

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER VII

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## **CHAPTER VII -- APPOINTMENT TO CLASSIFIED POSITIONS**

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Rule 7.1 PROCEDURES FOR APPOINTMENT

7.1.1 PROCEDURES FOR SELECTION

- A. The appointing authority, or its management representatives, shall interview all of the employees and eligibles who are certified from appropriate employment or eligibility lists. A selection shall be required when:
1. The certification is from a reemployment list or is based on seniority entitlement.
  2. Sufficient eligibles are certified for a given vacancy to total three (3) ranks of eligibles.
- B. In all other instances of certification for position transfer, voluntary demotion, reinstatement and lateral transfer, the decision to make a selection shall be at discretion of the appointing authority.

7.1.2 APPOINTMENT

- A. The Personnel Commission Office shall notify the prospective employee that he or she has been selected, subject to the terms and conditions of a written offer issued by the Human Resources Office. The offer shall include the time and date to report for duty, probation period and the salary at the time of hire. Appointment to the position shall be subject to approval by the Board of Trustees.
- B. The prospective employee shall be allowed no less than two (2) calendar weeks to report for duty after a written offer of employment to a permanent position has been made. Should this individual be unable or unwilling to report for duty by the required start date, the appointing authority may request additional certification as provided in Rule 6.3.12. (Procedures for Request and Certification of Additional Eligibles)
- C. Procedures for employment and orientation are listed under 9.2.2. (Orientation of New Employees)

### 7.1.3

DISCRIMINATION PROHIBITED (EDUCATION CODE SECTIONS 87100, 88112, 7056, Government Code Sections 11135, 12940, California Code of Regulations, Title V, 51010, 53000; California Administrative Code Title II, 7285; Title IV of the Civil Rights Act of 1964, Sections 102 and 103 of the Civil Rights Act of 1991; Sections 501 and 505 of the Rehabilitation Act; Equal Pay Act of 1963; Age Discrimination in Employment Act of 1967; Title I of the American's with Disabilities Act of 1990; Genetic Information Nondiscrimination Act of 2008; Immigration & Nationality Act)

- A. No person shall be subject to discrimination because of ethnic group identification, race, color, national origin, religion, age, disability, ancestry, sexual orientation, gender, gender identify, gender expression, language, accent, citizenship status, parental status, marital status, economic status, veteran status, medical condition, or other categories included in applicable laws or Board Policies. No person shall be subject to discrimination on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. No questions relating to these matters shall be asked of candidates in interviews.

Rule 7.1.4 NEPOTISM PROHIBITED (EDUCATION CODE SECTION 88080)  
(GOVERNMENT CODE SECTION 12940, a-3)

- A. No person shall be employed in a position which is in a direct line of supervision under a supervisor or administrator who is related to or a resident in the same household as the employee to be hired.
- B. No employee shall be assigned, transferred or remain in a position under a supervisor or administrator who is a close relative or a resident in the same household.
- C. For purposes of this rule, close relative shall be defined as follows:
  - 1. spouse, domestic partner, or co-habitant;
  - 2. child, including adopted, in-laws and step- or half-parent;
  - 3. grandchild, including adopted, in-laws and step-or half-grandparent;
  - 4. sibling, including in-laws and step- or half-;
  - 5. any other member of the employee's household whether or not related by blood or marriage; or
  - 6. children and family members of siblings and spouses
- D. A person serving in a supervisory position may not participate in decisions regarding hiring, reappointment, placement, scheduling, evaluation, rate of pay, salary increases, promotion, monetary awards, or other personal interest for a relative or household member employed by the District, even when the supervisor is not in the direct line of authority.

Rule 7.2 PROVISIONAL APPOINTMENT (EDUCATION CODE SECTIONS 88106-88108)

7.2.1 GENERAL PROVISIONS

- A. The appointing authority may make a provisional appointment only when the Personnel Director certifies that:
1. No eligibility list exists for the class, or
  2. An eligibility list exists, but there is an insufficient number of available eligibles (i.e. less than three ranks of eligibles), and the appointing authority chooses not to appoint an available eligible.
- B. An employee may receive one or more provisional appointments which may accumulate to a total of 90 working days in a fiscal year, after which a 90-calendar-day interval shall elapse during which the employee shall be ineligible to serve in any full-time provisional capacity.
- C. Notwithstanding the provisions of paragraphs A and B above, the Personnel Commission may extend the 90-working-day provisional appointment for a period not to exceed 36 additional working days provided all of the following criteria are met:
1. An examination for the class was given during the initial 90 working days of the employee's provisional assignment.
  2. Satisfactory evidence is presented indicating:
    - a. Adequate recruitment effort has been, and is being made;
    - b. Extension of this provisional assignment is necessary to carry on vital functions of the District;
    - c. The position cannot satisfactorily be filled by use of any of the following:
      - 1.) the eligibility list for the class;
      - 2.) other employment lists such as reinstatement, or transfer;
      - 3.) any other appropriate substitute eligibility lists.
  3. No person shall be employed full-time in provisional capacities under a given Governing Board for a total of more than 126 working days in any one fiscal year.

- D. In the absence of an appropriate eligibility list, successive 90 working day appointments may be made to a position for a period exceeding the 126 working day limitation when:
1. Continuous examination procedures have been authorized by the Personnel Commission; or
  2. The position is less than a half-time (20 hours/week) position.

Such appointment shall continue only until certification from an appropriate list can be made.

Rule 7.2.2 QUALIFICATIONS OF PROVISIONAL APPOINTEES

- A. Insofar as possible, provisional appointees shall be required to meet the qualifications for the class of the appointment as stated in the class descriptions. The Personnel Director shall determine the appropriateness of qualifications prior to appointment.

7.2.3 STATUS OF PROVISIONAL EMPLOYEES

- A. Time served in provisional status shall not be counted as credit toward permanency or completion of the probationary period for the class in which the provisional appointment is made.
- B. When an employee with permanent status in the District is hired into a position in which the individual has been serving provisionally, the employee's salary increment date shall be established beginning with the date of provisional appointment per Rule 12.2.5B.

7.2.4 TERMINATING PROVISIONAL APPOINTMENT

- A. The services of a provisional appointee shall be terminated no later than the statutory time limitation for a provisional assignment listed in Rule 7.2.1.
- B. A provisional appointment may be terminated at any time, at the discretion of the appointing authority.



Rule 7.3 SPECIAL APPOINTMENTS (EDUCATION CODE SECTION 88109)

7.3.1 PROCEDURE FOR EMERGENCY APPOINTMENT

- A. The appointing power may, to prevent the stoppage of public business when an actual emergency arises and persons on eligibility lists are not immediately available, make appointments for a period not to exceed 15 working days, in accordance with commission rule.
- B. When such emergency appointments are made, Board of Trustees shall notify the Personnel Director in writing, naming the appointee(s), date of appointment, and nature of duties performed, and giving a statement justifying the emergency nature of such appointment(s). Time served under such emergency appointment(s) shall be considered as part of the period permitted under the Education Code for provisional assignments.

7.3.2 ADDITIONAL ASSIGNMENTS TO EMPLOYEES ON LESS THAN 12 MONTH STATUS

Employees assigned to work less than twelve months during the year may request to be assigned to any work in their current classification which may be available during the period of time they are not scheduled to work. If additional assignments become available during such period, the District shall assign the work to any employee who has requested an additional assignment. In the event two or more employees request an additional assignment, the assignment will be given to the most senior employee. In order to be qualified for an additional assignment, an employee must have received at least an overall satisfactory rating on the last evaluation. In the event that no employee within the classification of work to be assigned is available, the District may assign the work to an employee in a related classification.

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 substitute limited-term positions.

7.4.2

PROCEDURE FOR ESTABLISHMENT OF LIMITED-TERM POSITIONS

- A. 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 probable length of the assignment. Establishment of limited-term positions shall be subject to ratification by the Board of Trustees at their next regular meeting.
- B. Substitute limited-term appointment 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.
- C. The Director of Classified Personnel shall place Limited Term positions on the Personnel Commission agenda as an advisory item.

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.
- B. If an eligible is appointed from an eligibility list to a temporary or substitute limited-term position, he/she shall continue to be eligible for limited-term appointments in the same or a lower related class after the eligibility list has expired. The same privilege of continued eligibility shall apply to a former employee who has resigned in good standing and who accepts a limited-term appointment within 39 months after resignation. The names of such persons shall be ranked in order of seniority on a special list used for limited-term appointments and shall be certified before the current eligibility list is used.
- C. When no eligible is available to accept a limited-term position, the Director of Classified Personnel is authorized to certify applicants or candidates for provisional appointment, per Rule 7.2.

7.4.4

COMPENSATION

- A. When a regular employee is given a limited-term appointment in a second class in lieu of all or part of his/her regular appointment, the rate of pay shall be determined as follows:
  - 1. For assignments at a higher salary range, see Rule 12.2.8.
  - 2. For assignments at the same salary range, see Rule 12.2.12.
  - 3. For assignments at a lower range, see Rule 12.2.9.
- B. A former regular employee who accepts a limited-term assignment within 39 months after resignation shall be placed at the step of the salary range closest to his/her last regular rate of pay. This salary step shall be applicable to all future limited-term appointments of that employee in that class until he/she loses eligibility.
- C. All other limited-term employees including a former employee who accepts assignment to a new classification shall be paid at the hiring rate for regular appointments in the class.

7.4.5

RIGHTS AND BENEFITS

- A. Regular employees who are serving in limited-term assignments while retaining regular status in another class shall continue to earn and be granted all the rights and benefits of a regular employee.
- B. Except as provided in Paragraphs C and D below, all other limited-term employees shall be granted only those benefits provided by law.
- C. Until June 30, 2015, limited-term employees initially hired for a continuous assignment of three months or more shall be granted illness leave on the basis of one day per month of service, as provided to regular employees in Rule 11.3, effective from the first month of employment. Effective July 1, 2015, sick leave for limited term employees shall be governed by Rule 11.10.5.
- D. Commencing in 7/1/85, employees serving in classes designated as seasonal, shall be granted step advancement as follows:
  - 1. Advancement to Step B after serving 120 days in the class;
  - 2. Advance to subsequent steps after an additional 240 days for each step advancement.

Section 7.4.5.E

- E. The classes designated as seasonal and approved for step advancement are:

Registration and Information Clerk

Bookstore Clerk/Cashier

- F. No seniority or credit toward completion of probation shall accrue from service in a limited-term appointment, except as provided in Paragraph A above.
- G. Seasonal employees who have advanced to Step B or above and who are hired into a higher level seasonal classification listed in Paragraph E above, shall receive at least a one step salary increase as provided in Merit Rule 12.2.8.

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7.4.6

TERMINATION OF APPOINTMENT

- A. A limited-term appointment may be terminated at the end of an assigned shift at the discretion of the appointing authority.
- B. A limited-term employee may be terminated without cause and his/her name may be removed from an eligibility list as specified in Rule 6.3.8. When the appointing authority dismisses a limited-term employee, the Director of Classified Personnel shall be notified in writing of the cause for dismissal. The Director of Classified Personnel shall investigate the matter, and may remove the limited-term employee's name from the list if his/her findings support the action. He/she shall notify the employee of the decision. The Director's action shall be subject to appeal to the Personnel Commission.