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California School Employees Association

Advantages of the Merit System

CSEA: Mission Statement

“Improving the lives of our members, students and community.”



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Presenters:

1. *Phi Tran*

- *CSEA Merit System Committee*
- *Ocean View CSEA Chapter 375*
- *Classified Employee*

2. *Michael Breyette*

- *CSEA Senior Labor Relations Representative*
- *San Diego Field Office*
- *Former Classified Employee*



Why we are we here today?

Your chapter reached out to us to:

- 1. Find ways to fix fundamental problems being experienced in the District and to provide additional protection to the membership.*
- 2. Update your Job Descriptions which were last updated 16 years ago. Your work has changed. You are doing more for the same pay.*
- 3. Gain a neutral party to oversee the hiring, promoting and retaining/ firing of classified employees.*



What is the Merit System?

The merit system is a method of personnel management which is designed to promote the efficiency and economy of the workforce and the good of the public by providing for the selection and retention of employees, promotional opportunities, in-service training, and other related matters on the basis of merit, fitness, and the principle of “like pay for like work.”

Personnel commissions are responsible for creating and maintaining an equitable civil service framework for the purpose of recruiting, selecting and advancing employees under conditions of political neutrality, equal opportunity, and competitive merit.

See: Sonoma County Board of Education v. Public Employment Relations Board (1980) 102 Cal.App.3d 689



How The Merit System Works

- *Three Commissioners are appointed: (EC 88065)*
 1. *One Commissioner appointed by the Board of Trustees*
 2. *One Commissioner appointed by CSEA Chapter 167*
 3. *One Commissioner jointly appointed by the other two Commissioners*
- *Requirements to be a Commissioner: (EC 88064)*
 1. *Must be a volunteer from the community, eligible to vote in a NOCCCD Board of Trustees election*
 2. *NOT a NOCCCD employee or CCD/county board member*
 3. *Must be a “known adherent to the principle of the merit system”*
- *Three Commissioners hire one personnel director to oversee classified HR operations. (EC 88084)*



Pro: Commission Independence

The Personnel Commission would be a legal policymaking body independent of the Board of Trustees and NOCCCD.

- *“The personnel director shall be responsible to the commission for carrying out all procedures in the administration of the classified personnel in conformity with this article and the rules of the commission, and shall be free of prejudgment or bias in order to ensure the impartiality of the commission.” (EC 88086)*



Pro: Fair Discipline Process

“Any employee in the permanent classified service who has been suspended, demoted, or dismissed may appeal to the commission within 14 days after receipt of a copy of the written charges by filing a written answer to the charges.” (EC 88124)

Last stop in your current system: The Board of Trustees

One Commissioner is appointed via a vote of the CSEA Chapter at an open meeting.



Pro: Fair Hiring Process

The very reason why the merit system was created in the first place. The Personnel Commission's process ensures all candidates are qualified before they can interview, including classified management.

“All vacancies in the classified service shall be filled pursuant to this article and the rules of the commission, from applicants on eligibility lists which, wherever practicable, as determined by the commission, shall be made up from promotional examinations...” (EC 88091)

No classified employee or classified manager can be hired outside of the commission rules, preventing arbitrary hiring/promotion practices.

No Nepotism!



Pro: Up To Date Job Descriptions

Job descriptions have been outdated in NOCCCD since 2003.

“The commission shall classify all employees and positions within the jurisdiction of the governing board of the community college district or of the commission...’To classify’ shall include, but not be limited to, allocating positions to appropriate classes, arranging classes into occupational hierarchies, determining reasonable relationships within occupational hierarchies, and preparing written class specifications.” (EC 88076)

“The board may recommend the minimum educational and work experience requirements for classified positions to the personnel commission. Minimum qualification requirements shall be subject to approval of the commission.” (EC 88095)



Pro: Fair Reclassification Process

Personnel Commissions have the authority to transfer employees to a higher class when they are reclassified and to provide guidelines for the basis of reclassifications:

(a) When all the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for two or more years may be reclassified with their positions by the personnel commission. When a portion of the positions within a class are reclassified to a higher class, an incumbent who has a continuous employment record of two or more years in one or more of the positions being reclassified may be reclassified with his or her position as provided by personnel commission rule.

(b) The basis for a reclassification of the position shall be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities. Determinations as to gradual accretion shall be on the basis of guidelines provided by the personnel commission rules. (EC 88104)



Pro: Employee Input In Process

- *The Personnel Commission has the duty to update job descriptions because of its authority to classify and reclassify positions.*
- *We'll have a say in the changes because no classification or reclassification plan may be adopted by a personnel commission until CSEA and the District have been given reasonable notice of the proposed classifications or reclassifications:*
 - *No position in the classification or reclassification plain which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the commission until the exclusive bargaining representative and the public school employer of the classified employees who would be affected have been given reasonable notice of the proposed classifications or reclassifications. (EC 88104.5)*



Pro: Transparency and Accountability

- *Direct access to decision makers.*
- *Personnel Commission meetings are subject to the Brown Act: all decisions and discussions must be made in public.*
- *All classified HR operations are subject to public review by the Commission.*
- *The Personnel Commission is solely focused on classified HR, making sure we aren't forgotten while other staff make progress.*
- *Commissioners are appointed by the stakeholders, removing a level of politics out of the process.*



Pro: Fair Internal Promotions

Promotions based on experience, not who you know or are related to.

A personnel commission has the authority to determine, for promotional positions, service in class required; minimum qualifications of education, training and experience; and length of service:

All applicants for promotional examinations shall have the required amount of service in classes designated by the commission or meet the minimum qualifications of education, training, experience, and length of service, which shall be determined by the commission to be appropriate for the class for which they have applied. (EC 88272)



Pro: Fair Negotiations

No lowball salaries to start negotiations!

The Personnel Commission establishes the initial salary range for positions but the district must then negotiate over wages:

“...the personnel commission, pursuant to Education Code section 45268, supra, does have the sole statutory authority to set the initial salary ranges. Once established, the District would be under the obligation to negotiate with the Union over wages.”

See: San Lorenzo USD (1982) PERB Dec. 274



Pro: Our Contract is Respected

The Education Code provides that where there is a conflict between the personnel commission rules and the collective bargaining agreement, the rules shall not apply:

...The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation, as defined in Section 3543.2 of the Government Code, and is included in a negotiated agreement between the governing board and that unit. The rules shall be binding upon the governing board, but shall not restrict the authority of the governing board provided pursuant to other sections of this code.

No rule or amendment which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the commission until the exclusive bargaining representative and the public school employer of the classified employees who would be affected have been given reasonable notice of the proposal. (EC 88260)



Pro: Checks and Balances

- *An additional set of eyes on the HR practices of the District*
- *An entire system of support for classified employees, with a focus on hiring, promoting, and retaining the most qualified employees*
- *Specific merit system laws plus the Brown Act prevent the Personnel Commission from acting in a way that is detrimental to classified employees*
- *Terms are not unlimited nor permanent: Commissioners can be removed every 3 years or if they fail to be a “known adherent to the principles of the merit system”*



Classified Protections

No matter what you hear, this isn't about replacing your existing rights, it is about giving you additional protections, as classified.

Your right to file grievances will not go away.

Your right to file a lawsuit will not go away.

You will gain the ability to go to the commission instead of HR for additional assistance only as it relates to classification, reclassification, hiring, and firing.

This why your Chapter is advocating for the Merit System - to be the Neutral party to protect classified employees.



Vote Yes For:

- *A more fair hiring/promotional system for classified employees.*
- *A more fair discipline system for classified employees.*
- *More transparent HR operations.*
- *The ability to update your job description in a more transparent process.*
- *Additional protections when a department suddenly changes managers.*
- *Checks and balances.*





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**VOTE "YES" FOR THE MERIT
SYSTEM ON JULY 18!**