



MERIT RULES ADVISORY COMMITTEE

MEETING MINUTES

WEDNESDAY, DECEMBER 7, 2022 – 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: Auxiliary Services: Ofelia Meza Bundy: Beverly Redd-Walker Business Department: Peter Murray Campus Police Office: Jennifer Jones Campus Store: Elesee Juarez Career Services: Vicky Rothman Cashier's Office: Veronica Romo Center for Media & Design: Maria Calvento Community Education: Alice Meyering Counseling Office: Jocelyn Avella 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: Janet Kleinman 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 Emeritus: Scott Silverman Facilities: Dennis Biddle HR: Tre'Shawn Hall-Baker Info Tech: Marc Drescher IEC: N. Pressian Instructional Technology: Maintenance: Terry Kamibayashi Operations: Anthony Barlow Justin Carter Darryl Gray Felicia Hudson Robert Villanueva Receiving: Lisa Davis Supplemental Instruction: Wendi DeMorst</p>	<p>SUPERINTENDENT/PRESIDENT AND SENIOR STAFF Superintendent/President: Kathryn Jeffery Executive VP: VP Academic Affairs: 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 LOCATION Online: www.smc.edu</p> <p>EMPLOYEE ORGANIZATIONS CSEA Labor Rep.: Ciera Chilton CSEA Chapter Pres.: Cindy Ordaz CSEA Chapter 1st V.P.: Martha Romano 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: SMC POA President: Officer Cadena Management Association:</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> <p>Revised 10/27/2022</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 9:30 a.m. on Wednesday, December 7, 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: **10:01 A.M.**

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

II.APPROVAL OF MINUTES: NOVEMBER 2, 2022 MEETING

DISPOSITION BY THE COMMITTEE	
MOTION MADE BY:	BARBARA GREENSTEIN
SECONDED BY:	LEE PETERSON
AYES:	7
NAYS:	0
ABSTENTIONS:	0
AMENDMENTS/COMMENTS:	

III.PUBLIC COMMENTS (NON-ACTIONABLE COMMENTS FROM THOSE IN ATTENDANCE)

NO COMMENTS.

IV.MAJOR ITEMS OF BUSINESS

1	CHAPTER VI, SECTION 6.3.2: ORDER OF PRECEDENCE IN THE USE OF LISTS
2	CHAPTER XIII: SENIORITY, LAYOFF, DISPLACEMENT AND REEMPLOYMENT

#1. THE COMMITTEE AGREED TO TABLE CHAPTER 6, SECTION 6.3.2 UNTIL THE NEXT MEETING.

#2. A MOTION WAS MADE TO SEND THE PROPOSED EDITS OF MERIT RULES, CH 13, SECTION 13.2-13.4 TO THE PERSONNEL COMMISSION FOR APPROVAL.

Rule 13.2

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

13.2.1

PROCEDURES FOR LAYOFF OF PERMANENT
EMPLOYEES

~~A.~~ A.—The Board may lay off employees in accordance with the provisions of the Education Code, 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 of the Personnel Commission~~ 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/College Superintendent/President or designee~~ shall notify the employees affected and the ~~Personnel Director of the Personnel Commission~~ of the effective date of layoff and the Board approval date. The ~~Personnel Administrator shall utilize the approved layoff list approved by the Personnel Commission shall be utilized in effecting determining the employees subject to all layoffs under these Rules. The District shall follow the procedures laid out in the Education Code.~~ The following procedures shall apply:

~~1.~~ 1.—Employees who are to be laid off shall be given at least a ~~45-60~~ calendar day notice prior to the effective date of the layoff.

~~Permanent employees whose services will not be required for the ensuing fiscal year shall be given written notice stating the reasons for layoff, no later than March 15th.~~

~~23.~~—Employees who are to be laid off due to the expiration of a specially funded program, shall be given a notice not less than ~~45-60~~ calendar days prior to the expiration date of the program.

~~Section 13.2.1.B.3~~

~~34.C. In addition to information required by the Education Code, The the notices to employees informing of impending layoffs shall include:~~

~~a. the effective date of the layoff;~~

~~b1. the employee's displacement (bumping and voluntary reduction) rights;~~

~~e2. the employee's reemployment rights;~~

~~43. the employee's benefit entitlement, unemployment compensation rights and promotional testing preference.~~

~~e. notification of the employee's right to submit a written request for a hearing to determine if there is cause for not rehiring the employee for the following fiscal year.~~

~~45. The Board of Trustees may waive the 45 60-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.~~

~~56D. 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.~~

~~67. 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.~~

~~Section 13.2.2~~

~~13.2.2 PROCEDURES FOR LAYOFF OF PROBATIONARY EMPLOYEES~~

- ~~A. Probationary employees may be laid off at any time without regard to the minimum 4560 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 app. 9-20-04~~

~~Rule 13.3~~

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 an~~ 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/their~~ 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 ~~(greater than or less than current assignment), (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/their own class, the employee may follow these procedures in any equal or lower class in which he/she/they 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 of the Personnel Commission within one week after notification of layoff whether or not the employee will exercise displacement into his/her/their own regular class or any other class in which seniority is held.
7. A permanent classified employee may displace a non-permanent employee in the same class. 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.
- 7.8. 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.

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.

Section 13.3.2

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.~~

Rule 13.4

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/their~~ former class. After the third refusal no additional offers need be made and the employee shall be considered unavailable until ~~he/she/they~~ indicates otherwise.
 - 2. If a laid off employee is on an eligibility list at the time of layoff, ~~he/shethey~~ shall remain on the list until ~~he/she/they are~~ ~~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.

Section 13.4.1.B

- 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~~their position in lieu of layoff has the right to be reemployed without examination, in accordance with ~~his/her~~their 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/they are/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.

DISPOSITION BY THE COMMITTEE	
MOTION MADE BY:	BARBARA GREENSTEIN
SECONDED BY:	LEE PETERSON
AYES:	7
NAYS:	0
ABSTENTIONS:	0
AMENDMENTS/COMMENTS:	

V. MEETING ADJOURNED AT 10:43 A.M.

DISPOSITION BY THE COMMITTEE	
MOTION MADE BY:	LEE PETERSON
SECONDED BY:	BARBARA GREENSTEIN
AYES:	7
NAYS:	0
ABSTENTIONS:	0
AMENDMENTS/COMMENTS:	

MONTH	DAY	YEAR	TIME	VENUE
JANUARY	4	2023	10:00 A.M.	ONLINE
FEBRUARY	1	2023	10:00 A.M.	ONLINE
MARCH	1	2023	10:00 A.M.	ONLINE
APRIL	5	2023	10:00 A.M.	TBD
MAY	3	2023	10:00 A.M.	TBD
JUNE	7	2023	10:00 A.M.	TBD

AS REQUIRED BY LAW, THE AGENDA FOR THE WEDNESDAY, DECEMBER 7, 2022 REGULAR MEETING OF THE SANTA MONICA COLLEGE MERIT RULES ADVISORY COMMITTEE WAS POSTED 72 HOURS IN ADVANCE OF THE MEETING.