

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER IX

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## 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

PC approved: 7/23/03; presented for revision PC: 5/20/03

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 their 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, the additional time assigned to this position shall be recorded as a separate, vacant position, if there are other part-time classified employees in the same class and in the same department.
- C. Such a vacant position shall be filled in accordance with Merit Rule 6.3.
- D. An increase in time of one hour 30 minutes 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 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 14.2.
- D. Salary placement upon involuntary demotion shall be in accordance with Rule 12.2.8.

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.

- 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.