



MERIT RULES ADVISORY COMMITTEE MEETING MINUTES

Wednesday, December 2, 2020 at 10:00 a.m.

****VIRTUAL MEETING****

<p>DEPARTMENTS: PLEASE POST 3400 Airport/SBDC: Sasha King Academic Affairs: Sharon Thomas Accounts Payable: Admissions & Records: Esau Tovar African American Center: Sherri Bradford Athletics: Sandra Hernandez Auxiliary Services: Ofelia Meza Bundy: Beverly Redd-Walker Business Department: Peter Murray Campus Police Office: Jennifer Jones Campus Store: Jaime Recinos Career Services: Vicky Rothman Cashier's Office: Veronica Romo Center for Media & Design: Jamina Russell Community Education: Alice Meyering Counseling Office: Laurie Guglielmo Custodian Time Clock: Anthony Williams Disabled Students Center: Nathalie Laille Early Childhood Ed.: L. Manson Emeritus College: V. Rankin-Scales English Dept.: Martha Hall EOP&S: Nick Mata ESL Office: Jocelyn Alex Events Office: Yesenia Penate Faculty Association: Peter Morse Financial Aid Office: Stacy Neal Health Sciences: Clarenda Stephens Health Office: Nancy Alfaro HSS: Carolyn Baugh Institutional Research: International Education Center: Ana Jara KCRW: Latino Center: Maria Martinez Madison: Gail Johnson Maintenance/Operations: Anisha Fullard Math Village: Kristina Fukuda Media Center: L. Nakamura Modern Language: Travis Grant Music: Lori Geller Outreach & Recruitment: Will Taylor Payroll: Ian Fraser Science: Ingrid Cardwell Student Life: Amelia Trejo Superintendent/Presidents Office: L. Kilian STEM: Vanan Yahnian Theater Arts: Judy Louff W& ED/Bundy: Tricia Ramos</p>	<p>ADMINISTRATORS and MANAGERS Emeritus: Scott Silverman Facilities: Dennis Biddle HR: Tre'Shawn Hall-Baker Info Tech: Marc Drescher IEC: N. Pressian Instructional Technology: Maintenance: Devin Starnes Terry Kamibayashi Operations: Anthony Barlow Derrick Davis Felicia Hudson Robert Villanueva Receiving: Lisa Davis Supplemental Instruction: Wendi DeMorst</p>	<p>PRESIDENT/SUPERINTENDENT and SENIOR STAFF Superintendent/President: Kathryn Jeffery Executive VP: VP Academic Affairs: Jennifer Merlic VP Business/Admin: Chris Bonvenuto VP Enroll. Services: T. Rodriguez VP Human Resources: Sherri Lee-Lewis VP Student Affairs: M. Tuitasi Senior Director Government Relations & Institutional Communications: Don Girard Community Relations: Kiersten Elliott Public Information: Grace Smith</p> <p>PUBLIC POSTING LOCATIONS 2714 Pico: exterior display box Online: www.smc.edu</p> <p>EMPLOYEE ORGANIZATIONS CSEA Labor Rep.: Jessica Gonzalez CSEA Chapter Pres.: Mike Roberts CSEA Chapter 1st V.P.: Kennisha Green CSEA Chapter 2nd V.P.: Cindy Ordaz CSEA Chief Job Steward: Lee Peterson CSEA Corresponding Secretary: Kristina Fukuda CSEA Recording Secretary: Judith Mosher SMC POA President: – Officer Cadena Mgmt Assoc: Susan Fila</p> <p style="text-align: right;">Revised 12/2/2020</p> <p>IF YOU NEED AN ACCOMMODATION Written requests for disability-related modifications or accommodations that are needed in order to participate in the Commission meeting are to be directed to the Personnel Commission Office as soon in advance of the meeting as possible.</p>
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PUBLIC PARTICIPATION FOR VIRTUAL MEETINGS

During the COVID-19 (Coronavirus) Global Pandemic, the MRAC will be conducting virtual public meetings using Zoom. Virtual meetings have been authorized by Executive Order N-25-20 issued by Governor Gavin Newsom and dated March 12, 2020, to reduce and minimize the risk of infection by “limiting attendance at public assemblies, conferences, or other mass events.” Zoom meetings will ensure public participation while at the same time complying with the Governor’s Stay at Home executive order and Los Angeles County’s Safer at Home order.

Members of the public may address the Committee and public participation can occur in one of two ways. Members of the public can submit written comments to be read during the public meeting or they may speak during the Zoom meeting.

Individuals wishing to speak or submit written comments to be read at the meeting shall send an email to personnel_commission@smc.edu, by no later than 8:00 a.m. on Wednesday, December 2, 2020. The email should include the following information:

- Name
- Department (optional)
- Topic or Agenda Item # to be addressed
- Comments to be read (if submitting written comments)

Instructions for Speaking to the Commission through Zoom

Speakers may address any specific agenda item, or may provide general comments during the “Public Comments” period. When it is time for the speakers to address the Commission, their name will be called and the microphone on their Zoom account will be activated. A speaker’s Zoom Profile should match their real name to expedite this process. After the comment has been given, the microphone for the speaker’s Zoom profile will be muted.

All public comments will be subject to the general rules set forth below.

1. Five minutes is allotted to each speaker per topic. If there are more than four speakers on any topic or item, the Commission reserves the option of limiting the time for each speaker. A speaker’s time may not be transferred to another speaker.
2. Each speaker is limited to one presentation per specific agenda item before the Commission, and to one presentation per Commission meeting on non-agenda items.
3. Five minutes is allotted to each speaker per topic for general public comments. The speaker must adhere to the topic. Individuals wishing to speak during the Public Comments will be called upon during Public Comments.

Any person who disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting by uttering loud, threatening, or abusive language or engaging in disorderly conduct, shall, at the discretion of the presiding officer or majority of the Committee, be requested to be orderly and silent and/or removed from the meeting.

No action may be taken on items of business not appearing on the agenda.

Reference: Merit Rule 2.2.8

Government Code sections 54954.2, 54954.3, 54957.9

Merit Rules Advisory Committee
Minutes of Regular Meeting, December 2, 2020

PUBLIC SESSION: 10:00 a.m.

I. ORGANIZATIONAL FUNCTIONS

A. Call to Order

B. Roll Call

Committee Members	Present	Absent
Commissioner Lawrence Leone, Chair	X	
Commissioner Barbara Greenstein	X	
Carol Long, Director of Classified Personnel	X	
Tre'Shawn Hall-Baker, Dean of Human Resources	X	
Lee Peterson, Commission Appointee	X	
Joshua Casillas, CSEA	X	
Mohamad Fakh, CSEA	X	
Miguel Reyes, CSEA	X	
Albert Echeverria, Police Officer Association		X

C. Approval of Minutes:

1. October 7, 2020

DISPOSITION BY THE COMMITTEE

MOTION MADE BY: Lee Peterson
SECONDED BY: Barbara Greenstein
AYES: 9
NAYS: 0
ABSTENTIONS: 0

Amendments/Comments

II. PUBLIC COMMENTS (non-actionable comments from those in attendance)

No Comments.

III. MAJOR ITEMS OF BUSINESS

#	ITEM
1	Chapter IX
2	Chapter XII
3	Chapter XIII

The following revisions were made to Chapter 9, Sections 9.5.4 through 9.5.7. These revisions will be sent to the Personnel Commission for a first reading.

9.5.4

Transfer in Lieu of Layoff

A. Authorization

1. Transfer in lieu of layoff may be considered by the District upon passage by the Board of Trustees of a Resolution for Layoff of positions in the classified service due to lack of work or lack of funds.
2. Transfer in lieu of layoff shall only occur for employees who do not have displacement (bumping) rights and will be separated from the classified service as the result of a layoff.
3. Transfer in lieu of layoff may only occur to positions at the same salary range or lower.

B. Eligibility

1. Employees who have gained permanent status are eligible to be considered for transfer in lieu of layoff.
2. Employees with fewer than six months of service in their position are not eligible to be considered for transfer in lieu of layoff.

C. Minimum Qualifications

An employee considered for transfer in lieu of layoff must meet the minimum qualifications of the classification of the position for which ~~he or she~~they are ~~is~~-being considered.

D. Subsequent Probation (Education Code Section 88124)

1. shall ~~shall~~Shall serve a new probationary period in the position into which they transferred before attaining permanency in the classification. In those instances where an employee has already attained permanency in the classification into which he or she is proposing to transfer in lieu of layoff, ~~he or she~~they will not serve another probationary period.
2. Failure to pass the probationary period shall result in dismissal from the position. The employee's name will remain on the reemployment list of the

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position from which ~~he or she~~they ~~was~~-were initially laid off.

3. Successful completion of the probationary period shall mean that the employee is deemed to be in the permanent classified service and will enjoy all the rights, benefits and burdens associated therewith.

E. Salary

Salary placement of an employee who accepts a lateral transfer in lieu of layoff shall be at the same step as the employee's current salary of the lower or equal salary range of the position into which ~~he or she~~they will be transferring. When an employee accepts a voluntary demotion in lieu of layoff, the salary range and step shall be frozen, or Y-Rated, as described in Merit Rule 12.2.13.

F. Seniority (Education Code Section 88127)

Seniority will accrue to persons who are transferred in lieu of layoff in the new classification beginning on the first day of service in the class and as defined in Merit System Rule 13.1.

G. Longevity

Longevity credits earned prior to transfer in lieu of layoff shall be retained.

~~HB.~~ Procedure

1. Within two (2) working days of the passage of the Resolution for Layoff by the Board of Trustees the District Human Resources office will notify the Personnel Commission in writing of vacant positions ineligible to be filled by transfers in lieu of layoff. In the absence of a list of ineligible positions, the Personnel Commission will deem all positions eligible to be considered for transfer in lieu of layoff.
 - a. The Personnel Commission will certify layoff lists to the District within five (5) working days after confirmation of the Resolution for Layoff. These layoff lists will contain the names of persons who could be separated from service as the result of displacement (bumping).

- b. The District Human Resources Office will send the initial notice of layoff to those persons occupying the position identified by the Board of Trustees. This initial notice of layoff shall be given at least ~~45-60~~ calendar days prior to the effective date of the layoff. The Personnel Commission will within the ~~4560~~-day notification, contact all those persons whose names are on a layoff list and advise them they may submit an application for an evaluation of their experience and education for possible transfer ~~in lieu of layoff~~ or voluntary demotion.
2. Determination of whether an employee meets the minimum qualifications of a position to be filled by ~~transfer in lieu of layoff~~ transfer or voluntary demotion shall be done by the Personnel Commission within the ~~4560~~-day notification of layoff period.
 - a. Employees seeking transfer ~~in lieu of layoff or voluntary demotion~~ must submit an ~~Application for Classified Employment~~ online application to the Personnel Commission within five (5) working days of the date of the receipt of the District's initial notification of layoff.
 - b. An employee who meets the minimum qualifications of the vacant position will have ~~his or her~~ their name placed on a transfer ~~in lieu of layoff~~ list, which shall be formally ratified by the Personnel Commission before names are certified to the District.
 - (1) A transfer in lieu of layoff list shall be considered an employment list as defined by Merit System Rule 6.1
 - (2) An employment list established pursuant to the provisions of this rule shall consist of the names of current employees who are eligible for transfer in lieu of layoff into a vacant position without competitive

examination.

- (3) A transfer in lieu of layoff list shall take precedence over all other employment and eligibility list. This

list shall contain the names of all regular classified employees who meet the minimum qualifications for the classification for which the list is established and who, because of lack of work or lack of funds, will be separated from the classified service.

I. Certification

If two or more persons are eligible to transfer to a vacant position, the person with the greatest total seniority in the ~~classification~~-classified service who meets the minimum qualifications of the classification, shall be offered the first ~~transfer in lieu of layoff~~ opportunity. If that person declines the opportunity ~~his or her~~their names shall be removed from the transfer ~~in lieu of layoff~~ list and ~~he or she~~they will be laid off. Upon declination by the first person eligible for transfer in lieu of layoff, the next person with the next greatest total seniority in the classification of the vacancy, will be offered the transfer in lieu of layoff. If the second person declines the opportunity ~~his or her~~their name shall be removed from the transfer in lieu of layoff list and ~~he or she~~they will be laid off. Each subsequent offer made will be made to persons, in seniority order, who meet the minimum qualifications of the vacant position(s) as defined above.

J. A final notice of layoff will be sent by the Personnel Commission to persons who are unable or unwilling to transfer in lieu of layoff

K. Reemployment

Persons who attain permanency in a position into which they transferred in lieu of being laid off will have their names placed on a reemployment list for the classification into which they transferred in the event a subsequent reduction in force (layoff) in that classification due to lack of work or lack of funds. The reemployment list established shall have the same force and effect as any other reemployment list pursuant to Education Code Sections 88117 and 88127 and Merit System Rules 6.1.1 and 13.4.1

PC approved: 7/23/03; presented for revision PC: 5/20/03

9.5.5 ADMINISTRATIVE TRANSFER

Administrative initiated transfers may be made at any time for the good of the service upon approval of the Vice President of Human Resources and the department supervisor(s) affected.

9.5.65

TRANSFER PROCEDURE (-Non Fiscal Crisis)

- A. Transfer opportunities in vacant positions during periods of non-fiscal crisis, which shall be defined as periods when no layoffs are pending as the result of the passage of a Resolution for Layoff by the Board of Trustees shall be announced to employees by a written bulletin which shall be ~~distributed and~~ posted for ten (10) working days at work locations, ~~pursuant to the negotiated Agreement between the District and GSEA.~~
 - B. A permanent employee may ~~request~~ apply for a transfer by submitting an application to the Personnel Commission during the period the transfer opportunity is posted. ~~transfer request to the Personnel Director. A permanent employee may request to be notified of transfer opportunities, which occur during his/her non work recess or leave period(s) by submitting a written request to the Personnel Director. Notification shall be sent by U.S. mail to the last mailing address listed for the employee in the Personnel Commission Office.~~
 - C. The Personnel Director shall certify the names of qualified position transfer applicants to the department supervisor for interview as provided in Rule 6.3.4. The department supervisor shall consider transfer applicants based on specific skills and qualifications, and prior job performance as evidenced by the employee's most recent job performance evaluation. A selection may be made from the transfer applicants, or the department supervisor may request certification from the appropriate eligibility list.
 - D. The department supervisor shall notify the Personnel Director of ~~his/her~~ their decision within three (3) working days after completion of the interviews. An employee
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selected for transfer shall be released within 10 working days after the date of selection, unless otherwise agreed to by the District and the employee ~~all parties~~. The effective date of transfer shall be communicated in writing to the employee and the District ~~all parties~~ by ~~the Personnel~~ the Personnel Director.

- E. A transfer shall not change the employee's range and step placement on the salary schedule, salary increment date, accumulated leave and vacation credit, nor in any other manner adversely affect ~~his/her~~ their rights as provided in law and these rules.

9.5.67

**APPLICATION OF TRANSFER PROCEDURE FOR
BARGAINING UNIT MEMBERS**

- A. Transfers for bargaining unit members shall be made in accordance with these rules and ~~the any applicable provisions of the relevant Article 6 of the collective bargaining agreement between the Santa Monica Community College District and Santa Monica Chapter 36 California School Employees' Association.~~

2020-21 MEETING SCHEDULE FOR THE MERIT RULES ADVISORY COMMITTEE	
July 1, 2020	January 6, 2021
August 5, 2020	February 3, 2021
September 2, 2020	March 3, 2021
October 7, 2020	April 7, 2021
November 4, 2020	May 5, 2021
December 2, 2020	June 2, 2021

IV. MEETING ADJOURNED at 10:55 a.m.

As required by law, the agenda for the Wednesday, December 2, 2020 Regular Meeting of the Santa Monica College Merit Rules Advisory Committee was posted 72 hours in advance of the meeting.

DISPOSITION BY THE COMMITTEE

MOTION MADE BY: TreShawn Hall-Baker
SECONDED BY: Barbara Greenstein
AYES: 9
NAYS: 0
ABSTENTIONS: 0

Amendments/Comments