the Personnel Commission for a First Reading.

DISPOSITION BY THE COMMITTEE

MOTION MADE BY: Lee Peterson
SECONDED BY: Tre'Shawn Hall-Baker
AYES: 7
NAYS: 0
ABSTENTIONS:

Amendments/Comments

Rule 12.3

Rule 12.3 OVERTIME COMPENSATION (EDUCATION CODE SECTIONS 88027-88031, 88039)

Salary provisions for bargaining unit members are contained in ~~Article 3 of the District/CSEA Contract~~ 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 calendar-work week and or the authorized number of hours in an employee's approved workday pattern that includes at least eight (8) hours per day.

~~1. More than eight (8) hours per day for employees in a calendar week.~~

~~2. More than nine (9) hours per day for employees working 9 days, 80 hours in 2 calendar weeks.~~

~~3. More than ten (10) hours per day for employees working four 10-hour days per calendar week.~~

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 ~~his/her~~ 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 ~~his/her~~ 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~~ 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.

Section 12.3.3

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 ~~who are not eligible for overtime~~ working on a non-overtime basis are available to perform the duties, the District shall not be required to assign ~~overtime~~ the work on an overtime basis.

Section 12.3.4

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 ~~his/her~~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.

Section 12.3.5

12.3.5

~~OTHER OVERTIME PAY (CALL BACK PAY, STAND-BY,
EXTRA DUTY PAY AND OTHER OVERTIME PAY)~~

- A. Whenever an employee is required by the employee's supervisor to return to work after having departed from ~~his/her~~ their work location after termination of ~~his/her~~ their ~~workshift~~ work shift (call back), the employee shall receive a minimum payment of two (2) hours at ~~his/her~~ 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 ~~he/she~~ they are is not regularly scheduled to work (~~extra duty~~), the employee shall receive a minimum payment of two (2) hours at ~~his/her~~ 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 ~~his/her~~ their overtime rate.
- ~~C. Whenever an employee is required by the employee's supervisor to be on stand-by to report for a workshift on which he/she is not regularly scheduled, the employee shall receive a minimum payment of two (2) hours at his/her regular or overtime, as appropriate.~~
- CD. If an employee works more than two (2) hours on call back ~~or extra duty~~ as provided above, the employee shall receive the appropriate pay for the actual hours worked.

V. MEETING ADJOURNED at 10:59AM

DISPOSITION BY THE COMMITTEE

MOTION MADE BY: Kennisha Green
SECONDED BY: Tre'Shawn Hall-Baker
AYES: 7
NAYS: 0
ABSTENTIONS: 0

Amendments/Comments

As required by law, the agenda for the Wednesday, April 6, 2022 Regular Meeting of the Santa Monica College Merit Rules Advisory Committee was posted 72 hours in advance of the meeting.

FY 2021-2022 Merit Rules Meeting Schedule
Wednesday, April 6, 2022
Wednesday, May 4, 2022
Wednesday, June 1, 2022