



# MERIT RULES ADVISORY COMMITTEE MEETING MINUTES

Regular Meeting, Wednesday, December 4, 2019 at 10:00 a.m.  
Board Room, Business Building Rm. 117, 1900 Pico Blvd., Santa Monica, CA 90405

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**PUBLIC PARTICIPATION  
ADDRESSING THE MERIT RULES ADVISORY COMMITTEE**

Members of the public may address the Merit Rules Advisory Committee by oral presentation **concerning any subject that lies within the jurisdiction of the Committee** provided the requirements and procedures herein set forth are observed:

1. Individuals wishing to speak to the Committee during Public Comments or regarding an item(s) on the agenda must complete an information card with their name, name of organization (if applicable) and the topic or item on which the comment is to be made.

Five minutes is allotted to each speaker per topic. If there are more than four speakers on any topic or item, the Committee reserves the option of limiting the time for each speaker. A speaker's time may not be transferred to another speaker.

Each speaker is limited to one presentation per specific agenda item before the Committee, and to one presentation per Commission meeting on non-agenda items.

General Public Comments

- The card to speak during Public Comments must be submitted to the recording secretary at the meeting **before** the Commission reaches the Public Comments section in the Agenda.
- 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.

Agenda Items

- The card to speak during Agenda Items must be submitted to the recording secretary at the meeting **before** the Commission reaches that specific item in the agenda.
- Five minutes is allotted to each speaker per Agenda Item. The speaker must adhere to the topic. Individuals wishing to speak on a specific Agenda Item will be called upon at the time that the Committee reaches that item in the Agenda.

Exceptions: This time allotment does not apply to individuals who address the Merit Rules Advisory Committee at the invitation or request of the Committee or the Director of Classified Personnel.

2. Any person who disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting of the Merit Rules Advisory Committee 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.

Rev. 1/14

*Reference: Merit Rule 2.2.8  
Government Code sections 54954.2, 54954.3, 54957.9*

**Merit Rules Advisory Committee  
Minutes of Regular Meeting, December 4, 2019**

**MERIT RULES ADVISORY COMMITTEE  
REGULAR MEETING AGENDA**

**Wednesday, December 4, 2019 at 10:00 a.m.**

**Board Room, Business Building, Rm. 117, 1900 Pico Blvd., Santa Monica, CA 90405**

*Any disclosable public records related to an open session item on the agenda and distributed to the Merit Rules Advisory Committee less than 72 hours prior to the meeting are available for public inspection in the Personnel Commission Office, 2714 Pico Blvd, Santa Monica, during normal business hours.*

Any individual or group may address the Merit Rules Advisory Committee during the Public Comments segment of the meeting regarding any item that is within the Committee's subject matter jurisdiction. However, the Committee will not take action on any item that is not on this agenda.

Any individual may appear at the Committee meeting to respectfully testify in support of or opposition to any item being presented to the Committee members for consideration. Individuals wishing to address items to the Committee members should complete a *Request to Address the Merit Rules Advisory Committee* card (green form) prior to the start of the meeting.

**PUBLIC SESSION: 10:00 A.M.**

**ORGANIZATIONAL FUNCTIONS**

- A. Call to Order 10:03 a.m.
- B. Roll Call

<b>Committee Members</b>	<b>Present</b>	<b>Absent</b>
Commissioner Lawrence Leone, Chair	<b>X</b>	
Commissioner Barbara Greenstein	<b>X</b>	
Carol Long, Director of Classified Personnel	<b>X</b>	
Tre'Shawn Hall-Baker, Interim Dean of Human Resources	<b>X</b>	
Lee Peterson, Commission Appointee	<b>X</b>	
Mohamad Fakih, CSEA	<b>X</b>	
Miguel Reyes, CSEA		<b>X</b>
Debra Willoughby, CSEA	<b>X</b>	
Albert Echeverria, Police Officer Association		<b>X</b>

- C. Approval of Minutes: **Minutes were approved.**

**November 6, 2019 – Regular Meeting**

Motion made by: Lee Peterson                      Seconded by: Barbara Greenstein  
Ayes: 7                      Nays: 0                      Abstain: 0

**II. PUBLIC COMMENTS (non-actionable comments from those in attendance) NONE**

**III. MAJOR ITEMS OF BUSINESS**

#	ITEM
1	Chapter III – Merit Rule 3.3 RECLASSIFICATION
2	Future Agenda Items

**ITEM # 1 – Chapter III – Merit Rule 3.3 Reclassification**

Carol Long, Director of Classified Personnel, stated that Merit Rule 3.3.4, 3.3.6 through 3.3.8 will be presented to the Personnel Commission for second reading and adoption on December 18, 2019. The committee members discussed Merit Rule 3.3.9, Effects of Reclassification on Incumbents, the focus was to clarify the 2 year requirement that an incumbent must be in a classification for a minimum of 2 years to be eligible for a reclassification, per state law. The committee members discussed the issues that may arise when an employee requests a reclassification and does not meet the 2 year minimum requirement in the position. An employee who lacks the 2 year minimum requirement may be denied a reclassification into a newly reclassified higher level classification and may have to compete in an examination. If the employee is not successful in the examination process, the employee may be out of a job. Carol Long, Director of Classified Personnel, Robert Myers, Campus Counsel, Commissioner Greenstein, and Lee Peterson agreed that an employee who is working at a higher level with additional job duties should be paid at the higher level and should not face a potential lay off as a result not having 2 years requirement for a reclassification. The committee members requested that Carol Long, Director of Classified Personnel, research local k-12 and community college districts and return with new language for Merit Rule 3.3.9, Effects of Reclassification on Incumbents. The committee members were in consensus that their goal is to draft language for the merit rules that are fair, transparent and protects employees' jobs.

**3.3.4 REQUESTS FOR RECLASSIFICATION**

- A. Requests for reclassification of an existing position shall be submitted in writing to the Director of Classified Personnel on a form provided by the Personnel Commission. [A Request for Working Out of Class form can also be filed with the Personnel Commission at this time.](#)
- B. The supervisor, the employee, the collective bargaining unit representing employees in positions in the subject classification, or the Personnel Commission may initiate a request.
- C. The written request shall include a statement indicating the reason(s) the supervisor and/or the employee feel the reclassification is justified.
- D. A completed Position Description Questionnaire (PDQ) showing the new duties and responsibilities must accompany the request.
- E. Incumbents whose positions are reclassified must meet the minimum requirements of the new classification in order to be reclassified with the position.
- F. Reclassification may become moot if the out-of-class duties are removed from the position. Compensation for the higher level duties performed may be confirmed through the Working Out of Class procedures.
- G. At least two (2) years must elapse from the time the decision is finalized before another request for reclassification can be initiated for the same position.

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3.3.5 RECLASSIFICATION REVIEWS

A. Within fifteen (15) calendar days from receipt of a reclassification request, the Director of Classified Personnel shall provide the employee with written acknowledgement indicating the general expected time schedule for the review of the position.

B. Personnel Commission staff will review all pertinent documentation. If needed, this review will also include a site visit and/or interview with the incumbent and supervisor to identify actual duties assigned and performed; and additional reviews of work flow, work environment, work products, and any related documents.

3.3.86 NOTIFICATION OF RECLASSIFICATION (~~Education Code 88076, 88076, 88104.5~~)

A. The Director of Classified Personnel will provide a notification of the results of the reclassification audit review and the right to inspect the review file to the incumbent(s) affected, supervisor(s), the District administration and the employee's exclusive representative within sixty (60) one hundred (100) calendar days from the date the Position Description Questionnaire is submitted, unless the Personnel Commission grants an extension upon the showing of good cause. The notice will indicate whether the audit review findings support reclassification up or down, or that the position be sustained remain in the current classification. Notice of the recommendation will be given to all the parties listed above before the Personnel Commission adopts the classification proposal.

B. Good cause includes but is not limited to:

a. a determination that a new classification needs to be created;

b. a more extensive study is needed that would affect a group of employees or employees in more than one department;

C. Personnel Commission staff will notify affected incumbents, supervisor(s), and the employee's exclusive representative to inform them that additional time will be needed.

3.3.97 EFFECTIVE DATE OF RECLASSIFICATION (~~Education Code 88104, 88104.5~~)

A. Changes in classification and salary resulting from the permanent reclassification of a position shall be effective no later than whichever of the following dates is applicable:

1. The first day of the month following the date on which the Personnel Commission takes action to approve reclassification of the position, provided the employee is eligible to be reclassified with his/her position without examination as specified in these rules.

2. The first day of the month following the date the employee becomes fully qualified for the position by successfully completing all parts of the selection procedure.

B. ~~R~~Permanent reclassification of a position shall not have retroactive effect. However, Working Out of Class compensation may be considered through procedures described in Merit Rule 3.2.10.

C. The Commission shall be the final approving authority concerning reclassifications.

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3.3.408 RECLASSIFICATION OF A VACANT POSITION

If a reclassification occurs to a vacant position, the position shall be filled through normal selection procedures.

3.3.419 EFFECTS OF RECLASSIFICATION ON INCUMBENTS (~~EDUCATION CODE SECTION 88104~~)

Whenever a position or entire classes of positions are reclassified the rights of the incumbents will be determined in accordance with these Rules and Regulations.

A. Reclassification Upward

When all of the positions in a class are reclassified to a higher class, the incumbents in the positions who have been in the class for two (2) or more years may be reclassified by the Personnel Commission to the higher class.

The reclassification of positions to a higher salary range shall have the following effect on incumbents:

1. When one or more positions in a class are reclassified to a higher classification, the incumbent or incumbents who have a continuous employment record of two (2) or more years in the class shall be reclassified with the position without examination.

2. When one or more positions in a class are reclassified to a higher classification, the incumbents who do not have a continuous employment record of two (2) or more years in the class shall not be reclassified to a the higher class. Positions in the higher class will be filled through competitive examination that shall include a promotional examination open to permanent employees of the District. Incumbents who are unsuccessful in the examination may exercise the same rights as listed in Rule 13.3.1(B).

a. If a valid eligibility list exists, the affected incumbents shall be offered a special administration of examination and, if successful, be merged onto the eligibility list.

~~3. When one or more positions in a class are reclassified to a higher classification, the incumbents who do not have a continuous employment record of two (2) or more years in the class shall not be reclassified to the higher class. Positions in the higher class will be filled through competitive examination that shall include a promotional examination open to permanent employees of the District. Incumbents who are unsuccessful in the examination may exercise the same rights as listed in Rule 13.3.1(B)~~

4. The salary placement of an incumbent who is reclassified upward with his/her position shall be in accordance with Rule 12.2.10

5. Incumbents who have permanent status in the original classification, and are reclassified with the position to a higher classification with an equivalent probationary period, and have received successful formal performance evaluations during that period, shall not be subject to a new probationary period in the new classification.

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B. Reclassification Downward

The reclassification of a position or group of positions to a class with a lower salary range, shall have the following effect on incumbents

1. ~~If the~~The incumbent ~~has been performing satisfactorily, he/she~~ shall be transferred to any vacant position within the same classification for which he/she qualified and which is at his/her present salary range. If no vacancy exists, the employee may elect one of the following:

- a. to demote in place;
- b. to transfer to a vacant position at the same range;
- c. to bump in class or to a previous lower class;
- d. to be laid off.

C. Abolishment of Position

When a position is abolished the incumbent may be transferred, demoted or laid off as determined by these rules.

D. Period of Ineligibility for Reclassification

An employee, who has been reclassified with his/her position, shall be ineligible for subsequent reclassification with his/her position for a period of at least two (2) years from the date on which the reclassification became effective.

~~E. Effect of Reorganization or Reassignment on Classification~~

~~Any positions which are created or changed as a result of a sudden reorganization or assignment of new duties and responsibilities shall be filled through normal competitive selection processes as provided in these rules. This rule shall apply to positions that are occupied at the time of reclassification. If reclassification occurs in a vacant position, the position shall be filled through normal selection processes as determined by these rules.~~

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**The Merit Rules Advisory Committee requested additional language for Merit Rule 3.3.9, Effects of Reclassification on Incumbents.**

**MOTION MADE BY:** No Vote Took Place

**SECONDED BY:**

**AYES:        NAYS:        ABSTENTIONS:**

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**ITEM # 2 – Future Agenda Items**

The Merit Rules Advisory Committee requested Carol Long, Director of Classified Personnel, prepare a proposed work plan for 2020, outlining the chapters/merit rules the committee will discuss in the coming year.

**IV. ADJOURN MEETING AT 10:42 A.M.**

As required by law, this agenda for the Wednesday, December 4, 2019 Regular Meeting of the Santa Monica College Merit Rules Advisory Committee was posted at or before 10:00 a.m. on Friday, November 29, 2019 on the official District website and bulletin boards.

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**DISPOSITION BY THE COMMISSION**

Amendments/Comments

**Motion to adjourn was passed.**

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

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<b>2019-20 MEETING SCHEDULE FOR THE MERIT RULES ADVISORY COMMITTEE</b>		
July 3, 2019	Canceled	January 8, 2020
August 7, 2019		February 5, 2020
September 4, 2019		March 4, 2020
October 2, 2019		April 1, 2020
November 6, 2019		May 6, 2020
December 4, 2019		June 3, 2020