

Public Session: 12:00 p.m.

- I. Organizational Functions
 - a. Call to Order
 - b. Roll Call

Commissioners	Present	Absent
Dr. Joseph Metoyer Jr., Chair		X
Joy Abbott, Vice Chair	X	
Barbara Greenstein	X	
Deborah Jansen	X	
Lawrence Leone	X	

- c. Director's Report

Cyclical Classification Studies

Classification studies for Public Safety are complete.

Staff are completing studies for Instructional Assistants, and the last group of administrative support classifications (Administrative Assistant III, Administrative Assistant III – Confidential, Administrative Assistant IV – Confidential, and Executive Coordinator-District Board of Trustees). Upcoming orientations and reviews for the next group of Performing Arts classifications, are in process.

Staff is handling 23 classification reviews that are part of the cyclical studies. In addition, there are six position reclassification reviews, two salary reviews, and one classification revision in preparation for an upcoming recruitment.

Recruitment

There are 8 recruitments in process, 13 upcoming, and 11 on hold.

Merit Rules Advisory Committee Update

The Merit Rules Advisory presented Merit Rules 9.7.2 (Involuntary Demotion), MR 13.3.1.B (Displacement Rights for Permanent Employees), and Chapter 14 (Disciplinary Actions and Appeals) for a second and final reading. When approved revisions will be finalized and posted on the personnel commission web site. Merit Rule 11.14 (Holiday Pay) was also presented for a first reading. The Committee has begun reviewing Chapter 15, which covers Resignations and Reinstatements.

- d. Public Comments: Non-Actionable Items from those in attendance.
 - i. Recognition of Employee Longevity-November 2023

5 YEARS

Wen-Hsin Vera Cheng, Budget Analyst, Fiscal Services
Getahun Deresse, Instructional Assistant-Math, Supplemental Instruction
Judith Mosher and Wendi De Morst spoke to praise and thank Dr. Deresse.
Daniel Phillips, Director of Safety and Risk Management, Risk Management
Chris Bonvenuto, Scott Silverman, and Bob Myers spoke to praise and thank Daniel.

15 YEARS

Simon Levin, Community College Police Dispatcher, SMCPD
Estela Ruezga, Outreach and Recruitment Specialist, Outreach & Onboarding
Jose Hernandez spoke to praise and thank Estela.
Tonya Tyus, Accounting Specialist, Fiscal Services

25 YEARS

Shelley Williams, Payroll Specialist, Fiscal Services
Wendi De Morst and Rhonda Robinson spoke to praise and thank Shelley.

- e. Comments from the Vice President of Human Resources

Dr. Tre' Shawn Hall-Baker spoke on behalf of Vice President Sherri Lee-Lewis and joined in recognizing and praising longevity recipients.

- f. Comments from the CSEA Chapter 36 Representative

No comments

- g. Comments from the Management Association President

Scott Silverman spoke on behalf of the Management Association to thank and recognize staff, he especially acknowledged the importance of Temporary Personnel, Cassandra and Lindsey who worked in Emeritus.

- h. Comments from the Personnel Commission Staff

No comments

- i. Comments from the Personnel Commissioners

No comments

II. Agenda Reports: Major Items of Business

Report Number	Subject	Page Number
1	First Reading of Amendment to Rules and Regulations of the Classified Service: Chapter 11, Section 11.14.1 No Action To Be Taken	4
2	Second Reading of Amendment to Rules and Regulations of the Classified Service: Chapter 9, Section 9.7.2 D, Chapter 13, Section 13.3.1 B Chapter 14	7

III. Consent Agenda: All items to be considered and approved in one motion unless removed by a Commissioner for discussion

Report Number	Subject	Page Number
3	Ratification of Limited Term Assignments	25
4	Appointments to Limited Term Positions	26
5	Appointments to Provisional Assignments	27
6	Ratification of Working Out of Class Assignments and Limited Term Assignments	28
7	Ratification of Meeting Minutes	31
8	Extension of Eligibility Lists	32
9	Personnel Commission Project Status Report	33

IV. Adjournment

Agenda Report Number	1
Subject	First Reading of Amendment to Rules and Regulations of the Classified Service: Chapter 11, Section 11.14.1 No Action To Be Taken
Date	November 15, 2023
To	Members of the Personnel Commission
From	Carol Long, Director of the Personnel Commission

Proposed changes to Chapter 11: Merit Rules Section 11.14.1 is attached for a First Reading. Recommendations were developed with input from the Merit Rules Advisory Committee. The goals of these changes include updating and clarifying processes, and ensuring language is in compliance with the Education Code and applicable bargaining agreements.

Rule 11.14

Rule 11.14 HOLIDAY PAY (EDUCATION CODE SECTIONS 88203, 88204,
88205, 88205.5, 88206, 79020, 79022.1318)

Paid holiday provisions for unit members are contained in Article 8 of the District/CSEA Contract.

11.14.1

PAID HOLIDAYS

~~A. A.—All regular classified employees not covered by a bargaining unit agreement shall be entitled to paid holidays designated on the Board approved District calendar.~~

~~—All regular classified employees shall be entitled to the following paid holidays, which occur during their assigned work years, subject to the provisions of Rule~~

~~11.4.2:~~

~~1. Legal Holidays~~

~~July 4~~

~~The first Monday in September—Labor Day~~

~~*September 9—Admissions Day~~

~~*November 11—Veterans' Day~~

~~Thanksgiving Day~~

~~December 25~~

~~January 1~~

~~The third Monday in January—Martin~~

~~Luther King Day~~

~~*February 12—Lincoln's Day~~

~~*The third Monday in February—President's Day~~

~~*The last Monday in May—Memorial Day~~

~~2. Board Approved Holidays~~

~~In addition to the legal holidays listed above, in the CSEA Bargaining Agreement and on the District calendar, all regular classified employees shall be granted five additional paid holidays as designated on the official District calendar adopted each year prior to the beginning of the fiscal year.~~

B3- Specially Declared Holidays

Regular classified employees shall also be entitled to any other paid holidays required by State or Federal law, pay for all other holidays appointed by the President or the Governor of this State or the Governing Board as provided in Education Code Sections 79020, 79022 or 4318.

~~B. The District may designate other days during the year as holidays in lieu of any of the holidays marked with an asterisk (*) in Part A 1 of the Rule, provided that:~~

~~1. The in lieu holidays are scheduled in such a way as to provide for at least a 3-day weekend.~~

~~2. The in lieu holidays are designated prior to the beginning of the fiscal year.~~

~~The District reserves the right to designate other days during the year as holidays to which classified employees are entitled, provided that such designated in lieu days will provide for at least a three-day weekend. The holidays, as designated by the District, may be different days for different employees or groups of employees.~~

~~C. Pay for the holiday shall be the same pay that the employee would have received had the day not been a holiday.~~

~~D. Regular classified employees who have voluntarily selected a work pattern of a 10-hour day/40-hour workweek or a 9-hour day/80-hour biweekly workweek shall receive pay for eight hours on the holiday and shall be required to utilize vacation leave or compensatory time for the remaining hours of the work day.~~

~~CE. Regular classified employees who are required to work on a holiday shall be paid: Pay for confidential employees and police sergeants who work on holidays shall be one-and-a-half times the regular rate of pay times the number of hours worked, plus the regular rate of pay for this holiday.~~

~~1. At their regular overtime rate (time and one-half) for all hours worked on the holiday, and;~~

~~2. The regular pay for the holiday.~~

~~The total pay shall equal double time and one-half.~~

~~Compensatory time off may also be provided.~~

Agenda Report Number	2
Subject	Second Reading of Amendment to Rules and Regulations of the Classified Service: Chapter 9, Section 9.7.2 D, Chapter 13, Section 13.3.1 B Chapter 14
Date	November 15, 2023
To	Members of the Personnel Commission
From	Carol Long, Director of the Personnel Commission

Proposed changes to Merit Rules Chapter 9, Section 9.7.2 D, Chapter 13, Section 13.3.1 B, and all of Chapter 14 are attached for a Second Reading.

Disposition by the Commission	
Motion Made By	Lawrence Leone
Seconded By	Barbara Greenstein
Ayes	4
Nays	0
Abstentions	0
Amendments/Comments	

Section 9.7.2

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 ~~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 14.2.
- D. Salary placement upon involuntary demotion shall be in accordance with Rule 12.2.98.

13.3.1 DISPLACEMENT RIGHTS FOR PERMANENT EMPLOYEES

- A. Displacement shall be defined as the replacement of 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 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) 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.
 4. If an employee waives the opportunity to displace within their own class, the employee may follow these procedures in any equal or lower class in which they hold 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 Director of the Personnel Commission within one week after notification of layoff whether or not the employee will exercise displacement into their own regular class or any other class in which seniority is held.
 7. A permanent classified employee may displace a nonpermanent 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.
8. Displacement into a lower class under this Rule shall be considered a voluntary demotion which shall qualify the employee for ~~rate salary~~ placement under Rule 12.2.98.

CHAPTER XIV – DISCIPLINARY ACTION AND APPEALS

Rule 14.1 → DISCIPLINARY ACTION – SUSPENSION, DEMOTION AND DISMISSAL (EDUCATION CODE SECTION 88123)

Section	14.1.1	General Provisions
	14.1.2	Notice of Disciplinary Action
	14.1.3	Definitions
	14.1.4	Causes for Suspension, Demotion or Dismissal
	14.1.5	Procedure for Suspension
	14.1.6	Procedure for Demotion and Dismissal
	14.1.7	Procedure for Notification of Charges

Rule 14.2 → PROCEDURE FOR APPEAL AND HEARING (EDUCATION CODE SECTIONS 88124, 88125) ?

Section	14.2.1	Procedure for Appeal
	14.2.2	Procedure for Hearing
	14.2.3	Findings and Order
	14.2.4	Transcript of Hearing

CHAPTER
XIV

DISCIPLINARY ACTION AND
APPEALS

¶
¶
Rule 14.1

→

DISCIPLINARY → ACTION → → SUSPENSION,
DEMOTION, AND DISMISSAL (EDUCATION CODE
SECTION 88123)¶

¶
14.1.1

→

GENERAL PROVISIONS¶

- A. → A permanent classified employee shall be subject to disciplinary action only for cause as prescribed by law or Section 4.14.1.4 of this Rule. No disciplinary action shall be taken against any permanent employee for any cause which arose more than two years prior to the date in which the employee became permanent, nor for any cause which arose more than two years preceding the date of the filing of the Notice of Disciplinary Action, unless such cause was concealed or not disclosed by the employee, when it could reasonably be assumed that the employee should have disclosed the facts to the appropriate authority.¶
- B. → No classified employee shall be suspended, demoted, or dismissed, or in any way discriminated against because of their affiliations, ethnic group identification, race, color, national origin, religion, age, marital status, sex, sexual orientation, gender, gender identity, gender expression, disabilities, ancestry, medical condition (as defined in Government Code Section 12926), language, accent, citizenship status, parental status, economic status, veteran status, or religious or political beliefs or acts, except as provided in Section 4.14.1.4.A.6 of this Rule. No classified employee shall be suspended, demoted, or dismissed because of their basis of associations or perceived affiliations with characteristics protected groups listed in this section.¶
- C. → No permanent or probationary classified employee shall be suspended, demoted or dismissed until final approval → is given by the Board, except for suspensions processed under Section 14.1.5.C of this Rule.¶
- ¶
¶
¶

14.1.2

NOTICE OF DISCIPLINARY ACTION ¶

A. → ~~A Notice of Disciplinary Action under this Rule shall contain specific charges in ordinary and concise language of the individual acts or omissions of the employee which have resulted in the recommendation for disciplinary action. The charges shall also include a listing of the cause specified in Section 4 of this Rule which has been violated by the employee and the date(s), time(s) and place(s) when the violation occurred. ¶~~

→ ¶
An employee recommended for disciplinary action shall be served with a notice of recommended disciplinary action ¶ which shall, in ordinary and concise language, set forth the following information: ¶

1. → A statement of the nature of the disciplinary action being recommended (e.g. suspension without pay, dismissal). ¶
2. → The specific causes and charges for disciplinary action. ¶
3. → A statement of the specific acts or omissions on which the causes are based. If a violation of a rule, policy, or regulation of the District is alleged, the rule, policy or regulation shall be stated. ¶
4. → Information about the employee's right to present information relative to the causes and charges for disciplinary action at a Pre-Disciplinary Conference (commonly called a "Skelly review meeting"), which shall take place not less than five (5) working days after receipt of this notice. ¶
5. → The date, time, and place of the Skelly review meeting. ¶
6. → The employee's right to contact their Union representative if applicable and to be accompanied by a representative of the employee's choice. ¶
7. → The employee shall be advised of their right to review and receive a copy of any documents in their personnel file ¶

B. → ~~The employee shall be advised of their right to respond either orally or in writing within 5 working days after receipt of the notice to the person so designated on the notice. The employee shall also be advised of their right to review and receive a copy of all any documents in their personnel file on which the disciplinary action is based. ¶~~

~~B, C.~~ → ~~All communications notice of recommended disciplinary action from the District to the employee shall either be:~~

1. → ~~Delivered personally and signed for by the employee.~~
2. → ~~Emailed along with Sent by certified mail, return receipt requested, to the last known address of the employee on file with the District in the Personnel Commission Office.~~

14.1.3 → DEFINITIONS

- A. → Suspension shall mean the temporary removal of an employee from a position for cause with loss of pay as a disciplinary measure, or indefinite removal preliminary to investigation of charges pursuant to Section 88123 of the Education Code.
- B. → Demotion shall mean the involuntary ~~reduction-change of assignment~~ of an employee from a class with a higher pay ~~scale-range~~ to a class with a lower pay ~~scale-range-or-from-a-higher-salary-increment-step-to-a-lower-salary-incrementstep~~.
- C. → Dismissal shall mean the involuntary separation of an employee from service for cause.

14.1.4 → CAUSES FOR SUSPENSION, DEMOTION OR DISMISSAL

- A. → A permanent classified employee may be subject to ~~immediate~~ disciplinary action ~~by the Board only~~ for the following causes:
 1. → ~~4.~~ ~~Insubordination, including, but not limited to refusal to do reasonably assigned work or any other serious breach of discipline. (The refusal to follow an unlawful order or directive does not constitute insubordination.)~~
 2. → ~~Dishonesty when it undermines the trust and confidence required in an employment relationship.~~
 - 3.2. → ~~Discourteous, or~~ ~~Offensive or~~ abusive conduct toward other employees, students or the public.
 - 4.3. → Misuse, ~~or~~ theft, destruction or mishandling of District property, or property of employees ~~or students~~ of the District.
 - 5.4. → ~~Offering anything~~ of value, or offering any

service in exchange for special treatment in connection with the employee's job or employment, or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.¶

¶
65. → Unauthorized possession of opened alcoholic beverage containers or drinking alcoholic beverages or being intoxicated while on the job or ~~Unauthorized use of narcotics or habit forming unlawful drugs, or being under the influence of drugs~~ not prescribed by a licensed physician while on the job.¶

¶
76. → Engaging in political activities during assigned hours of employment.¶

¶
87. → Immoral conduct.¶

¶
98. → Conviction of a crime of violence or moral turpitude or a serious crime where the nature of the crime is such that it will indicate that the employee is a poor employment risk for the particular job they hold in the District.¶

¶
109. → Conviction of a sex offense or a narcotics offense as defined in Education Code Sections 87010 or 87011. Note: An employee convicted of a sex offense as defined in the Education Code shall be dismissed.¶

¶
1110. Abandonment of position, which shall be interpreted to mean an absence without approved leave or abuse of leave privileges continued notification in excess of five (5) working days except in case of dire emergency.¶

¶
1214. → Knowingly falsifying any information supplied to the District including but not limited to information supplied on application forms, employment records and other records.¶

¶
1312. → Persistent violation or refusal to obey District safety rules or other procedures made applicable to the District by the Board, or by any appropriate state or governmental agency.¶

¶
1413. → Any willful failure of good conduct tending to injure the public service or its reputation with particular regards to students.¶

¶
~~14. → Abandonment of position, which shall be~~

¶
¶
¶
C. → ~~A permanent classified employee may be subject to removal from service or change in status under this rule due to physical or mental unfitness for service as determined by the District physician. The employee shall retain their right to appeal. The administration shall base its decision to recommend removal or change in status on the following factors:¶~~

1. → ~~The degree of physical or mental unfitness and the doctor's prognosis as they relate to the duties to be performed. ¶~~

¶
2. → ~~The number of positions in the employee's classification and subsequent uniqueness or degree of specialty in the position, and the availability of a person qualified to substitute during the absence of the employee. ¶~~

3. → ~~The degree and frequency of previous sick leave usage. Particular attention shall be paid to employees who have extraordinary use or lack of use of sick leave, together with consideration for the circumstances surrounding previous use of sick leave. ¶~~

Section 44.1.5

14.1.5

PROCEDURE FOR ~~SUSPENSION~~ DISCIPLINARY ACTION

~~A. An employee may be demoted, or suspended without pay for no more than 30 calendar days, or dismissed for cause as listed in Section 14.1.4 of this Rule.~~

~~B. In connection with misconduct-related causes set forth in Section 14.1.4.A of this Rule, the District may take action appropriate to the misconduct, which may range from an oral warning to dismissal, depending on the severity of the misconduct. The District may use the steps set forth in this Section for such misconduct as it deems appropriate.~~

~~C. In connection with performance-related causes set forth in Section 14.1.4.B of this Rule, the District may take appropriate action, which may range from oral warning to dismissal, depending on its severity and only after providing the employee with notice of the deficiency and opportunity to correct it.~~

~~A. An employee may be demoted, dismissed, or suspended for cause as listed in Section 4.A.14.1.4 of this Rule without pay for no more than 30 calendar days upon the approval of the Superintendent or the District Personnel Administrator designee, subject to ratification by the Board of Trustees at their next regular meeting.~~

~~D. The employee shall be served with notice of disciplinary action in accordance with 14.1.2 of this Rule.~~

~~B. When a request for suspension is made, a Notice of Disciplinary Action must be completed by the immediate supervisor and submitted to the District Personnel Administrator for final approval after approval by the appropriate District departmental administrator. The Notice of Disciplinary Action must contain specific charges as required in Section 2 of this Rule and must be delivered to the employee not less than 1 working day prior to the effective date of the suspension. A copy of the notice shall be filed with the Director of the Personnel Commission.~~

~~C. An employee may be peremptorily suspended for up to one day without pay by their immediate supervisor with the approval of the departmental administrator for cause as listed in Section 4.A of this Rule when such suspension is necessary to safeguard the best interest of the District or the employee. Such suspensions shall be documented on the appropriate Notice of Disciplinary Action and~~

~~presented to the employee prior to their return to work at a conference with the employee's supervisor(s) and the Personnel Administrator. All procedures for notification required in these rules shall then be complied with.~~

~~D. Preemptory Board suspensions are subject to ratification by the Board at the next meeting following the suspension.~~

~~An employee recommended for disciplinary action shall be served with a notice of recommended disciplinary action which shall, in ordinary and concise language, set forth the following information:~~

~~A statement of the nature of the disciplinary action being recommended (e.g., suspension without pay, demotion, dismissal).~~

~~The specific causes and charges for disciplinary action.~~

~~A statement of the specific acts or omissions on which the causes are based. If a violation of a rule, policy, or regulation of the District is alleged, the rule, policy or regulation shall also be stated.~~

~~If the employee is represented, the following information should be included as well:~~

~~Notification of their right to present information relative to the causes and charges for disciplinary action at a Pre-Disciplinary Conference (commonly called a "Skelly review meeting") which shall take place not less than five (5) working days after receipt of the notice.~~

~~The date, time, and place of the Skelly review meeting, if applicable.~~

~~The employee's right to contact their union concerning representation and to be accompanied by a representative of the employee's choice.~~

~~E. After the employee has had an opportunity to respond to the notice of recommended disciplinary action or has not requested such an opportunity to respond, the Superintendent/President or designee shall determine whether to proceed with the recommendation for disciplinary action. In the event that the~~

~~Superintendent/President determines to recommend disciplinary action, such recommendation shall be submitted to the Board of Trustees.~~

~~F. → The Board of Trustees may either accept, modify or reject the recommendation for disciplinary action. In the event that the Board of Trustees takes action to impose discipline, such disciplinary action shall be implemented on the day following the Board of Trustees' action or such other day as determined by the Board of Trustees.~~

~~G. → No disciplinary action shall be implemented prior to action by the Board of Trustees, except as authorized by the Education Code or by a written agreement signed by the employee. However, the District may initiate an immediate suspension without pay pending final disciplinary action by the Board of Trustees when reasonable cause exists to believe the suspension is to protect the best interest of the District. In the event the District immediately suspends an employee without pay, the District shall provide the employee with a notice of disciplinary action within one (1) day after the unpaid suspension. An employee shall have the right to respond to the immediate unpaid suspension and to the notice of disciplinary action set forth in this Section.~~

→ Section 14.1.7

¶ 14.1.76 → PROCEDURE FOR NOTIFICATION OF CHARGES TO THE PERSONNEL COMMISSION ¶

- ¶
- A. → When the Board has taken final action to demote, suspend or dismiss → the employee, the ~~District Personnel Administrator~~ Vice President of Human Resources or designee shall, within 3 working days, notify the Director of the Personnel Commission in writing of the Board's action. ¶
- ¶
- B. → The Director of the Personnel Commission shall, within 10 working days of → the Board's → action → to approve → suspension, demotion, or dismissal, notify the employee. The Director of the Personnel Commission shall, at the next regular meeting, file written charges with the Commission. ¶
- ¶
- C. → The notification of charges to the employee shall contain: ¶
1. → A copy of the written charges. ¶
 2. → The time allowed to file an appeal. ¶
 3. → The right of the employee to a hearing on the appeal. ¶
 4. → The requirements for the employee's response as set forth in these Rules. ¶ _____

Rule 14.2

- ¶ Rule 14.2 → PROCEDURE FOR APPEAL AND HEARING (EDUCATION CODE SECTIONS 88124, 88125-2, ~~88126~~)
- ¶ 14.2.1 → PROCEDURE FOR APPEAL
- ¶ A. → A permanent employee who has been ~~suspended~~, demoted, ~~suspended~~ or dismissed may appeal to the Personnel Commission within 14 calendar days after receipt of the Notice of Charges from the Director of the Personnel Commission by filing a written answer to the charges and they may request a hearing.
- ¶ B. → The employee's written answer to the charges must include facts based on one or more of the following grounds:
 - ¶ 1. → ~~That the~~ The charges made do not constitute sufficient cause for the action taken.
 - ¶ 2. → ~~That~~ The action taken was not in accord with the facts.
 - ¶ 3. → ~~That~~ There was an abuse of discretion.
 - ¶ 4. → ~~That~~ The procedures set forth in these rules have not been followed.
 - ¶ 5. → ~~That~~ The disciplinary action was taken because of political affiliations, or religious beliefs or opinions, race, color, national origin, ancestry, sex, employee organization members or non-membership, → marital status, disability, or medical condition (as defined in Government Code Section 12926).
- ¶ C. → For purposes of this Rule, if a notice is mailed, ~~the~~ 5 working days following the postmark date ~~and time~~ of the notice shall be considered to be the official date ~~and time~~ of receipt.
- ¶ D. → Failure to appeal as provided in this Rule shall make the action of the Board final and conclusive.

Section 14.2.2

14.2.2



PROCEDURE FOR HEARING

A. → After an employee has made and filed their appeal in answer to the charges against them, the Personnel Commission shall investigate or cause to be investigated the matter on appeal and may require further evidence from either party. The Commission may, and upon request of an accused employee, shall order a hearing. If a hearing is to be conducted, the Personnel Commission shall then fix the time and place of the hearing which shall be within a reasonable length of time from the receipt of the appeal and shall provide written notification to all parties.

The Personnel Commission may appoint a hearing officer to conduct any hearing and report the findings and recommendations to the Commission. Such recommendations shall not be binding on the Commission.

B. → Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officers shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.

C. → The hearing shall be electronically tape recorded. However, either party may request that the hearing be recorded by a court reporter, in which case the party making the request shall bear the cost as determined by the Director of the Personnel Commission.

D. → The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on a preponderance of evidence.

E. → The burden of proof shall be on the Board. _____

Section 14.2.2.F

- F. Each party will be permitted an opening statement, with the Board or its designated representatives opening first. Each party shall be permitted closing arguments with the employee closing first. The Board shall next present its witnesses and evidence to sustain its charges, and the employee will then present his witnesses and evidence in defense.
- G. Each party will be allowed to examine and cross examine witnesses.
- H. The Board, the Commission and the employee will be allowed to be represented by separate legal counsel or other designated representatives.
- I. The Commission or the Director of the Personnel Commission may and shall, if requested by the Board or the employee, subpoena witnesses and/or require the production of records or other material evidence.
- J. The Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important to its reaching a fair and proper decision.
- K. A hearing shall be held in closed session unless an open hearing is requested by the employee. The Commission may, at its discretion, exclude witnesses not under examination except the employee and the party attempting to substantiate the charges against the employee and their respective counsel. When hearing testimony on alleged scandalous or indecent conduct, all persons not having a direct interest in the hearing may be excluded.
- L. The Commission may deliberate its decision in closed session and exclude all persons other than members of the Commission and its staff or counsel. If its counsel also served as counsel for the Board, they shall be barred from the Commission's final deliberations.

Section 14.2.3

14.2.3



FINDINGS AND ORDER

- A. → The Commission shall render its judgment as soon after the conclusion of the investigation or hearing as possible, and unless an agreement for an extension is accepted by all parties, the decision shall be made within 14 calendar days after conclusion of the hearing. Its decision shall set forth which charges, if any, are sustained or rejected and the reasons therefore.
 - 1. → The Commission's decision shall be set forth in writing by the Director of the Personnel Commission and signed by the chairman of the Commission and be sent to all parties of interest.
- B. → The Commission may sustain or reject any or all of the charges filed against the employee. . . If the Commission finds in favor of the employee, it may:
 - 1. → Order the employee's reinstatement upon such terms and conditions as it may determine appropriate.
 - 2. → Modify the disciplinary action, but not to make more stringent the action taken by the Board.
 - 3. → Order paid all or part of the employee's full compensation from the time of suspension, demotion, or dismissal.
 - 4. → Order paid by the Board compensation for all or part of the legitimate expenses incurred by all parties in pursuit of the appeal.
 - 5. → Order the employee transferred or changed in work location.
 - 6. → Order seniority credit for off-time pending reinstatement.
 - 7. → Order expunction from the employee's personnel file all records pertaining to the disciplinary action on charges which were or were not sustained by the Commission.
- C. → The decision of the Commission shall be final.

Section 14.2.4

14.2.4



TRANSCRIPT OF HEARING

- A. → A copy of the transcript of the hearing shall be furnished to either party upon written request made within 90 calendar days of the decision of the Commission. The Director of the Personnel Commission shall cause the transcript to be typed and the cost of copies shall be borne by the party requesting such copies in an amount as determined by the Director of the Personnel Commission to be representative of the actual costs of preparation.

III. Consent Agenda: All items to be considered and approved in one motion unless removed by a commissioner for discussion.

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Disposition by the Commission	
Motion Made By	Deborah Jansen
Seconded By	Barbara Greenstein
Ayes	4
Nays	0
Abstentions	0
Amendments/Comments	

Agenda Report Number	3
Subject	Ratification of Limited Term Assignments
Date	November 15, 2023
To	Members of the Personnel Commission
From	Carol Long, Director of the Personnel Commission

The Personnel Commission is requested to ratify the classification of the following Limited Term positions pursuant to Section [7.4.2(C)] of the Rules and Regulations of the Classified Service of the Santa Monica Community College District:

Classification	Department	Effective Dates
Administrative Assistant I	Emeritus	9/5/2023-11/9/2023
Student Services Clerk	Outreach and Recruitment	10/2/2023-6/30/2024

Agenda Report Number	4
Subject	Appointments to Limited Term Positions
Date	November 15, 2023
To	Members of the Personnel Commission
From	Carol Long, Director of the Personnel Commission

The Personnel Commission is advised that the following persons have been appointed to the following Limited Term positions from certified eligibility lists pursuant to Section [7.4.3(A)] of the Rules and Regulations of the Classified Service of the Santa Monica Community College District.

Candidate	Position	Department	Duration*	Eligible List Date
Lindsay Wilson	Administrative Assistant I	Emeritus	9/5/2023-11/9/2023	7/17/2023
Aamna Munee	Student Services Clerk	Outreach and Recruitment	10/2/2023-6/30/2024	8/30/2023

*Not to exceed six (6) months or, in case of an appointment in lieu of an absent employee, is not to exceed the authorized absence of that employee.

Reference Merit Rule 7.4.3 (A) –Eligibility for Appointment

Limited term appointments shall be made from eligibility lists and employment lists in accordance with procedures for regular appointments.

Agenda Report Number	5
Subject	Appointments to Provisional Assignments
Date	November 15, 2023
To	Members of the Personnel Commission
From	Carol Long, Director of the Personnel Commission

The Personnel Commission is advised that the following persons have been appointed to the following provisional assignments, not to exceed 90 working days pursuant to Section 7.2 of the Rules and Regulations of the Classified Service of the Santa Monica Community College District.

Candidate	Position	Department	Duration*
Randy J. Bruner, Jr.	Mail Services Worker I	Procurement, Contracts and Logistics	Original Dates 07/11/2023 – 11/7/23 Revised Dates 7/11/2023-1/9/24

*Assignment ending dates may be adjusted as not to exceed 90 working days in a fiscal year

Agenda Report Number	6
Subject	Ratification of Working Out of Class and Limited Term Assignments
Date	November 15, 2023
To	Members of the Personnel Commission
From	Carol Long, Director of the Personnel Commission

It is recommended that the Personnel Commission approve the following working out of class and limited term assignment(s).

I. Substitute Assignment

Name/Permanent Class	Substitute Assignment	Assignment Dates
Aaron De La Torre, EOPS Specialist	EOPS Care Supervisor	11/1/2023 to 6/30/2024

**Unless otherwise noted, WOC assignments are paid at 100%.*

II. Internal Limited Term Assignment

Name/Permanent Class	Limited Term Assignment	Assignment Dates
Roger Acevedo, Grounds Worker	Grounds Supervisor	11/2/2023 to 3/29/2024

III. Correction to Provisional Working out of Class Assignment

Name/Permanent Class	Provisional WOC Assignment	Correction to Assignment Dates
Abigail Orosz, International Student Services Specialist	Professional Development Coordinator	FROM: 11/16/2023 to 3/14/2024 TO: 12/1/2023 to 4/4/2024

**Merit Rule 3.2.10 Working Out of Class
(Education Code Section 88010, 88087, 88106 - 88108)**

3.2.10

A. CONCEPT OF WORKING OUT OF CLASSIFICATION

1. Each classified employee shall be required to perform the duties of the position approved by the Board and classified by the Personnel Commission for the class to which he or she is assigned. An employee may be required to perform other related duties consistent with the concept of the classification to which the position is assigned.

2. Classified employees shall not be required to perform duties and responsibilities which are not fixed and prescribed for their positions or are not consistent with the concept of the classification of their current position for any period of time which exceeds five (5) working days within a fifteen (15) calendar day period, or equivalent (i.e., four 10-hour working days within a fifteen (15) calendar day period) except as provided by this rule.

3. Working out of class assignments are designed for temporary situations and shall not be used to place an employee in a long-term or permanent assignment in a higher or different classification. No employee shall be assigned to work out of class beyond the time limits specified in Merit Rule 7.2 (Provisional Appointments) and Merit Rule 7.4 (Limited Term Appointments).

B. Procedure for Supervisor Requesting Approval for Working Out of Class

3. The Director of Classified Personnel will advise the Office of Human Resources of the findings and shall present those findings, including the recommended pay differential, to the Personnel Commission for approval. Confirmation of this approval shall then be sent by the Personnel Commission to the Supervisor and the employee, and forwarded to the Board of Trustees for final approval.

Agreement between Santa Monica Community College and CSEA, Chapter 36, Article 11

11.7 Work Out of Classification

11.7.1 Definition:

Working out of classification assignments shall not exceed a period of ninety (90) working days per fiscal year and no more than ninety (90) days in any one hundred eighty (180) day period.

11.7.3 Compensation:

- a. In the event that an employee is assigned duties at a higher classification as defined above and those duties make up at least fifty percent (50%) of the employee's daily assignments, the employee salary shall be adjusted as set forth in Section 11.4.1.
- b. If those duties make up less than fifty percent (50%) of the employee's daily assignment, the District shall pay the employee equal to one half (1/2) of the stipend that would have been paid under sub division a (above)

11.4 Salary on Promotion

- 11.4.1 When an employee is promoted to a position in a higher salary range, he/she shall receive the next higher dollar amount above his/her present rate of pay, but not less than the minimum of the new salary range. If that amount is less than a one-step (5%) increase, the employee shall be placed at the next higher step over that authorized above.

Merit Rule 7.4 Limited Term (Temporary) Appointments (Education Code Section 88105)

7.4.1 LIMITED TERM POSITIONS DEFINED

- A. Positions established to perform duties which are not expected to exceed six months in one fiscal year shall be designated as temporary limited-term positions.
- B. Positions established to replace temporarily absent employees shall be designated as substituted limited-term positions.

7.4.2 PROCEDURE FOR ESTABLISHMENT OF LIMITED-TERM POSITIONS

- C. When a temporary or substitute limited-term position is established, the appointing authority shall notify the Director of Classified Personnel in writing of the hours, starting date, and probably length of the assignment. Establishment of limited-term positions shall be subject to ratification by the Board of Trustees at their next regular meeting.
- D. Substitute limited-term appointments may be made for the duration of the absence of a regular employee but need not be for the full duration of the absence. The appointment may be in the same class as that of the absent employee or the duties may be reduced in level and the appointment may be made in a lower class. The duration of the appointment shall not exceed the authorized dates of absence of the regular employee.

7.4.3 ELIGIBILITY FOR APPOINTMENT

- A. Limited-term appointments shall be made from eligibility lists and employment lists in accordance with procedures for regular appointments.

RECOMMENDATION

It is recommended that the Personnel Commission approve the requests for working out of class and limited term assignments for the appropriate stipend as indicated under the above applicable sections of CSEA, Chapter 36, Article 11.7, and Merit Rules 3.2.10 and 7.4.

Agenda Report Number	7
Subject	Ratification of Meeting Minutes
Date	November 15, 2023
To	Members of the Personnel Commission
From	Carol Long, Director of the Personnel Commission

1. Regular Meeting Minutes-October 18, 2023
2. Special Meeting Minutes-November 1, 2023

Agenda Report Number	8
Subject	Extension of Eligibility Lists
Date	November 15, 2023
To	Members of the Personnel Commission
From	Carol Long, Director of the Personnel Commission

The Personnel Commission Office is requesting that the following eligibility list(s) be extended as indicated below:

Classification	Original Expiration Date	Current Expiration Date	Number of Candidates on List	Number of Ranks on List	Proposed Expiration Date
Accompanist – Music Performance	8/25/2023	11/25/2023	8	6	2/25/2024
Associate Programmer Analyst	3/30/2023	11/30/2023	6	4	3/30/2024
Cosmetology Assistant	2/17/2023	11/19/2024	4	4	2/17/2024
Facilities Maintenance Supervisor	2/27/2023	11/27/2023	2	1	2/27/2024
Instructional Assistant – English	4/18/2023	11/18/2023	11	8	4/18/2024
Laboratory Technician – Broadcast Digital Media	2/23/2023	11/23/2023	5	3	2/23/2024
Personnel Specialist (Promotional List)	11/16/2023	11/16/2023	2	2	5/16/2024
Personnel Specialist (Open List)	11/16/2023	11/16/2023	7	3	5/16/2024
Recycling Program Specialist	12/12/2023	12/12/2023	5	5	6/12/2024
Web Services Coordinator	5/17/2023	11/17/2023	2	2	5/17/2024

The Personnel Commission staff believes there are a sufficient number of available eligibles remaining to fill any future vacancies anticipated until the new proposed expiration dates.

Merit Rule 6.2.3 (C) Duration of Eligibility List

6.2.3 (C)

B. An eligibility list may be extended by the Personnel Commission for one or more periods, not to exceed a total of two years from the time the list was first established. The personnel Director shall base his/her recommendation for extension of an eligibility list on the following factors:

- 1.a sufficient number of available eligibles remain to fill expected future vacancies;
- 2.the composition of the list reflects appropriate representation of ethnic minorities, underrepresented groups, or non-traditional candidates;
- 3.the field of competition in the occupational area has not changed dramatically.

RECOMMENDATION

It is recommended that the Personnel Commission approve extending the eligibility list(s) shown above.

Agenda Report Number	9
Subject	Personnel Commission Project Status Report
Date	November 15, 2023
To	Members of the Personnel Commission
From	Carol Long, Director of the Personnel Commission

Recruitment

Job Title	Assigned to	Open Date	Close Date	1st Test Part	Agenda Date
Campus Safety Officer	JG	1/27/2023	9/12/2023	10/14/2023	6/21/2023
Community College Police - Lateral	JG				
Community College Police Dispatcher	JG	10/20/2022			
Construction Maintenance Manager	JL				
Custodial Operations Manager	JL				
Director of Sustainability	JB	9/8/2023	9/28/2023	11/2/2023	
Emergency and Safety Coordinator					
Event Scheduling Specialist	TM				
Events Assistant	TM	10/20/2021			
Grounds Manager	JL				
HR Analyst - Employee & Labor Relations	JL				
Instructional Assistant - Math	TM	9/12/2023	10/6/2023	10/28/2023	
Irrigation Systems Specialist					
IT User Systems Administrator	JL		10/19/2023		
Laboratory Technician - Fashion	JB				
Lead Custodian	TM				
Mail Services Worker I	TM				
Mechanical Systems Manager	JL				
Police Recruit	JG				
Professional Development Coordinator	JL				
Program Specialist	OV				
Senior Financial Aid and Scholarships Specialist					
Senior Grounds Equipment Operator	JG				
Senior Information Technology Support Specialist	JL				
Skilled Maintenance Worker II	TM				
Supplemental Instruction Coordinator	OV	10/13/2023	11/6/2023	11/2/2023	
Theatre Arts Program Assistant	AF				
Theatre Technical Specialist (Cont.)	TM	10/15/2021			
Web Content Developer					

Classification and Compensation

Title	Progress	Type of Request	Assigned to	PDQ	Date Completed
Academic Computing Laboratory Specialist - CMD	Upcoming	Cyclical Review	JL	11/3/2023	
Accounting Specialist	Upcoming	Salary Reallocation	AF	4/18/2023	
Administrative Assistant I	Upcoming	Position Review	AF	10/16/2023	
Administrative Assistant III	Development	Cyclical Review	AF	11/18/2022	
Administrative Assistant III - Confidential	Development	Cyclical Review	AF	11/18/2022	
Administrative Assistant IV-Confidential	Development	Cyclical Review	AF	11/18/2022	
Career Education Specialist	Stakeholder Review	Cyclical Review	OV	11/15/2022	2/1/2023
Disabled Student Services Assistant	Research & Planning	Cyclical Review	JB	6/2/2023	
DSPS Specialist	Stakeholder Review	Description Revision	JL		11/25/2022
Executive Coordinator - District & BOT - Confidential	Development	Cyclical Review	AF	11/18/2022	
Film Production Coordinator	Development	Cyclical Review	JB	9/27/2023	
Grounds Equipment Operator	Development	Position Review	KM		
Information Systems Administrator	Development	Position Review	JL	9/13/2023	
Instructional Assistant - English	Development	Cyclical Review	JB	6/2/2023	
Instructional Assistant - ESL	Development	Cyclical Review	JB	6/2/2023	
Instructional Assistant - Learning Disabilities	Development	Cyclical Review	JB	6/2/2023	
Instructional Assistant - Math	Development	Cyclical Review	JB	6/2/2023	
Instructional Media Specialist	Research & Planning	Position Review	OV	10/11/2023	
Instructional Technology Services Manager	Upcoming	Cyclical Review	JL		
Instructional Technology Services Manager - Entertainment Technology	Upcoming	Cyclical Review	JL		
Music Equipment Assistant	Stakeholder Review	Cyclical Review	OV	6/2/2023	10/25/2023
Professional Development Coordinator	Stakeholder Review	Description Revision	JL		11/8/2023
Program Coordinator - Community & Contract Ed	Research & Planning	Cyclical Review	OV	1/25/2022	
Senior Technology User Support Specialist	Upcoming	Cyclical Review	JL	11/3/2023	
Senior Veterans Resource Specialist	Appeal	Position Review	OV	1/17/2023	2/9/2023
Tutoring Coordinator - Business	Upcoming	Cyclical Review	OV	10/13/2023	
Tutoring Coordinator - English & Humanities	Upcoming	Cyclical Review	OV	10/13/2023	
Tutoring Coordinator - Learning Disabilities	Upcoming	Cyclical Review	OV	7/20/2023	
Tutoring Coordinator - Math	Upcoming	Cyclical Review	OV	10/13/2023	
Tutoring Coordinator - Modern Language	Upcoming	Cyclical Review	OV	10/13/2023	
Tutoring Coordinator - Science	Upcoming	Cyclical Review	OV	10/13/2023	

IV. Adjournment

Disposition by the Commission	
Motion Made By	Lawrence Leone
Seconded By	Deborah Jansen
Ayes	4
Nays	0
Abstentions	0
Amendments/Comments	

Weekday	Month	Day	Year	Time	Venue
Wednesday	December	20	2023	12:00 p.m.	Board Room/ Business Bldg. Room 117
Wednesday	January	17	2024	12:00 p.m.	Board Room/ Business Bldg. Room 117
Wednesday	February	21	2024	12:00 p.m.	Board Room/ Business Bldg. Room 117
Wednesday	March	20	2024	12:00 p.m.	Board Room/ Business Bldg. Room 117
Wednesday	April	17	2024	12:00 p.m.	Board Room/ Business Bldg. Room 117
Wednesday	May	15	2024	12:00 p.m.	Board Room/ Business Bldg. Room 117
Thursday	June	20	2024	12:00 p.m.	Board Room/ Business Bldg. Room 117

As required by law, the agenda for the November 15, 2023, Regular Meeting of the Santa Monica College Personnel Commission was posted on the Official District Website no later than 72 hours prior to the date and time of this meeting.