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

APRIL 18, 2007

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

I. ORGANIZATIONAL FUNCTIONS

A. Call to Order  Meeting called to order 12:05 P.M.

B. Roll Call

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


Comments:
Motion made by: Joseph Metoyer
Seconded by: Dolores Press
Ayes: 5  Nays: 0  Abstain:

II. REPORT – DIRECTOR OF CLASSIFIED PERSONNEL

This month's activity report is attached and some of the highlights are:
- There are three positions listed on the exam schedule.
- Nineteen positions are in various stages of the examination process with eleven written tests having been given; two qualification appraisal interview panels: and eleven eligibility lists were created.
- Six permanent positions and three temporary positions were filled.
- Three requests for working out of class were processed, and eight requests for reclassifications were reviewed and presented to the commission for action.
- Staff has had discussion with members of the union committee regarding the union grievances procedures and the forms. The new forms are attached to this agenda as an item.
eleven for your approval. Amendments to the Merit Rule will come to you during a future meeting.

Tiffani Jones has been selected to fill the Personnel Technician’s position and her confirmation is on this agenda.

As this very well be my last meeting with the commission, I want to say it has been a pleasure to work with you and the members of the staff. The personnel staff is small but mighty. They are able to turn out an astonishing amount of work and are dedicated to providing the best possible service to the college. I have enjoyed meeting and working with college employees in both classified and administrative staffs. It seems to me that the citizens of the community are well served by the new direction of the administration, the board, and the commission. I am certain that the new Vice President and the new Director will continue to serve the needs of the college in a professional and enthusiastic manner. You all have my highest regards and best wishes.

III. COMMENTS AND INFORMATIONAL REPORTS
A. Recognition of Employee Longevity –

5 Years
Gina Cole, Administrative Secretary, Community Relations
Nancy J. Donohue, Administrative Assistant I, Maintenance

15 Years
Barbara J. Bickerton, Administrative Assistant I, Maintenance

B. Comments from District Personnel Officer.

Sherri Lee-Lewis: I wanted to come to you today to first of all say that we have our new Vice President, Marcy Wade beginning with us on Monday and the District and very much so, the Human Resources office is looking forward to having her on board. I know Marcy personally, she is a pleasure to work with and I think you all will enjoy working with her as well. So I am sure at some point, and I am sure she will have a busy week next week she will set up a time to meet with you all as a group and have dialogue with you and we hope you will welcome her as we plan to do on Monday.

Lastly, I do want to bring up just one issue and we may have mentioned it in the past. The District is currently working on the EEO, Equal Opportunity Model Plan that has been put out by the Chancellor’s office and there are several components that the District is required to pull together in order to put that plan together and present it to the Chancellor’s office for approval. Prior to Proposition 209, and it has been years now, the District had a plan in place; part of that plan and it is something that we practice today even though we haven’t had a plan in place since Prop 209 because we weren’t allowed to have one in place. Our practice has been to make sure we have equal employment opportunity representatives sit on all our final selection committees. And I just wanted to make sure that all the process for final interviews has been shifted back to the Personnel Commission, which we believe that that is an appropriate place to be, that the EEO reps have been serving on those final interview committees. The District feels strongly about EEO here at the college and all of our diversity efforts and we want to insure that all of our applicants candidates for positions are treated fairly and by having that EEO rep on the
committee no matter what we think about EEO that at least insures any outside agencies, the EEOC’s, the Fair Employment Housing Act (FEH), anyone that is coming in to do an investigation and any type of audit that we are at least committed to ensuring equality in that particular process. So those are my comments now and again look forward to working with you all and our new VP.

C. Comments from CSEA Chapter 36 Representative.

Bernie Rosenloecher thanked Sue Tsuda for all the work she has done, emphasizing her effectiveness and fairness implemented during her employment. Sue immediately took to the position and treated it as if she had been here for a long time.

Bernie expressed his gratitude to the personnel department and the commission for the changes in the Merit Rules as to the probationary period for reemployment and adopting the grievance forms that will best serve the personnel commission, the bargaining unit members, and classified employees.

As to the Hay Study, CSEA has started preliminary discussions at the negotiations table; at least the salary aspects. The district agrees with CSEA that positions relating to preexisting titles with preexisting salaries such as: Department Secretary I, Department Secretary II to Administrative Assistant I, and Administrative Assistant II salaries should be compensated now retroactively back to January.

CSEA is at the negotiations table scrutinizing all the temporary employees at the District. There are at least 400 temporary employees that are provisional and temporary appointments; and are working out of class as well those positions being filled for 12 months out of the year.

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

VI. AGENDA REPORTS

<table>
<thead>
<tr>
<th></th>
<th>Personnel Commission Internal Staff Action – Request to Fill A Personnel Technician Position</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Recruitment &amp; Examination Schedule</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>Reappraisal of Eligibility List Due to Reclassification</td>
<td>5</td>
</tr>
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<td>4</td>
<td>Ratification of Eligibility Lists</td>
<td>6</td>
</tr>
<tr>
<td>5</td>
<td>Approval of Provisional/Limited Term Appointments</td>
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<td>6</td>
<td>Ratification of Limited Term Positions</td>
<td>8</td>
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<td>7</td>
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<td>9</td>
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<td>8</td>
<td>Approval of Provisional Appointment to Working Out of Class Assignments – Including Audit Reports</td>
<td>14</td>
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<td>9</td>
<td>First Reading of 2007 – 08 Budget – Public Hearing</td>
<td>32</td>
</tr>
<tr>
<td>10</td>
<td>Classification of Positions, Reclassification, and Revision of</td>
<td>35</td>
</tr>
</tbody>
</table>
## AGENDA REPORT NO. 1

**SUBJECT:** Personnel Commission Internal Staff Action – Request to Fill A Personnel Technician Position

It is requested that the Personnel Commission approve the filling of a vacant Personnel Technician position within the Commission Office with Ms. Tiffani Jones, effective Thursday, April 19, 2007. The Personnel Commission retains budgetary authority to fund a vacant Personnel Technician position on its FY ‘06-07. There currently exists a vacant Personnel Technician position on the Commission staff created in 2006 as the result of a staff reallocation. The position is funded for FY ’06-’07 at (Grade 36) or $3,820 - $4,644/month. This request proposes to fill the position in the Personnel Technician class at the “C” (Grade 36) step or $4,212/month.

### Merit Rule 2.3.1(A) Status of Commission Employees

A. The Personnel Director and other persons required to carry out the responsibilities of the Commission shall be appointed by and be responsible to the Personnel Commission. However, they shall be considered part of the classified service, and the rules, procedures, benefits, and burdens pertinent to the classified service of the Santa Monica Community College District shall apply to Commission employees.

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Sue Tsuda, Acting Personnel Director  
_________________________  __________________________  
Date

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**DISPOSITION BY THE COMMISSION:**

*Motion made by:* Joseph Metoyer  
*Seconded by:* Deborah Jansen

**Ayes:** 5  
**Nays:** 0  
**Abstain:**

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MINUTES OF REGULAR MEETING ON APRIL 18, 2007
AGENDA REPORT NO. 2

SUBJECT: Recruitment & Examination Schedule

It is recommended that the Personnel Commission 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>Administrative Clerk</td>
<td>Open Competitive</td>
<td>3 Weeks</td>
</tr>
<tr>
<td>Accounting Manager Foundation</td>
<td>Promotional &amp; Open Competitive</td>
<td>3 Weeks</td>
</tr>
<tr>
<td>Systems Administrator</td>
<td>Promotional &amp; Open Competitive</td>
<td>3 Weeks</td>
</tr>
</tbody>
</table>

DISPOSITION BY THE COMMISSION: Motion to amend the agenda to add two positions

Motion made by: Joseph Metoyer

Seconded by:

Ayes: 5  Nays: 0

Abstain: __________________________

Name of Commissioner

Amendments/Comments:

DISPOSITION BY THE COMMISSION: Motion to approve agenda as revised.

Motion made by: Joseph Metoyer

Seconded by: Joy Abbott

Ayes: 5  Nays: 0

Abstain: __________________________

Name of Commissioner
AMENDMENTS/COMMENTS

AGENDA REPORT NO. 3

SUBJECT: Reappraisal of Eligibility List Due to Reclassification

As the Commission is aware, the reclassification process resulted in changes to some job titles and the combining of some classifications into one job title with similar essential duties and minimum requirements. The Merit Rules allow us to merge candidates who were on eligibility lists with "old" job titles into eligibility lists with "new" job titles, assuming the minimum qualifications and job content is similar.

3.3.13 REAPPRAISAL OF ELIGIBILITY LIST DUE TO RECLASSIFICATION

The reclassification of all positions in a class automatically changes the mandatory reemployment list (if any) for that class. The Personnel Commission shall also review the appropriateness of the current eligibility for the class, if any, to determine whether or not it should be changed to reflect the new class title or abolished. The Director of Classified Personnel shall recommend to the Personnel Commission whether the current eligibility and employment lists are to be reclassified. Salary reallocation of classes shall have no effect on lists, unless the Personnel Commission makes a specific finding to the contrary.

The current eligibility lists that staff recommends be reclassified are:

- Admissions and Records Clerk II to Student Services Assistant
- Admissions and Records Clerk III to Student Services Specialist – Admissions and Records
- Financial Technician to Student Services Specialist - Financial Aid
- Financial Aid Customer Services Clerk to Student Services Clerk

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

Motion made by: Dolores Press
Seconded by: Deborah Jansen

Ayes: 5
Nays: 0
Abstain:

Name of Commissioner
Amendments/Comments:

AGENDA REPORT NO. 4

SUBJECT:  Ratification of Eligibility Lists

It is recommended that the Personnel Commission certify the following new eligibility lists and addition of Reappraisal of Eligibility List Due to Reclassification pursuant to Education Code Section 88091 and Merit Rule 6.2.1 and 3.3.13, 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>Custodian Open &amp; Competitive</td>
<td></td>
<td>0 / 7</td>
<td>04/19/08</td>
</tr>
<tr>
<td>Multimedia Computer Lab Specialist Promotional &amp; Open Competitive</td>
<td></td>
<td>0 / 9</td>
<td>04/19/08</td>
</tr>
<tr>
<td>Multimedia Specialist Merged Promotional &amp; Open Competitive</td>
<td></td>
<td>3 / 3</td>
<td>04/19/08</td>
</tr>
<tr>
<td>Buyer HVAC Specialist</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. Addition of Reappraisal of Eligibility List

<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>Cash Receipts Specialist</td>
<td>Promotional &amp; Open Competitive</td>
<td>2 / 4</td>
<td>12/14/07</td>
</tr>
<tr>
<td>Human Resources Specialist</td>
<td>Promotional &amp; Open Competitive</td>
<td>0 / 1</td>
<td>01/18/08</td>
</tr>
<tr>
<td>Network &amp; Systems Administrator</td>
<td>Promotional &amp; Open Competitive</td>
<td>0 / 1</td>
<td>11/17/06</td>
</tr>
<tr>
<td>Student Services Assistant</td>
<td>Promotional &amp; Open Competitive</td>
<td>1 / 11</td>
<td>06/29/07</td>
</tr>
<tr>
<td>Student Services Specialist – A &amp; R</td>
<td>Promotional &amp; Open Competitive</td>
<td>2 / 5</td>
<td>06/29/07</td>
</tr>
</tbody>
</table>

DISPOSITION BY THE COMMISSION: Motion to approve agenda item as revised.

Motion made by: Joy Abbott    Seconded by: Joseph Metoyer

Ayes: 5  Nays: 0  Abstain: Name of Commissioner
Amendments/Comments:

AGENDA REPORT NO. 5

SUBJECT: Approval of Provisional/Limited Term Appointments

It is recommended that the Personnel Commission approve the following appointments.

Limited Term:

<table>
<thead>
<tr>
<th>Name</th>
<th>Assignment</th>
<th>Department</th>
<th>Length of Assignment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ellen Kincy</td>
<td>Administrative Asst. I</td>
<td>Pers. Comm.</td>
<td>4/19/07- 6/30/07</td>
</tr>
</tbody>
</table>

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.

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

Motion made by: Dolores Press
Seconded by: Joseph Metoyer
Ayes: 5  Nays: 0  Abstain: ____________________

Name of Commissioner

Amendments/Comments:

AGENDA REPORT NO. 6

SUBJECT: Ratification of Limited Term Positions

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:

<table>
<thead>
<tr>
<th>Position Classification</th>
<th>Department</th>
<th>Name</th>
<th>Effective Date</th>
<th>Date of Eligibility List</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instructional Assistant Math</td>
<td>Math</td>
<td>Dominga Sanchez</td>
<td>3/13/07- 06/30/07</td>
<td>2/21/07</td>
</tr>
<tr>
<td>Registration Info. Clerk</td>
<td>Financial Aid</td>
<td>Maria Ong</td>
<td>2/01/07- 06/30/07</td>
<td>8/10/06</td>
</tr>
</tbody>
</table>

Reference Merit Rule 7.4.2(C): Procedure for Establishment of Limited Term Positions
Limited term positions shall be classified by the Personnel Director subject to ratification by the Personnel Commission at their next regular meeting.

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

Motion made by: Joseph Metoyer  Seconded by: Dolores Press
AGENDA REPORT NO. 7

SUBJECT: Creation of New Position

It is recommended that the Personnel Commission approve the proposed classification specifications:

<table>
<thead>
<tr>
<th>Classification Title</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment Services Supervisor</td>
<td>April 18, 2007</td>
</tr>
</tbody>
</table>

Background:

This position has a somewhat different background than most proposals for new position descriptions. This is a unique position and requires a high degree of education and skill in assessment practices, statistical analysis and reporting. The incumbent, Uche Dappa, was overlooked when we "rolled out" the Hay study and his position as Assessment Services Coordinator was not included in either the notification or the development of a job description. Subsequently, he filled out a PDQ and in discussing a proposed new job description and title with him and with the Vice President, Teresita Rodriguez, it appeared the position description did not accomplish what the Vice President wanted and the department needed. The major issue was supervision. Mr. Dappa currently does not supervise any classified employees, although he does provide guidance and direction. This is a highly technical and responsible position that interacts with other staff from many different departments, students, faculty, and the State Chancellor's office. As Mr. Dappa has not been doing all the duties of the new position, most notably supervision, he could not be reclassified into the position as that would result in a promotion.

The next item on your agenda is to approve Mr. Dappa for Working-Out-of-Class in this position. A personnel requisition has been submitted by the department and staff will be recruiting for the position.

The relevant Merit Rule, 3.2.6 is cited below. The proposed job description is attached.

3.2.6 CREATION OF NEW POSITIONS (Education Code Sections 88095, 88076)

A. When District management proposes to create a new position, it shall prepare a Position Description Questionnaire (PDQ) with the approval signatures of the immediate supervisor and/or manager, if deemed necessary. In all cases the appropriate Vice President must sign the PDQ.

B. Following administrative approval the Director of Classified Personnel shall conduct a study of the new position and shall transmit a report of his/her findings and recommendations to the immediate supervisor, Vice President for the department and the District Human Resources office for review.
C. The Director of Classified Personnel shall present the findings and recommendations for action to the Personnel Commission. The agenda report shall include recommendations to:

1. Classify the position and determine whether the position should be allocated to an existing class or to a new class;

2. Designate the title, the class description, the recommended qualifications, and the unit or management allocation of this position;

3. Allocate the new class to the appropriate range on the salary schedule and determine the relationship between this class and other related classes.

Following action by the Personnel Commission, the Director of Classified Personnel shall notify all interested parties of the Personnel Commission’s decision.

Rev. approved by Personnel Commission 01/07/04

DISPOSITION BY THE COMMISSION: Motion to table the agenda item until next meeting

Motion made by: Joseph Metoyer    Seconded by: Deborah Jansen

Ayes: 5    Nays: 0    Abstain: __________________________

Name of Commissioner
CONCEPT OF THE CLASS

This position assists with the administration of matriculation and supervises Assessment Services staff members to enable them to better assist students in a variety of testing processes. It also ensures compliance with federal and state regulations, as well as College policies and procedures.

ESSENTIAL DUTIES

Supervises the scheduling, administration, coordination of, and participates in, the full range of assessment activities including the development, scoring, validating and interpretation of various tests
Performs or coordinates the validation research to determine compliance with Chancellor’s Office approved test instruments and develops and prepares statistical/narrative and related reports required by local and state agencies
Interviews, selects, trains and assigns work to staff and provides guidance to assigned personnel
Develops and maintains procedures for appropriate security of test materials and results
Provides for the testing needs of various departments; such as Outreach, International Students, Disabled Students, Mathematics, and English as a Second Language and arranges for proctoring when needed
Provides leadership and support with complex technical testing functions including conducting pilot studies and making recommendations on computerized assessment in various disciplines to determine appropriate instruments
Analyzes and maintains accurate and complete records of data and previous test administrations and results; assembles, compiles, analyzes and verifies data in preparation for written, graphic, or tabular form reports
Works with Institutional Research to analyze test data in regards to student success evaluation
Prepares requisitions for funds from the budget
Monitors and reviews the work of technical staff to ensure compliance and accuracy with all applicable policies, procedures, and department guidelines
Explains to and advises students and assists staff in matters related to test administration, scoring and interpretation
Maintains current knowledge of federal and state rules, regulations and policies and procedures related to testing
Maintains cooperative working relationships with campus departments and personnel, governmental agencies, and other colleges and universities concerning Assessment Services operations
Performs other related duties as assigned or requested.
Examples of essential duties are descriptive and not restrictive in nature, and are generally listed in descending order of importance.

SUPERVISION

Supervision Received:
Supervision is received from the Assessment Faculty Leader or the Matriculation Coordinator/Faculty Leader.

Supervision Exercised:
This position supervises Student Services Specialists, Student Services Clerks, test proctors and student workers.

Assessment Services Supervisor
Knowledge of supervisory procedures and practices including effective recruitment and selection; assigning and delegating work, evaluating performance, motivating employees, training and developing staff, handling grievances and imposing corrective and/or disciplinary action
Knowledge of assessment and testing practices and procedures including scoring, interpretation, recording and reporting of standardized test results

Knowledge of validation research;

Knowledge of applicable rules, regulations, policies and laws related to college assessment testing

Knowledge of complex statistical analysis, educational testing and measurement including consequential validity, cutscore validity and predictive validity

Knowledge of basic budgeting practices and procedures;

Knowledge of recordkeeping practices and procedures;

Knowledge of correct English usage, grammar, spelling, punctuation and vocabulary;

Knowledge of data processing systems and software applicable to analysis, recording and storing assessment testing

Knowledge of modern office practice and procedures

Knowledge of effective analytical and report writing techniques

Knowledge of interpersonal skills requiring tact, patience and diplomacy

Ability to effectively interpret and apply federal, and State testing regulations, procedures

Ability to communicate effectively both orally and in written form

Ability to assemble and analyze data, prepare reports and make appropriate recommendations to college officials and government agencies

Ability to establish and maintain effective working relationships with others

Ability to demonstrate sensitivity to and understanding of multi-cultural, diverse environments and college students from diverse academic, socioeconomic, cultural, and ethnic backgrounds

Ability to operate a computer and appropriate office equipment

**MINIMUM QUALIFICATIONS**

**Education Requirement:**
A Bachelor’s degree from an accredited college or university with a major in Behavioral Science or closely related field is required. A Master’s degree is preferred.

**Experience Requirement:**
Three years of progressively responsible experience administering, coordinating and scoring standardized testing instruments in a computerized testing facility.

**Education/Experience Equivalency:**
Experience and/or education of the same kind, level and amount as required in the minimum qualifications may be substituted on a year-for-year basis.

**Licensure and/or Certification:**
None.

**WORKING ENVIRONMENT & PHYSICAL DEMANDS**

Disclosure:
The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Normal Office Environment:**

While performing the duties of this job the employee is regularly required to sit, use hands to keyboard, type, or handle materials, and talk and/or hear. The employee is occasionally required to stand and walk. The employee is regularly required to fit, carry, push, or pull up to 25 pounds. While performing the duties of this job, the noise level in the work environment is usually quiet.

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**CLASS DETAIL**

<table>
<thead>
<tr>
<th>Job Family</th>
<th>Student Services (Non-classroom)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FLSA Status</td>
<td>Exempt</td>
</tr>
<tr>
<td>Personnel Commission Approval Date:</td>
<td>4/18/07</td>
</tr>
<tr>
<td>Revision Date(s):</td>
<td>Established: PC:06/03/98; Revised: PC: 03/14/01 Hay Study 4/18/07</td>
</tr>
<tr>
<td>Class History:</td>
<td>Assessment Coordinator, Assessment Services Coordinator, Assessment Services Supervisor</td>
</tr>
</tbody>
</table>
AGENDA REPORT NO. 8

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>
<tbody>
<tr>
<td>Uche Dappa</td>
<td>Assessment Services Supervisor</td>
<td>May 14, 2007 - Sept. 14, 2007 or when permanent position is filled.</td>
</tr>
<tr>
<td>Darryl Gray</td>
<td>Lead Custodian</td>
<td>July 1, 2006 - Dec. 31, 2006</td>
</tr>
<tr>
<td>Heriberto Novella</td>
<td>Lead Custodian</td>
<td>July 1, 2006 - Dec. 31, 2006</td>
</tr>
</tbody>
</table>

(Please see audit reports 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.

DISPOSITION BY THE COMMISSION: Motion to approve with the change of eliminating the Assessment Services Supervisor assignment.

Motion made by: Joseph Metoyer   Seconded by: Deborah Jansen
Ayes: Nays: Abstain: __________________________ Name of Commissioner

Amendments/Comments:
Santa Monica Community College District
Personnel Commission

Working Out of Classification
Audit Report

Employee:        Uche Dappa        Current Class: Assessment Services Coordinator
Requested Class: Assessment Services Supervisor   Location: Enrollment Services

Supervisor / Title: Assessment Faculty Leader or the Matriculation Coordinator/Faculty Leader.

Subject

This working out of class assignment is requested to fill the vacancy in the position of Assessment Services Supervisor in the Enrollment Services Office. The Personnel Commission is asked to create this position at this meeting and if approved by the Board of Trustees at their meeting of May 14, 2007, we would like the Commission to appoint Uche Dappa to fill that position until it can be filled with a permanent employee. 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 Assessment Services Supervisor position reports to one of two Faculty Leaders in the Enrollment Services Department. Those Faculty Leaders report to the Vice President of Enrollment Services, Teresita Rodriguez who reports to the Superintendent/ President, Dr. Chui Tsang. Both the Vice President and the Superintendent/ 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 Assessment Services Supervisor classification specification are:

Definition:
This position assists with the administration of matriculation and supervises Assessment Services staff members to enable them to better assist students in a variety of testing processes. It also ensures compliance with federal and state regulations, as well as College policies and procedures.

The Essential Duties include:

Supervises the scheduling, administration, coordination of, and participates in, the full range of assessment activities including the development, scoring, validating and interpretation of various tests.
Performs or coordinates the validation research to determine compliance with Chancellor’s Office approved test instruments and develops and prepares statistical/narrative and related reports required by local and state agencies.

Interviews, selects, trains and assigns work to staff and provides guidance to assigned personnel.

Develops and maintains procedures for appropriate security of test materials and results.

Provides for the testing needs of various departments; such as Outreach, International Students, Disabled Students, Mathematics, and English as a Second Language and arranges for proctoring when needed.

Provides leadership and support with complex technical testing functions including conducting pilot studies and making recommendations on computerized assessment in various disciplines to determine appropriate instruments.

Analyzes and maintains accurate and complete records of data and previous test administrations and results; assembles, compiles, analyzes and verifies data in preparation for written, graphic, or tabular form reports.

Works with Institutional Research to analyze test data in regards to student success evaluation.

Prepares requisitions for funds from the budget.

Monitors and reviews the work of technical staff to ensure compliance and accuracy with all applicable policies, procedures, and department guidelines.

Explains and advises students and assists staff in matters related to test administration, scoring and interpretation.

Maintains current knowledge of federal and state rules, regulations and policies and procedures related to testing.

Maintains cooperative working relationships with campus departments and personnel, governmental agencies, and other colleges and universities concerning Assessment Services operations.

**Training and Experience:**

**Education Requirement:**
A Bachelor’s degree from an accredited college or university with a major in Behavioral Science or closely related field is required. A Master’s degree is preferred.

**Experience Requirement:**
Three years of progressively responsible experience administering, coordinating and scoring standardized testing instruments in a computerized testing facility.

**Review of the application materials submitted for consideration and findings:**

The application materials provided by Mr. Dappa note that he has worked as a the Assessment Services Coordinator for more than 2 years. He previously worked as a Research Officer at the Alafia Wellness Center for more than a year and a half and for more than 11 years as a Principal Lecturer at the Federal College of Education in Nigeria. Mr. Dappa has a Bachelor’s degree in Psychology, Guidance and Counseling and a Master's and Ph.D. in Educational Measurement. He exhibits evidence that she has work experience involved with a significant portion of the job content including but not limited to the
counseling and statistical requirements for this position. Additional consideration was given to his experience in his present position which includes virtually all the duties of the new position except supervision. Mr. Dappa provided evidence he has supervisory experience as the Director of a Continuing Education Center and as head of the Department of Educational Psychology in Nigeria.

Mr. Dappa fully possesses work experience in the areas noted above and in the classification specifications, and qualifies to perform 100% of the duties assigned to the Assessment Services Supervisor 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 sub division 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 Mr. Dappa qualifies for a full appointment to the Assessment Services Supervisor 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 he 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 Teresita Rodriguez, indicate that Mr. Dappa meets the minimum qualifications and has substantially performed most of the same or similar duties in his current employment. Therefore, Uche Dappa should be offered 1000% (one hundred-percent) working out-of-class duties as announced by the department and applied for by him per the department’s stipulation.

Sue Tsuda, Acting Director of Classified Personnel  
April 12, 2007  
Date
Subject

This working out of class assignment was made to assist in the heavy workload due to a long-term vacancy in the position of Lead Custodian in the Operations Department. 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 Custodian position reports to the Supervisor of Custodial Operations, Art Lopez. The Supervisor reports to the Director of Campus Operations, Jeffery Peterson who reports to the Lead Director of Facilities and Maintenance, David Muller. Both the Director and the Lead Director agree that there was an immediate need to assign working out of class to an employee in the department who qualified to do so in accordance with the Merit Rules.

Research

The summary of duties and minimum qualifications that were defined by the Lead Custodian class specification when the Working-Out-of-Class assignment took place are:

Definition:

Positions in this classification leads, assigns, and participates in the work of a group of custodians on a designated shift to maintain a clean, secure and safe campus for students, instructors, and staff to enable the college to meet the mission to create a learning environment.

Examples of duties:

Leads, trains and participates in the work of a group of custodians assigned to a designated area or special crew involved in the sweeping, mopping, scrubbing and refinishing of floors, vacuuming of rugs and carpets, dusting and cleaning of furniture, washing of windows and walls, and the emptying and cleaning of waste receptacles;

Leads, trains, and participates in the operation of equipment such as a floor scrubber, vacuum cleaner or carpet cleaner and the mixing of solutions for cleaning of floors, walls, and restrooms;
Leads, and participates in the moving, arranging, and assembling of furniture, locking or unlocking doors and windows, and turning lights on and off and ensuring the security of campus buildings and facilities; monitors fire extinguishers and fire protection program on campus;

Conducts, evaluates and follows up on daily inspection of assigned areas; assists in light maintenance by replacing light bulbs; performs clean up services resulting from vandalism, illness or spillage;

Assigns work related to setting up and preparing campus facilities for events; initiates work orders for removal of graffiti and the general repair of campus equipment or facilities, as needed;

Requisitions and distributes custodial supplies and equipment and maintains appropriate custodial records; monitors timecards and reports absences and initiates corrective actions for completion by Director; may exercise emergency procedures, including turning off utility valves, in the event of disaster, and performs other related duties as requested or assigned.

**Training and Experience:**

**Education Requirement:** none

**Experience Requirement:** A full year cycle of custodial experience at Santa Monica College or equivalent.

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**Review of the application materials submitted for consideration and findings:**

Upon review of the application materials provided by Mr. Gray, he notes that he has worked as a Custodian on a temporary basis for 6 months and was hired as a permanent employee working as a custodian for one and one half (1 1/2) years at Santa Monica College and in February was hired into the Lead Custodian position.

Mr. Lopez exhibits evidence that Mr. Gray worked a significant portion of the job content and served as Lead Custodian on alternate weeks during the months from July 1, 2006 to December 31, 2006. Mr. Gray fully possesses the work experience in the areas noted above and in the class specification as Lead Custodian, and is qualified to perform 100% of the duties assigned to the Lead Custodian position as required by Merit Rule 7.2.2.A.

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**According to CSEA MOU**

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

- 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.
- 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).

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**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 existed 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

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.
RULE 13.1 SENIORITY PROVISIONS (EDUCATION CODE SECTION 88127)

RULE 13.1.1 SENIORITY DEFINED

A. Seniority shall be defined as the length of time which a permanent classified employee has served in his/her class plus higher related classes.

RULE 13.1.2 COMPUTATION OF SENIORITY

A. Computation of seniority in the class shall include hours in paid status up to a maximum of 40 hours per week including:

B. Computation of seniority shall not include:

1. Hours served or compensated for in a limited-term (substitute or temporary) or provisional assignment prior to entering into the classified service as a probationary employee.

RULE 13.1.3 GENERAL PROVISIONS

D. When an employee is reclassified with his/her position to an already existing class, seniority shall be computed from the effective date the position is reclassified.

E. When an employee is transferred from one class to another, seniority in the new class shall begin on the effective date of the transfer.

Definition of Working Out of Class:

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.

(3) 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.

(4) 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).

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 Mr. Gray qualifies for a full appointment to the Lead Custodian position according to Merit Rule 7.2.2.A. above and demonstrated by the fact that he tested and was hired into the Lead Custodian position, and given that the supervisor assigned that employee to work out-of-class performing all of the work included in the position for more than five (5) working days within a fifteen-calendar day period for at least six months, I would approve working out-of-class for 50% of his daily assignment as it appears that he was assigned alternate weeks of work in the position, and 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 Mr. Lopez and Mr. Peterson, indicate that Mr. Gray meets the minimum qualifications and has substantially performed some of the same or similar duties in his current employment and working out-of-class assignments. Therefore, Mr. Gray should be offered 50% (fifty-percent) working out-of-class duties as assigned by Mr. Lopez per the department's stipulation.

At issue is the requirement of Merit Rule 3.2.9 C. regarding the time frame by which an application for Working-Out-of-Class may become effective, "...only from the date of receipt in the Personnel Office." Unless the Personnel Commission will waive that portion of the rule for this case, the employee will not be eligible to receive the differential pay to which he is entitled by virtue of his assignment. It was not through fault of the employee that the application for Working-Out-of-Class was not submitted in a timely manner.

The Staff recommendation is to waive that portion of the Rule in this case and approve Working-Out-of-Class at fifty percent (50%) for Mr. Gray for the period from July 1, 2006 to December 31, 2006.

_________________________  ________________________________
Sue Tsuda, Acting Director of Classified Personnel  Date
April 12, 2007
Santa Monica Community College District  
Personnel Commission  

Working Out of Classification  
Audit Report  

Employee: Heriberto Novella  
Current Class: Custodian  
Requested Class: Lead Custodian  
Location: Operations  
Supervisor / Title: Art Lopez, Custodial Operations Supervisor  

Subject  

This working out of class assignment is requested to assist in the heavy workload due to a long-term vacancy in the position of Lead Custodian in the Operations Department. 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 Custodian position reports to the Supervisor of Custodial Operations, Art Lopez. The Supervisor reports to the Director of Campus Operations, Jeffery Peterson who reports to the Lead Director of Facilities and Maintenance, David Muller. Both the Director and the Lead Director agree that there was an immediate need to assign working out of class to an employee in the department who qualified to do so in accordance with the Merit Rules.  

Research  

The summary of duties and minimum qualifications that were defined by the Lead Custodian class specification when the Working-Out-of-Class assignment took place are:  

Definition:  
Positions in this classification leads, assigns, and participates in the work of a group of custodians on a designated shift to maintain a clean, secure and safe campus for students, instructors, and staff to enable the college to meet the mission to create a learning environment.  

Examples of duties:  
Leads, trains and participates in the work of a group of custodians assigned to a designated area or special crew involved in the sweeping, mopping, scrubbing and refinishing of floors, vacuuming of rugs and carpets, dusting and cleaning of furniture, washing of windows and walls, and the emptying and cleaning of waste receptacles;  

Leads, trains, and participates in the operation of equipment such as a floor scrubber, vacuum cleaner or carpet cleaner and the mixing of solutions for cleaning of floors, walls, and restrooms;
Leads, and participates in the moving, arranging, and assembling of furniture, locking or unlocking doors and windows, and turning lights on and off and ensuring the security of campus buildings and facilities; monitors fire extinguishers and fire protection program on campus;

Conducts, evaluates and follows up on daily inspection of assigned areas; assists in light maintenance by replacing light bulbs; performs clean up services resulting from vandalism, illness or spillage;

Assigns work related to setting up and preparing campus facilities for events; initiates work orders for removal of graffiti and the general repair of campus equipment or facilities, as needed;

Requisitions and distributes custodial supplies and equipment and maintains appropriate custodial records; monitors timecards and reports absences and initiates corrective actions for completion by Director; may exercise emergency procedures, including turning off utility valves, in the event of disaster, and performs other related duties as requested or assigned.

**Training and Experience:**

**Education Requirement:** none

**Experience Requirement:** A full year cycle of custodial experience at Santa Monica College or equivalent.

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**Review of the application materials submitted for consideration and findings:**

Upon review of the application materials provided by Mr. Novella, he notes that he has worked as a Custodian for 6 years at Santa Monica College and in February was hired into the Lead Custodian position.

Mr. Lopez exhibits evidence that Mr. Novella worked a significant portion of the job content and served as Lead Custodian on alternate weeks during the months from July 1, 2006 to December 31, 2006.

Mr. Novella fully possesses the work experience in the areas noted above and in the class specification, and is qualified to perform 100% of the duties assigned to the Lead Custodian position as required by Merit Rule 7.2.2.A.

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**According to CSEA MOU**

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

- 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.
- 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).

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**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 existed 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

B. 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.

CHAPTER 13: SENIORITY, LAYOFF, DISPLACEMENT AND REEMPLOYMENT

RULE 13.1 SENIORITY PROVISIONS (EDUCATION CODE SECTION 88127)

RULE 13.1.1 SENIORITY DEFINED
A. Seniority shall be defined as the length of time which a permanent classified employee has served in his/her class plus higher related classes.

RULE 13.1.2 COMPUTATION OF SENIORITY

A. Computation of seniority in the class shall include hours in paid status up to a maximum of 40 hours per week including:

B. Computation of seniority shall not include:

1. Hours served or compensated for in a limited-term (substitute or temporary) or provisional assignment prior to entering into the classified service as a probationary employee.

RULE 13.1.3 GENERAL PROVISIONS

D. When an employee is reclassified with his/her position to an already existing class, seniority shall be computed from the effective date the position is reclassified.

E. When an employee is transferred from one class to another, seniority in the new class shall begin on the effective date of the transfer.

Definition of Working Out of Class:

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.

(5) 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.

(6) 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).

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 Mr. Novella qualifies for a full appointment to the Lead Custodian position according to Merit Rule 7.2.2.A. above and demonstrated by the fact that he tested and was hired into the Lead Custodian
position, and given that the department assigned that employee to work out-of-class performing all of the work included in the position for more than five (5) working days within a fifteen-calendar day period for at least six months, I would approve working out-of-class for 50% of his daily assignment as it appears that he was assigned alternate weeks of work in the position, and 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 Mr. Lopez and Mr. Peterson, indicate that Mr. Novella meets the minimum qualifications and has substantially performed some of the same or similar duties in his current employment and working out-of-class assignments. Therefore, Mr. Novella should be offered 50% (fifty-percent) working out-of-class duties as assigned by Mr. Lopez per the department’s direction.

At issue is the requirement of Merit Rule 3.2.9 C. regarding the time frame by which an application for Working-Out-of-Class may become effective, "...only from the date of receipt in the Personnel Office." Unless the Personnel Commission will waive that portion of the rule for this case, the employee will not be eligible to receive the differential pay to which he is entitled by virtue of his assignment. It was not through fault of the employee that the application for Working-Out-of-Class was not submitted in a timely manner.

The Staff recommendation is to waive that portion of the Rule in this case and approve Working-Out-of-Class at fifty percent (50%) for Mr. Novella for the period from July 1, 2006 to December 31, 2006.

__________________________________________  
April 12, 2007
AGENDA REPORT NO. 9

SUBJECT: Advisory - Personnel Commission Proposed Budget - FY 2007-08 - 1st Reading

The attached proposed budget for the operation of the Personnel Commission Office for fiscal year 2007-08 is submitted to the Personnel Commission for review and discussion by the Director of Classified Personnel. This is a proposed budget for which the Commission should open the public hearing and take testimony from any interested party, close the public hearing and provide direction to staff regarding any alterations the Commission deems necessary and prudent. Those changes will be brought back to the Commission for a formal hearing at the meeting May 16 for formal adoption after approval of the proposed budget by the Board of Trustees and the County Superintendent.

Pursuant to Articles 88073 and 88086 of the California Education Code and Merit Rule 2.4.1 (A-D) each Personnel Commission must prepare an annual budget for its office which, upon the approval of the County Superintendent, shall be included by the governing board in the regular budget of the community college district.

Notification of this public hearing and a copy of the proposed budget were transmitted to the Board of Trustees of Santa Monica College, the Superintendent /President of the District and the leadership of CSEA Chapter 36 for review and comment.

The proposed budget will be presented for formal action at the next Regular Session meeting of the Personnel Commission in May. An invitation will be sent to the Board of Trustees the President/Superintendent and the leadership of CSEA to attend and present their views.

Notes:

The budgeted amount for Consultants remains the same as originally budgeted last year because the Personnel Commission may wish to continue to contract with the Hay Group for further consultation regarding the classification & compensation study of the College’s classified positions and salary survey results, including presentations at meetings with CSEA leadership and District Administration as necessary. To date, there has been no discussion with either the District or the Union concerning the salary survey and the application of the reclassifications to a new salary schedule which may be under discussion between the District and CSEA Chapter 36.
The amount budgeted for Legal Fees is the same as that budgeted for fiscal year 2006-07, although budget transfers had to be made to cover the costs of legal services that were incurred in 2005-06, but not paid or encumbered during that fiscal year. This amount should be adequate to pay any anticipated legal expenses, but several disputed disciplinary cases could increase this cost necessitating a request for augmentation funds or transfer from other line items within the Personnel Commission budget.

The Personnel Commission requested staff to evaluate the computerized workforce management system, NEOGOV. While staff has yet to see a demonstration of the program, we are planning a "fieldtrip" with some members of the HR staff. We will delay that trip until the new Vice-President for Human Resources and the new Director of Classified are hired and at work. In the meantime we are including a rough estimate of the cost of the program in this budget with hopes that the amount will be approved and implementation can take place next fiscal year. The estimated amount totals $10,040.

The Personnel Commission’s FY 2007-08 operating budget is decreased by $19,659 over last year's budget without the employee benefits calculated in either total. I have budgeted $7500 for Commission meetings, realizing you may not need that entire amount. The minimum needed, if you meet just once per month, is $3,000. The maximum if you meet as much as 5 times or more per month is $15,000. I have included enough for 25 meetings during the year which is more than 2 per month. The salary budget is estimated assuming full staffing using actual salaries and projected salaries. Benefits were not yet available.

Other changes include reducing the amount for Periodicals and Magazines from $1,000 to $250 and increasing the amount for Reference Books from $0 to $500. This will allow for the purchase of new editions of the Education Code and any other reference books that the Commission or staff might find useful or necessary.

The memberships I have included are:

- Western Region Item Bank – WRIPAC Services $1,700
- California School Personnel Commissioners Association $705
- Personnel Commissioners Association of Southern California $40
- Society of Human Resource Management $160

Subtotal $2,605
Plus additional allocation for dues increases or additional organizations $1,000
Total $3,605

The final addition to the budget is for Meals/Catering. I have included $1,000 for breakfast, snack and lunch items provided to rater’s. These amounts have been coming out of petty cash and the inclusion of these items in the budget is an attempt to more realistically portray the necessary expenses for the work of the department. We do not pay raters for their services and, while not a required expense, it is a courtesy to those who take their time to serve the needs of Santa Monica College.

The remaining line items remain the same as last year’s budget.

The administration and the union have been sent copies of this agenda item and invited to address the Commission. The Commission needs to open the public hearing, take comments from anyone wishing to speak, close the public hearing and discuss the budget and recommend any changes you believe necessary.

<table>
<thead>
<tr>
<th>Category/Account #</th>
<th>Approved Budget FY 06-07</th>
<th>Proposed Budget FY 07-08</th>
<th>Proposed Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Salaries</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2380</td>
<td>Personnel Commissioners</td>
<td>$ 7,500.00</td>
<td>$ 7,500.00</td>
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<tr>
<td>2110</td>
<td>Managers</td>
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<tr>
<td>2120</td>
<td>Staff</td>
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<td>$ 300,107.00</td>
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<td>2323</td>
<td>Clerical - Hourly/Student Help</td>
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<td><strong>Subtotal Salaries</strong></td>
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<td><strong>Commissioners Benefits</strong></td>
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<tr>
<td></td>
<td>Employee Benefits Est. @ 32%</td>
<td>$ 142,053.76</td>
<td>$ 142,053.76</td>
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<td><strong>Total Salaries &amp; Est. Benefits</strong></td>
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<td>$ 584,660.76</td>
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<tr>
<td><strong>Supplies &amp; Periodicals</strong></td>
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<tr>
<td>4230</td>
<td>Reference Books</td>
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<tr>
<td>4240</td>
<td>Periodicals</td>
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<td>4550</td>
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<tr>
<td><strong>Total Supplies &amp; Periodicals</strong></td>
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<td><strong>Operating Expenses</strong></td>
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<td>5110</td>
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<td>Meeting Expenses</td>
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<td>Memberships</td>
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<td>5650</td>
<td>Equipment Repairs</td>
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<td>Off-Campus Printing</td>
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<td>5830</td>
<td>Advertising</td>
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<td>5890</td>
<td>Other Contract Services</td>
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<td><strong>Total Operating Expenses</strong></td>
<td></td>
<td>$ 79,200.00</td>
<td>$ 77,105.00</td>
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</table>

**New Equipment**

Respectfully submitted by Sue Tsuda, Acting Classified Personnel Director
DISPOSITION BY THE COMMISSION: Motion to amend previously submitted proposed budget to reflect the amounts funded for 06-07 with the additional increase for software to maintain 06-07 budget total for 07-08 until next meeting.

Motion made by: Joy Abbott  
Seconded by: Joseph Metoyer

Ayes: 5  
Nays: 0  
Abstain: __________________________  
Name of Commissioner

Amendments/Comments:

AGENDA REPORT NO. 10

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>Employee</th>
<th>From:</th>
<th>To:</th>
<th>Recommended Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jenny Trickey</td>
<td>Child Care Services Director</td>
<td>Child Care Services Supervisor</td>
<td>M12 ??</td>
</tr>
<tr>
<td>Charlie Yen</td>
<td>Director of Events and Contracts</td>
<td>Director of Events and Contracts</td>
<td>?? ??</td>
</tr>
<tr>
<td>Teresa Morris</td>
<td>Stud. Svcs. Specialist - International</td>
<td>?? ??</td>
<td></td>
</tr>
</tbody>
</table>
**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.

The employees listed whose positions are recommended for reclassification are either those who were overlooked previously and for whom Hay recommended changes in their classifications, or those who have requested review since January 1, 2007 because they believe their assignments have changed substantially during the last two years.

Jenny Trickey was overlooked when she requested a review from the Hay Group. Staff recently sent her file to Hay and they recommended that her job description be rewritten and her job title changed. Staff met with Ms. Trickey and reviewed her job duties with her. A new job description for the classification of Child Care Services Supervisor was drafted and sent to her and her supervisor for review and comment. The final job description and letter from the Hay Group are attached to this staff report.

Charlie Yen was reclassified in November from Director of Events to Director of Events and Contracts. However his job description also had not been reviewed in a timely manner and was sent to Hay for review. They recommended his job description be rewritten to reflect new duties taken on during the last two years. These new duties focused on the area of contract management in the fields of property acquisition, facilities planning, project funding and fiscal management and construction management. After meeting with Mr. Yen, the new duties were added to the job description adopted by the Personnel Commission in November and approved by the Board of Trustees in February. The final job descriptions were sent to Mr. Yen, and the Executive Vice President, Randal Lawson, to whom he reports. The final job description and letter from the Hay Group are attached.

Both of the above job descriptions are unique, single position classifications. Ms. Trickey’s position had a title change as well as a change in the job description. She requires reclassification to the new
classification. The classification description for Mr. Yen’s position changed substantially from that previously adopted, so he should be reclassified even though his title does not change.

Mr. Lynn Washington, Ms. Teresa Morris and Ms. Patricia Preston were among those whose files were referred to the Hay Group for their consideration. Their positions were reclassified on November 9, 2006 to the classifications originally recommended by Hay. Since they had not received the requested reviews, they were reviewed by staff and by Erika Kleiman of the Hay Group. She recommended that their job descriptions and titles be revised to reflect their current positions. Staff had already come to the same conclusion and had rewritten the job descriptions to reflect the particular nature of the work with the International Students. We are recommending they be reclassified to one level higher than the original classification and that their job titles reflect their specialization. Mr. Washington’s new classification is Student Services Specialist – International and he shares that classification with Teresa Morris. Their original titles were International Student Services Assistant and they were reclassified in November as Student Services Assistants. The new title and job descriptions are for Student Services Specialist – International. The attached draft was shared with the employees and the supervisor. Ms. Preston’s previous job title was Immigration Coordinator and in November she was retitled a Student Services Specialist. Her new job description is titled Student Services Senior Specialist – International. All three employees believe they should have higher classifications and came before you last month to request your further consideration of their request. The final job description and letters from the Hay Group and staff are attached.

Other employees who submitted requests for reclassification have been analyzed by staff. In some cases, we believe reclassification is justified. Waleed Nasr is currently classified as a Multimedia Specialist, but that job description does not reflect what he actually does. Mr. Nasr staffs the computer lab used by faculty and staff to prepare computerized presentations to students and other employees of the college. He helps analyze the needs of the staff member and recommends appropriate software and assists in the development of the material by recommending the use of appropriate software for development of classroom presentations. He instructs faculty and staff in the use of new software and arranges and conducts training programs. He also develops websites for departments and programs. He advises the Information Technology staff about the needs of faculty and the applicability of new software. His duties primarily fall into the areas of analyzing needs and training staff to use the appropriate applications. His new job description and job title were reviewed with Mr. Nasr and his supervisor, the Dean of Information Technology, Jocelyn Chong.

Belinda Ramos was reclassified in November as an Accounting Specialist I, but her job duties have changed significantly over the past two years. Ms. Ramos is supervised by Mr. Yen, and as his duties have grown in complexity, so have hers. The level of responsibility has grown and her duties have expanded from tracking of Box Office receipts and fiscal responsibilities to encompass more clerical and secretarial duties including correspondence, creating and maintaining files and inventories of available sites, and the responsibility for assigning campus facilities. It is her responsibility to make sure the appropriate fees are collected, accounted for, insurance documentation is provided and that costs for events are billed to the appropriate parties. Her job entails a great deal of bookkeeping, but goes far beyond that. Her duties, responsibilities and reporting level all justify a reclassification to the more appropriate classification of Administrative Assistant II. This recommendation has been shared with the employee and the supervisor.

Mr. Peterson has had a gradual accretion of duties added to his responsibilities as Assistant Computer Lab Supervisor. Mr. Peterson’s previous duties centered on assisting the Computer Lab Supervisor in the operation of the computing labs and computerized classrooms. He has gradually been assigned more responsibility for coordinating the implementation of the annual technology plan objectives. This involves meeting with faculty and staff to assure the appropriate software and hardware is available.
This involves developing recommendations for acquisitions of hardware and software and the updating of user licenses and inventories of equipment and software campus-wide. His responsibilities include the coordination among Purchasing, Receiving, Accounting and the Information Technology departments with attention paid to bidding the best price for new equipment and allocation of the budget. His new job description and job title were reviewed with Mr. Peterson and his supervisor, the Dean of Information Technology, Jocelyn Chong.

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

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

DISPOSITION BY THE COMMISSION:

Motion made by: Seconded by:
Ayes: 5 Nays: 0 Abstain: ___________________________ Name of Commissioner

Amendments/Comments:

AGENDA REPORT NO. 11
Subject: Grievance Forms

Background: Several months ago at a Personnel Commission meeting, the CSEA President, Bernie Rosenloecher pointed out that the Commission has no standardized forms on which to record and submit a grievance. Staff has been meeting with the union representatives to develop forms for the purpose of creating a record whenever a grievance is filed that affects the Personnel Department’s jurisdiction. The relevant sections of the Merit Rules are as follows:

MATTERS EXCLUDED

A. Matters excluded from the grievance procedure shall be:

1. Matters within the jurisdiction of the Personnel Commission and included in Personnel Commission Rules in effect at the time the events leading to the grievance occurred. Such matter(s) shall be presented directly to the Personnel Director who shall present the matter(s) to the Personnel Commission at a regular or special meeting.

a. Before a grievance is carried to step 2 of the procedure, the Personnel Director shall be notified. He/she will review the grievance to determine if the matter is within the jurisdiction of the Commission’s rules. He/she shall make the determination and report his/her decision to the Commission at the next regularly scheduled meeting.
b. In cases where the Personnel Commission rules regulate less than the total procedure, the Commission may waive that rule and thereby provide that the dispute be settled through the grievance adjustment procedure.

2. Complaints about the subject matter of a Board policy, Commission rule, or administrative procedure, rather than the administration of the Board policy, Commission rule or administrative procedure. An employee with such a complaint should direct his/her suggestions for change(s) through regular administrative channels to the Board, Commission or administrator who established it.

3. Matters which are part of the contract agreements with Chapter 36, CSEA. Such grievances shall be processed according to the provisions of Article 10 of the Agreements between Chapter 36, CSEA and the District.

As you read, most matters will be filed with the Human Resources Department and will not become an issue for the Commission unless:

1. The issue is within the Merit Rules and within the jurisdiction of the Personnel Commission (for instance a grievance within Personnel Commission staff);

2. If the grievance is within the Personnel Commission Rules; or

3. There is an appeal from a disciplinary issue.

Currently the Personnel Commission staff has not been notified of any grievances except for an appeal from a final disciplinary action which was heard by an outside hearing officer.

The proposed forms are attached to this staff report.
Supervisor’s decision shall be communicated within three (3) working days of informal conference. Copies to go to the supervisor, Personnel Commission office and the employee.

### SANTA MONICA COMMUNITY COLLEGE DISTRICT

**PERSONNEL COMMISSION**

**GRIEVANCE - STEP II**

<table>
<thead>
<tr>
<th>TO DIVISION DEAN OR ADMINISTRATOR:</th>
<th>DEPARTMENT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM GRIEVANT:</td>
<td>GRIEVANT’S POSITION/WORK LOCATION/SITE:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SPECIFIC PROVISION(S) OF COMMISSION RULE ALLEGED TO BE VIOLATED:</th>
<th>ARTICLE(S) AND SECTION(S):</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>DATE OF EVENT GIVING RISE TO THE GRIEVANCE: (MONTH/DAY/YEAR)</th>
<th>DATE OF REQUIRED INFORMAL DISCUSSION (STEP I): (MONTH/DAY/YEAR)</th>
</tr>
</thead>
</table>

**STATEMENT OF GRIEVANCE:**

1. Provide full statements of facts surrounding grievance detailing specific provision alleged to have been violated, names of witnesses who have information relevant to claim and attach relevant documents.  2. Course of action to date.  3. Summary of decision reached at Step I

**STATEMENT OF PROPOSED SOLUTION OR REMEDY:**

**ADDITIONAL PERSONS REQUESTED AT CONFERENCE (IF ANY):**
NAME: 

RELATION TO GRIEVANT/TITLE: 

SIGNATURE OF GRIEVANT: 

DATE: (MONTH/DAY/YEAR) 

REPRESENTATIVE (IF ANY): 

OFFICE USE ONLY 

DATE GRIEVANCE RECEIVED: 

MEETING DATE: 

LAST DAY TO RESPOND: 

RESPONSE DATE: 

NATURE OF RESPONSE: □ APPROVED □ DENIED 

DIVISION DEAN OR ADMINISTRATOR SIGNATURE: 

DATE: 

Copies to division dean or administrator, Personnel Commission office and grievant 

SANTA MONICA COMMUNITY COLLEGE DISTRICT 

PERSONNEL COMMISSION 

GRIEVANCE - STEP III 

TO DISTRICT PERSONNEL ADMINISTRATOR: 

DEPARTMENT: 

FROM GRIEVANT: 

GRIEVANT'S POSITION/WORK LOCATION/SITE: 

SPECIFIC PROVISION(S) OF COMMISSION RULE ADMINISTRATIVE REGULATION ALLEGED TO BE VIOLATED: 

ARTICLE(S) AND SECTION(S): 

DATE OF EVENT GIVING RISE TO THE GRIEVANCE: (MONTH/DAY/YEAR) 

DATE STEP II WAS FILED: (MONTH/DAY/YEAR) 

STATEMENT OF GRIEVANCE: 

1. Reason for Appeal. 2. Course of action to date. 3. Decision of Division Dean or Administrator at Step II 

ADDITIONAL PERSONS REQUESTED AT CONFERENCE (IF ANY): 

NAME: 

RELATION TO GRIEVANT/TITLE: 

SIGNATURE OF GRIEVANT: 

DATE: (MONTH/DAY/YEAR) 

REPRESENTATIVE (IF ANY): 

OFFICE USE ONLY
DISPOSITION BY THE COMMISSION: Motion not to approve

Motion made by: Joseph Metoyer       Seconded by: Joy Abbott

Ayes: 3       Nays: 2       Abstain: Dolores Press and Deborah Jansen

Name of Commissioners

Comments:

AGENDA REPORT NO. 12

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

The following amendments are presented by the Director of Classified Personnel to the Personnel Commission as a second 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 the Commission approved the first reading of the revisions to the Merit rules clarifying the difference between “class” and “classification” as used in the Rules and positively stating that probation was not necessary of an employee returning to a position in the same class for which s/he holds the minimum qualifications, has served in the same or higher classification and has completed probation. At a previous Board of Trustees meeting and at a Commission 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 Agreement between the District and CSEA Chapter 36, Article 14.2 states in part, "Those employees who have completed a probationary period shall be re-employed without having to serve an additional 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. The Merit Rules similarly reflect this assumption regarding voluntary actions.

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 Acting Director was mistaken in the impression that the District had waived that requirement. She has not received any indication the District has a legal opinion on the issue.

Chapter XIII discusses Seniority, layoff, displacement and reemployment. Section 13.1.1 defines seniority as service in the class plus higher related classes.

Section 13.3.1 discusses displacement rights. Paragraph A defines displacement as “the replacement of a junior employee by an employee with more seniority in the same class.” Section B. states, “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. (Underline added) The employee who is displaced shall be the one with the least total seniority in the class (plus equal and higher classes).” (Underline added.) Paragraph 3 continues, “When an employee displaces into a class having positions which are full time, part time, and/or assigned to different yearly assignments, (such as 12,11,10,9 month or school year or 157 days per year assignments), 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.” (Underline added) Paragraph 5 says, “When an employee exercises displacement rights into a lower class, the employee(s) shall receive credit for accumulated seniority in all related higher classes.” (Underline Added)

Rule 9.7 addresses Demotion and Restoration and defines voluntary demotion and discusses the situations in which employees may take a voluntary demotion. “A permanent classified employee may request a voluntary demotion to a vacant position in a class with a lower maximum salary rate provided that:

1. A. The employee has previously achieved permanent status in the class, or; the request for demotion is to a related class in the same occupational group. The request shall be subject to approval by the Personnel Director.

B. An employee may request a voluntary reduction in assigned time in lieu of layoff in order to remain in his/her present position rather than to be reclassified or reassigned.

C. A permanent employee may accept a temporary demotion on a voluntary basis to fill a limited-term position or a summer assignment.

D. A voluntary demotion is a privilege available to a probationary employee only in cases when he/she would otherwise be laid off.
E. An employee who demotes to a position in a class in which he/she does not hold permanency shall complete the appropriate probationary period in the new class.

F. Salary placement for employees who voluntarily demote to a class with a lower salary rate, shall be in accordance with Rule 12.2.9.

Section 9.7. E is where the problem lies. In this language "Class" is used in the sense of, "A group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be used to designate each position assigned to the class, that substantially the same requirements of education, experience, knowledge and ability are demanded of incumbents, and substantially the same tests of fitness may be used in choosing qualified appointees." Instead it has been interpreted as "classification". This is the reason for the clarification of the definitions.

Section 13.4, Paragraph B defines “reemployment list” as the, “list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolition or reclassification of positions, or other reasons specified in these Rules, and who are eligible for reemployment without examination in their former class, arranged in order of their right to reemployment.”

The requirement for a probationary period upon “voluntary” demotion is contemplated to apply when an employee chooses to demote for reasons of his/her own or to return to a previous position if it appears a promotion will not be successful. A reduction in force or “layoff” is not voluntary and the individual should not be deemed to have taken a “voluntary” demotion if invited back to a position if it is in the same group of classifications (class) and has lower knowledge, skill and ability than the classification from which s/he was laid off, provided s/he had passed the probationary period in the higher classification. Had the position been available during the lay off period, the individual would have been entitled to “bumping rights” in lieu of lay off. The “probationary period” is considered to be an extension of the testing process, not part of a disciplinary process. It would be unreasonable and could be considered punitive to have to serve a probationary period in a classification with lower requirements of skill and ability than those of a higher classification.

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.

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**DISPOSITION BY THE COMMISSION:** Motion to move item for further discussion.

**Motion made by:** Joseph Metoyer  
**Seconded by:** Dolores Press

**Ayes:** 5  
**Nays:** 0  
**Abstain:** ___________________

Name of Commissioners

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**AGENDA REPORT NO.13**

**SUBJECT:** Closed Session
Pursuant to Section 54954.2 of the California Government Code, the Personnel Commission will meet in closed session to discuss:

1. Public Employment Appointment - For the position of Director of Classified Personnel.

It is anticipated that the Commission will take action and will reconvene to announce the actions taken.

1. Move to adjourn to Closed Session

Motion made by: Joy Abbott    Seconded by: Dolores Press
Ayes: 5   Nays:   Abstain:

Amendments/Comments:

2. Motion to reconvene in open Session

Motion made by: Joseph Metoyer    Seconded by: Dolores Press
Ayes:  5   Nays:  0   Abstain:

Amendments/Comments:

DISPOSITION BY THE COMMISSION: Motion to uphold the Hearings Officer’s Recommend Termination of Mark Stemock.

VII. ADJOURN REGULAR MEETING

DISPOSITION BY THE COMMISSION: Motion to adjourn the Meeting

Motion made by: Joseph Metoyer    Seconded by: Dolores Press
Ayes:  5   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
The Next Regular Meeting of the Personnel Commission will be held Wednesday, MAY 16, 2007 IN THE BOARD ROOM, BUSINESS BUILDING ROOM 117.

The Santa Monica College Personnel Commission does not discriminate against individuals or groups on the basis of disability in the admission or access to, or treatment in, its public meetings, programs, or activities. Requests for assistance or accommodation can be arranged by contacting the Personnel Commission Office in writing to the address below or via phone to (310) 434-4410 or fax to (310) 434-4612 with a minimum 72-hour advance notice.

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