SMC Personnel Commission Minutes
Meeting of March 21, 2007

MINUTES OF THE REGULAR MEETING
PERSONNEL COMMISSION
SANTA MONICA COMMUNITY COLLEGE DISTRICT

MARCH 21, 2007

12:00 P.M. – PUBLIC MEETING – BUSINESS BUILDING, BOARD ROOM

I. ORGANIZATIONAL FUNCTIONS

A. Call to Order

Meeting called to order 12:00 P.M.

B. Roll Call

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>Present</th>
<th>Absent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Bancroft</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Commissioner Press</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Commissioner Metoyer</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Commissioner Abbott</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Commissioner Jansen</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

C. Approval of Minutes:

Comments:

Motion made by:

Seconded by:

Ayes:  Nays:  Abstain:

Comments:

II. REPORT – DIRECTOR OF CLASSIFIED PERSONNEL

III. COMMENTS AND INFORMATIONAL REPORTS

A. Recognition of Employee Longevity – March 2007

5 Years

Robert S. Adams, Bookstore Operations Assistant, Campus Bookstore
Courtney Johnson, Custodian, Operations
Jorge Saldana, Custodian, Operations

20 Years

Jackelyne Portal-Purdy, Airport Campus

25 Years

Vernene Bell, Instructional Assistant-English, English Department
B. Comments from District Personnel Officer.

C. Comments from CSEA Chapter 36 Representative.

Tron Burdick: Bernie is tied up in negotiations. I am not exactly sure what he had in mind to mention to you. So I will mention a few things that we have been working on and progressing toward concerning the Merit Rules in the Personnel Commission. I know that one of the ongoing things that we have been bringing to you that has not been agendized and has not actually been that it is a concern or under the purview of the Personnel Commission is these temporary positions that we keep bringing up to you. And we have gathered some information from the District and we are in the process of creating a matrix that is a very telling story about the use of the temporary employment process on this campus. And hopefully by the next time the Personnel Commission meets we will be able to have a report to hand to all of you that I think will be very informative. One of the other things that we are doing is we have created a grievance form that we have presented it to Sue already, and she was fairly happy with it. There's one part that we need to work on and that is the informal basis of it at the front. So we will be meeting with her further to try to work that out and hopefully by the next meeting that will also be presented to you hopefully for approval.

D. Comments from Management Association President.

E. Comments from Personnel Commission Staff.

IV. COMMENTS—PUBLIC FORUM (non-actionable comments from those in attendance)

V. COMMENTS BY PERSONNEL COMMISSIONERS

Joy Abbott: I attended a conference in February which is called the Annual Conference of the California School Personnel Commission’s Association (CSPCA). The association is a legislation lobbying body represented by various personnel commissioners of merit school districts all over the state. The CSPCA is made up of various personnel commissioners, staff members, and directors of personnel classified. They offer various workshops for continuing education purposes.

The themes that came up, that I would like to mention to the Personnel Commissioners, are terms focusing on future initiatives and mandates. Across the board, the concern seems to be about the ability to attract qualified talent to any organization, and how competitive it is getting for public sector to market the institution.

Leveraging Technology was the main focus; having the ability to pull in for people and applications via the internet. The overriding themes were if you have a website keep it updated and keep it looking fresh, and how to conduct meetings; the Brown Act governs what would happen if there is a conflict of interests, as to what we are suppose to do.

There is a form that the state utilizes, Form 700 is a Conflict of Interest form and is a statement of economic interest. Personnel Commissioners may be required to complete the form.

In addition, there is a new law called State Law AB1234, and it requires that any official who receives any compensation, a stipend or expense reimbursements must receive training in public service ethics laws and principles every two years. The training is online through the California Fair Political Practices Commission and it is required once every two years for filing.
COMMENTS BY PERSONNEL COMMISSIONERS (cont’d)

The organization was trying to come up with a standardized list of various tasks for the Director's of Personnel position; and also a list of competencies, and they wanted to validate these competencies which I thought was interesting in the fact that we are looking for candidates for that position.

In addition, I attended a demonstration and workshop called NeoGov. They provide a recruitment and training hiring tool as a website software program that is utilized by various public agencies and they promised to be cost effective. They are willing to come and demonstrate the software.

VI. AGENDA REPORT

<table>
<thead>
<tr>
<th></th>
<th>Recruitment &amp; Examination Schedule</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Ratification of Eligibility Lists</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>Ratification of Reinstatement Lists</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td>Approval of Extension of Provisional Appointment to Working Out of Class and Temporary Assignments</td>
<td>6</td>
</tr>
<tr>
<td>5</td>
<td>Approval of Provisional Appointment to Working Out of Class Assignments</td>
<td>7</td>
</tr>
<tr>
<td>6</td>
<td>Working Out of Class Audit Report</td>
<td>8</td>
</tr>
<tr>
<td>7</td>
<td>Classification of Positions, Reclassification, and Revision of Classification Specifications</td>
<td>14</td>
</tr>
<tr>
<td>8</td>
<td>Revision of Merit Rule 1.2 Definitions and Chapter IX Employment Status – First Reading</td>
<td>17</td>
</tr>
</tbody>
</table>

AGENDA REPORT NO. 1

SUBJECT: Recruitment & Examination Schedule

It is recommended that the Personnel Commission approve the following periods to recruit before the examinations are scheduled:

<table>
<thead>
<tr>
<th>Class Title</th>
<th>Field of Competition</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director of Fiscal Services-Foundation</td>
<td>Open Competitive</td>
<td>4 Weeks</td>
</tr>
<tr>
<td>Accounting Manager</td>
<td>Merged Promotional &amp; Open Competitive</td>
<td>4 Weeks</td>
</tr>
</tbody>
</table>

Merit Rule 5.1 It is the policy of the Personnel Commission to afford all qualified candidates an opportunity to apply for positions in the classified service. Examinations shall be conducted fairly and impartially to afford all candidates to demonstrate the skills, knowledge, abilities, and personal characteristics required to qualify for the class.
AGENDA REPORT NO. 1 (cont’d)

DISPOSITION BY THE COMMISSION

**Motion made by:** Deborah Jansen  
**Seconded by:** Joy Abbott

**Ayes:** 4  
**Nays:** 0  
**Abstain:** __________________________

Name of Commissioner

Amendments/Comments:

AGENDA REPORT NO. 2

**SUBJECT:** Ratification of Eligibility Lists

It is recommended that the Personnel Commission certify the following new eligibility lists and addition of new name pursuant to Education Code Section 88091 and Merit Rule 6.2.1, to be effective for the period as listed.

A. Establishment of New Lists

<table>
<thead>
<tr>
<th>Class Title</th>
<th>Field of Competition</th>
<th># on List Promo/Total</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Repair Worker</td>
<td>Merged Promotional &amp; Open Competitive</td>
<td>0 / 1</td>
<td>03/22/2008</td>
</tr>
<tr>
<td>*Buyer I</td>
<td>Open Competitive</td>
<td></td>
<td>03/22/2008</td>
</tr>
<tr>
<td>Community College Parking Security Officer</td>
<td>Open Competitive</td>
<td>0 / 8</td>
<td>03/22/2008</td>
</tr>
<tr>
<td>*Personnel Analyst</td>
<td>Promotional &amp; Open Competitive</td>
<td></td>
<td>03/22/2008</td>
</tr>
<tr>
<td>*Personnel Technician</td>
<td>Promotional</td>
<td></td>
<td>03/22/2008</td>
</tr>
<tr>
<td>Student Services Clerk</td>
<td>Open Competitive</td>
<td>0 / 12</td>
<td>03/22/2008</td>
</tr>
<tr>
<td>Student Services Specialist</td>
<td>Promotional &amp; Open Competitive</td>
<td>1 / 3</td>
<td>03/22/2008</td>
</tr>
</tbody>
</table>

B. Addition of New Names

<table>
<thead>
<tr>
<th>Class Title</th>
<th>Field of Competition</th>
<th># on List Add/Total</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling Aide</td>
<td>Open Competitive</td>
<td>16 / 25</td>
<td>03/22/2008</td>
</tr>
<tr>
<td>*Instructional Assistant – ESL</td>
<td>Open Competitive</td>
<td></td>
<td>03/22/2008</td>
</tr>
<tr>
<td>Instructional Assistant - Math</td>
<td>Open Competitive</td>
<td>1 / 4</td>
<td>03/22/2008</td>
</tr>
<tr>
<td>Registration Info. Clerk</td>
<td>Open Competitive</td>
<td>24 / 37</td>
<td>03/22/2008</td>
</tr>
</tbody>
</table>

*Please note entries without numbering (#on List) will be provided at the meeting.
AGENDA REPORT NO. 2 (cont’d)

DISPOSITION BY THE COMMISSION: Motion to approve agenda item as presented

Motion made by: Dolores Press  Seconded by: Deborah Jansen

Ayes: 4  Nays: 0  Abstain: _______________________

Name of Commissioner

Amendments/Comments:

AGENDA REPORT NO. 3

SUBJECT: Ratification of Reinstatement Lists

It is recommended that the Personnel Commission approve the following Reinstatement Lists as specified below:

<table>
<thead>
<tr>
<th>List Classification</th>
<th>Names</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Custodian</td>
<td>Samuel Rojo</td>
<td>12/24/04 – 3/23/08</td>
</tr>
</tbody>
</table>

Reference: Merit Rule 6.1.4(A), 6.3.2(A)(4), 15.2.1; Education Code 88128

DISPOSITION BY THE COMMISSION

Motion made by: Joy Abbott  Seconded by: Deborah Jansen

Ayes: 4  Nays: 0  Abstain: _______________________

Name of Commissioner

Amendments/Comments:
AGENDA REPORT NO.  4

SUBJECT:  Approval of Extension of Provisional Appointment to Working Out of Class and Temporary Assignments

It is recommended that the Personnel Commission approve the extension of the following provisional appointments to the working out of class assignments listed below.

<table>
<thead>
<tr>
<th>Name</th>
<th>Assignment</th>
<th>Length of Assignment</th>
<th>Extension Ends</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wendy Liu</td>
<td>System Administrator</td>
<td>01/31/07- 04/18/07</td>
<td>04/18/07</td>
</tr>
<tr>
<td>Tiffani Jones</td>
<td>Personnel Analyst</td>
<td>12/31/06 – 04/18/07</td>
<td>04/18/07</td>
</tr>
</tbody>
</table>

RULES AND REGULATIONS OF CLASSIFIED SERVICE

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

7.2.1 (B -C) GENERAL PROVISIONS

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:

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 the following in priority order:
      1.) the eligibility list for the class;
      2.) other employment lists such as reinstatement, or transfer;
      3.) 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.

DISPOSITION BY THE COMMISSION:    Motion to approve item as presented

Motion made by:    Dolores Press        Seconded by:    Joy Abbott

Ayes: 4        Nays: 0     Abstain:_____________________

Amendments/Comments:    Name of Commissioner
AGENDA REPORT NO. 5

SUBJECT: Approval of Provisional Appointment to Working Out of Class Assignments

It is recommended that the Personnel Commission approve the following provisional appointment to the working out of class assignments listed below.

<table>
<thead>
<tr>
<th>Name</th>
<th>Assignment</th>
<th>Length of Assignment</th>
</tr>
</thead>
</table>

(Please see audit report attached.)

Reference: Merit Rule 7.2.1 (A1 –2) and 7.2.2. (A)
Provisional Appointment (Education Code Sections 88106 – 88108)


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.

7.2.2 (A) 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 determination of the appropriateness of qualifications shall be made by the Personnel Director prior to appointment.

Sue Tsuda, Acting Personnel Director

DISPOSITION BY THE COMMISSION

Motion made by: Deborah Jansen  Seconded by: Dolores Press

Ayes: 4  Nays: 0  Abstain: __________________

Amendments/Comments:
AGENDA REPORT NO. 6

Santa Monica Community College District
Personnel Commission

Working Out of Classification
Audit Report

Employee: Suzanne Hanks
Current Class: Foundation Accountant
Requested Class: Director of Fiscal Services - Foundation
Location: Foundation Office
Supervisor / Title: JoAnn Ortiz, Director of Institutional Advancement

Subject

This working out of class assignment is requested to fill the vacancy in the position of Director of Fiscal Services – Foundation in the Foundation Office. The Personnel Commission created this position at your last meeting and it was approved by the Board of Trustees at their meeting of March 12, 2007. An audit of the job and the requestor’s qualifications to perform the work as described in the class specification has been conducted to determine if a working out of classification assignment can be granted.

Background

The Director of Fiscal Services - Foundation position reports to the Director of Institutional Advancement, JoAnn Ortiz. The Director of Institutional Advancement reports to the Senior Director of Government Relations/ Institutional Communications, Don Girard, who reports to the Executive Vice President, Randy Lawson. Both the Director and the Vice President agree that there is an immediate need to assign working out of class to an employee in the department who qualifies to do so in accordance with the Merit Rules.

Research

The summary of duties and minimum qualifications that are currently defined by the Director of Fiscal Services – Foundation classification specification are:

Definition:
The position in this classification directs, plans, organizes, coordinates, controls and supervises general accounting, accounts payable, budgeting, auditing and payroll activities of the Santa Monica College Foundation; ensures that programs are operating within the appropriate fiscal parameters and remain in compliance with District, State and/or Federal requirements; ensures timely and accurate financial reports, including the annual financial audit and adopted budget.
Examples of duties:
Formulates the Foundation’s funding policies and procedures with the Foundation Board of Directors and coordinates implementation of policies and procedures with faculty and department managers establishing funding priorities and grants.

Serves on the selection committee for grants and scholarships. Communicates regularly with donors to and sponsors of scholarships to make sure distribution criteria for academic and financial need is fully communicated to the Scholarship Office for recipient selection and is reviewed to assure conditions are met.

Authorizes payment of awards and tracks usage.

Directs the Foundation’s planned giving program, including development of annuities.

Presents seminars on and off campus with attorneys and external publics about the strategies and tools of planned giving.

Assists the Director, Institutional Advancement in designing and conducting fundraising campaigns for both restricted and unrestricted gifts to the College through the Foundation.

May represent the Director, Institutional Advancement at various community Functions to speak on behalf of the Foundation and its funding goals to external and internal audiences.

Works with the investment management company and the Board of Directors to develop and maintain solid investment policies and strategies involving more than $13 million in assets to assure continued growth and safety.

Plans and directs the Foundation’s activities in general accounting, special funds accounting, cash and investment management, accounting system development and analysis accounts payable and payroll for Foundation and District employees working in the Foundation office.

Plans, organizes, and directs the Foundation’s accounting and budgeting systems, prepares detailed income and expenditure budgets, and develops and implements accounting controls to regulate financial stability;

Directs fund establishment (more than 400) and distributions from those directed funds for endowments, scholarships, programs, and capital campaigns.
Establishes practices and controls for safe and efficient handling of funds, establishes reporting procedures of financial transactions and directs the preparation and maintenance of a variety of narrative and statistical reports, records, and files; reviews related financial and statistical reports;

Supervises the Foundation’s accounting office and data management staff including upkeep, design and oversight of the Foundation’s website used for information, marketing and on-line contributions.

Trains and oversees the use of Raisers Edge software in both fund management and fund-raising activities of the Foundation making sure the separate functions mesh and share data.

Maintains current knowledge of changes, methods, concepts, requirements, regulations and policies for assigned programs, including computer programs and software.

Coordinates and administers the year-end closing process and compilation of fiscal year financial statements.
Delegates responsibility and authority to subordinate staff.

Develops, recommends, and implements staff training and development programs to provide opportunities for individual employee growth, continuity of work flow and long range development of employees.

Directs the development of performance evaluation standards for subordinate staff; formally evaluates the work of direct subordinate staff.

Interviews and selects staff reporting directly to this position and assists with other interviews as necessary.

Authorizes response to employee grievance and disciplinary actions and contributes to the establishment of organization policy regarding discipline.

Performs other related duties as assigned or requested.

Training and Experience:

**Education Requirement:**
Bachelor’s degree in Accounting, Business Administration, Public Administration, or a closely related field.

**Experience Requirement:**
Six (6) years of progressively responsible experience using computerized on-line program applications to perform fund accounting, budget control, auditing and/or financial systems design, which included at least two (2) years experience in a supervisory capacity.

Review of the application materials submitted for consideration and findings:

The application materials provided by Ms. Hanks, note that she has worked as a Foundation Accountant for more than 8 years and previously as a Program Director for 7 months and as Adjunct Faculty 4 years and 7 months at Santa Monica College. She previously worked as a CPA/Partner in the accounting firm of Michel and Hanks for more than 9 years. Ms. Hanks has a Bachelor’s degree in Anthropology and 39 units of classwork in Computer Science and Accounting. She exhibits evidence that she has work experience involved with a significant portion of the job content including but not limited to the accounting and supervisory requirements for this position. Additional consideration was given to her experience in her present position which includes virtually all the duties of the new position.

Ms. Hanks fully possesses the work experience in the areas noted above and in the classification specifications, and qualifies to perform 100% of the duties assigned to the Director of Fiscal Services - Foundation position as required by Merit Rule 7.2.2.A.

According to CSEA MOU

**Article 11.7.3 - Compensation (for working out of class)**

a. In the event that an employee is assigned duties at a higher classification as defined (in 11.7.1 and 11.7.2) 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).

Pertinent Merit Rules as the basis for my findings for this request

Rule 3.2.9 WORKING OUT OF CLASS (EDUCATION CODE SECTION 88010)

B. When an employee is assigned to perform work beyond that indicated in the definition of the class to which he/she is assigned for a full work week of four (10 hour) days, five (8 hour) days, or equivalent within a fifteen calendar day period, he/she shall be compensated as follows:

1. If the work assignment is to be to a position in an existing class, the work assignment shall be processed as a limited-term assignment or provisional assignment under the provisions of Rule 7.4 or 7.2, upon the approval of the Personnel Director.

C. Requests for differential pay for working out of class shall be submitted to the Personnel Director. The request must contain a list of the newly assigned duties and must be approved by the supervisor and department head. Requests submitted by the immediate supervisor shall be made no later than five (5) working days after the start of the assignment. If, after consultation with his/her immediate supervisor, the employee feels that he/she has been assigned duties which are at a higher level for a substantial part of his/her assignment, the employee shall notify the Personnel Director, in writing, no later than five (5) working days after the start of the assignment. Any request submitted after the timelines listed above and approved for differential pay shall take effect only from the date of receipt in the Personnel Commission Office. Differential pay for working out of class shall be limited to 90 working days in one fiscal year for an employee.

D. The Personnel Director shall conduct a review of the newly assigned duties and shall determine whether the duties are at a higher level. He/she shall prepare a report of the findings which shall include the recommended pay differential, if any.

E. The findings and recommendations shall be presented to the Personnel Commission for approval at the next meeting.

Because no eligibility list exists for this position, this would be processed as a provisional assignment in accordance with Merit Rule 7.2.

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

RULE 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,…

RULE 7.2.2 QUALIFICATIONS OF PROVISIONAL APPOINTEES

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 determination of the appropriateness of qualifications shall be made by the Director of Classified Personnel.
Definition of Working Out of Class:

The Personnel Commission in past practice defines an employee as working out of classification when two threshold criteria have been met: (1) The newly assigned duties being performed by the employee comprise 80% of what he or she has been assigned to do; and, (2) The duties are being performed on a full-time basis.

However, the agreement between the District and Classified Service ratified August 1, 2005 in Article 11.7.3 notes that there are two thresholds by which working out-of-class compensation will be paid.

(1) In the event that an employee is assigned duties at a higher classification…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 (e.g. 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.

(2) 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 subdivision a (above).

Merit System Rule 3.2.9 (B) states that when an employee performs work outside his or her current classification for a full work week of four (10-hour) days or five (8-hour) days, or equivalent within a fifteen calendar day period, the employee is working out of class and must be compensated accordingly.

The Merit System Rule defines Working Out of Classification as the performance of duties, that can be defined by a classification other than the one in which the incumbent’s current positions resides, on a full time basis for a full work week of four 10-hour days or five 8-hour days, or equivalent, within a fifteen calendar day period.

Conclusion and recommendation:

As Ms. Hanks qualifies for a full appointment to the Director of Fiscal Services-Foundation position according to Merit Rule 7.2.2.A. above, and given that the department requests that employees who were requested to apply for working out-of-class perform all of the work included in the position for more than five (5) working days within a fifteen-calendar day period, I would approve working out-of-class for 100% of the daily assignment, and that she could be compensated as such under CSEA’s MOU for working out-of-class.

The submission of an application form and supplemental information provided by the employee and the supervisor, and as discussed by me with JoAnn Ortiz and Randy Lawson, indicate that Ms. Hanks meets the minimum qualifications and has substantially performed most of the same or similar duties in her current employment. Therefore, Suzanne Hanks should be offered 1000% (one hundred-percent) working out-of-class duties as announced by the department and applied for by her per the department’s stipulation.
AGENDA REPORT NO.  6 (cont'd)

DISPOSITION BY THE COMMISSION

Motion made by: Deborah Jansen  Seconded by:  Joy Abbott

Ayes:  Nays:  Abstain:  Dolores Press

Name of Commissioner

Amendments/Comments:  Did not vote due to correction of 1000%

AGENDA REPORT NO.  7

SUBJECT:  Classification of Positions, Reclassification, and Revision of Classification Specifications

A.  Reclassification

It is recommended that the Personnel Commission approve the reclassification of the following positions as provided in Education Code 88104.

<table>
<thead>
<tr>
<th>Title</th>
<th>Recommended Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee: Delia Padilla-Acosta</td>
<td></td>
</tr>
<tr>
<td>From: Human Resources Specialist</td>
<td>Range C28</td>
</tr>
<tr>
<td>To: Human Resources Technician</td>
<td>TBD</td>
</tr>
<tr>
<td>Employee: Charlie Yen</td>
<td></td>
</tr>
<tr>
<td>From: Events Director</td>
<td>Range CM 25</td>
</tr>
<tr>
<td>To: Lead Director-Business &amp; Contracts</td>
<td></td>
</tr>
<tr>
<td>Employee: Ruth Stewart</td>
<td></td>
</tr>
<tr>
<td>From: Academic Secretary</td>
<td>Range C 22</td>
</tr>
<tr>
<td>To: Admin. Assistant I</td>
<td>Range C 26</td>
</tr>
<tr>
<td>Employee: Kathlene McKeever</td>
<td></td>
</tr>
<tr>
<td>From: Comm. Svs. Operations Tech.</td>
<td>Range C 31</td>
</tr>
<tr>
<td>To: Prog. Coord.-Continuing Education</td>
<td>Range C 37</td>
</tr>
<tr>
<td>Employee: Allyn Hawes</td>
<td></td>
</tr>
<tr>
<td>From: Skilled Maintenance Worker</td>
<td>Range C28</td>
</tr>
<tr>
<td>To: Skilled Maintenance Worker II</td>
<td>Range C ??</td>
</tr>
<tr>
<td>Employee: Vacant Position</td>
<td></td>
</tr>
<tr>
<td>From: Public Program Coord.</td>
<td>Range C39</td>
</tr>
<tr>
<td>To: Administrative Assistant II</td>
<td>Range C29</td>
</tr>
<tr>
<td>Effective Date: 01/01/07</td>
<td></td>
</tr>
</tbody>
</table>

?? To be determined through meet and confer.
Staff Report: On February 12, 2007, the Board of Trustees approved the reclassifications as previously approved by the Personnel Commission after a series of public hearings. Those classifications were retroactive to January 1, 2007. Subsequently, a number of employees have submitted or are in the process of submitting, requests for reclassification. In some cases their positions did not change as a result of the reclassification action by the Board and Commission. In some other cases, their job descriptions were changed, but the incumbents believe they require further consideration. The Personnel Commission on October 25, 2007 took action to waive the “two-year rule” as stated in the Merit Rules in paragraph 3.3.6 E, if employees had been in their current position for two years or more and believed their position has had a “gradual accretion of duties” in the past two years. This exception allowed those whose classifications had been “frozen” during the Hay Study to apply for reclassification even if their positions had been reclassified effective January 1, 2007.

Eight of those positions had not been reviewed by the Hay Group and were referred to Hay for consideration. The Hay staff reviewed the Position Description Questionnaires and interviewed the employee and/or their supervisor(s). Their recommendations were to rewrite some of the job descriptions and not others and to recommend reclassification for some positions and not others. Staff has written new job descriptions for some and anticipates redrafting others when more information is forthcoming from the employees. Staff has subsequently met with some of those whose job descriptions were found to accurately reflect the levels of their positions, but recommended the descriptions did not accurately reflect the duties of their positions. Two of those employees, Patricia Preston and Teresa Morris would like to request a reclassification review because they believe that because they were told by Hay that they did not need to fill out a new PDQ and because they believe their remarks during the interview with Hay were not clearly reflected in the determination letter from Hay recommending they remain at their current level. Their supervisors support them in their request.

The Hay Group suggested that Charlie Yen and Kathylyne McKeever need to have new job descriptions at a higher level. This was based on the responsibilities of their positions, their independent decision making, and the knowledge and skill needed for their jobs. Both classifications have been rewritten to reflect the duties and knowledge required for their positions. Those job descriptions were rewritten by staff after interviews with the employees and/or their supervisors. The drafts were shared with the employee, the supervisor, and the union president.

Other employees who submitted requests for reclassification have been analyzed by staff. In some cases, we believe reclassification is justified and some we are recommending be denied. Those whose requests have been denied include: Manuel Islas and Shirley Smith whose reviews were done by the Hay Group and in whose recommendations the staff concurs. Those who were denied whose reviews were done by staff include Francine Duran, Jose Guzman, and La Rue Muhammad. Those which were approved by staff are Allyn Hawes, Delia Padilla-Acosta and Ruth Stewart.

There are two situations which have been presented which require somewhat different action on your part. The position of Public Program Coordinator has been vacant for some time and there has been no requisition to fill that position. Therefore, no reclassification was done and the position was abolished. Subsequently, the department wishes to fill the position with an AAII. Since the job description for that classification exists, and the budget contains funding for the position, all that is necessary is to reclassify the vacant Public Program Coordinator position to an AAII.

The second issue is with the permanent secretarial position for the department. The Job description for the Administrative Assistant III position, in “Concept of Class” notes that the position, “...perform a variety of complex secretarial duties and provide paraprofessional administrative support to an Associate Vice President, Vice President or Director of Classified Personnel.” When the list of reclassifications was presented to the Commission and the Board of Trustees, the vacant Secretary II position was reclassified to an AAI instead of an AAII. (Other Secretary II positions were reclassified to AAI.) However, I would like to fill the position with an Administrative Assistant I, given the present requirements of the job and the strain on the budget. The Human Resources Department has requested that the Commission approve filling the position with an AAI rather than allowing the Director to “underfill” it on her own authority. The action will then go to the Board of Trustees for their approval. We are NOT requesting a reclassification of the position to an AAI – just the authority to fill the position with a lower classification than the job description. The Job description for AAII will still contain the authorization to fill the position with an AAII and that will be left to the discretion of future Directors if the job increases in complexity.
AGENDA REPORT NO.  7 (cont’d)

We have 23 requests which we have received and are awaiting either further information from employees or signatures from the administrative authorities. Of those, 13 are from one department. We are trying to complete the requests as quickly as possible before the new Director is employed.

We have encouraged all employees to address the Commission regarding their situation, if they wish to do so.

____________________________________   3/14/07  
Sue Tsuda, Acting Director of Classified Personnel  Date

DISPOSITION BY THE COMMISSION:

Motion made by: Deborah Jansen          Seconded by: Dolores Press

Ayes: 4   Nays: 0   Abstain: __________________

Amendments/Comments:

AGENDA REPORT NO.  8

SUBJECT:  Revision of Merit Rule 1.2 Definitions and Chapter IX Employment Status – First Reading

The following amendments are presented by the Director of Classified Personnel to the Personnel Commission as an first reading to revise Merit Rule 1.2– Definitions and Chapter IX, Employment Status in order to clarify language in the Merit Rules to define the differences between “Classification” and “Class” and to clarify the probationary status of employees when a transfer or demotion occurs The Director met with union representatives and District Managers who would be affected by this Merit Rule change and distributed the draft to them.

Background:  At the Commission’s last meeting and at a previous Board of Trustees meeting the CSEA president, Bernie Rosenloecher raised the issue of employees who had been laid off and were subsequently offered to be reemployed to a lower classification, but informed they would have to serve a new probationary period. The Merit Rules were ambiguous on this point, but the Education Code Section 88117 states, “Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or to remain in their present positions rather than be reassigned, shall retain eligibility to be considered for reemployment for and additional period of up to 24 months; provided that the same tests of fitness under which they qualified for appointment to the class still apply.” While this language is not explicit in the requirement for probation, it certainly implies if they were qualified for employment and served their probationary period, they should be deemed qualified for a lower or similar classification.

In the case in point, the employees were laid off and had no opportunity to “bump down”, but were, very soon before they became ineligible for reemployment, offered the opportunity to return to a lower classification, but with the requirement for probation. The District has since waived that requirement and one of the employees has returned.
AGENDA REPORT NO.  8 (cont'd)

The modified language is contained in the attachments to this report.

1.1.1 STATUTORY AUTHORITY FOR THESE RULES

A. The rules contained herein are established pursuant to the authority of the Personnel Commission under Education Code Sections 88080 and 88081, and other provisions governing the Merit System Act in the Education Code.

1.1.2 INTERPRETATION AND APPLICATION OF RULES

A. The Commission shall prescribe, amend, and interpret such rules as may be necessary to ensure the efficiency of the classified service and selection and retention of employees on a basis of merit and fitness.

B. The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent; however, specific, applicable provisions of the rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. The Commission is open to responsible suggestions to amend rules with prospective application; however, no rule amendment or new rule shall be applied retroactively.

C. If the subject matter and procedure in a rule is within the scope or representation, as defined in Government Code Section 3543.2, a rule shall be applicable as follows:

1. If a rule provides for a benefit, and a collective bargaining contract does not provide for that benefit, the benefit shall not be available to employees in the unit unless the benefit is required by law.

2. If a rule prescribes a procedure and a contract does not, the rule shall apply to employees in the unit.

Sue Tsuda, Acting Director of Classified Personnel 3/14/07

DISPOSITION BY THE COMMISSION:

Motion made by: Deborah Jansen  Seconded by: Dolores Press

Ayes: 4  Nays: 0  Abstain: _____________________

Amendments/Comments:
VII. NOTE: THE NEXT MEETING OF THE PERSONNEL COMMISSION IS SCHEDULED FOR 12:00 P.M. ON WEDNESDAY, APRIL 18, 2007 IN THE BOARD ROOM, BUSINESS BUILDING ROOM 117.

VIII. ADJOURN MEETING

DISPOSITION BY THE COMMISSION: Motion to adjourn the Meeting

Motion made by: Dolores Press
Seconded by: ____________________

Ayes: 4 Nays: 0 Abstain: ____________________

Amendments/Comments:

Adjourned: 2:30 p.m.

Submitted By: Date: 
Sue Tsuda, Acting Director of Classified Personnel & Secretary to the Personnel Commission

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SANTA MONICA COLLEGE
Personnel Commission
Attn: Sue Tsuda, Acting Director of Classified Personnel
1900 Pico Blvd.
Santa Monica, CA 90405