



NORTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

CONS TO MERIT SYSTEM/PERSONNEL COMMISSION STRUCTURE

PRESENTED BY ROBERT SAMMIS
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Evolution of Merit Systems

- ▶ The first Merit System for a school district was established in 1936
- ▶ Today, only 5 out of 73 California community college districts employ the Merit System
- ▶ Long Beach City College was the last CCC to implement a Merit System in 1978

Why Merit Systems are Unnecessary

- ▶ California community colleges already have substantial laws to protect all employees, including:
 - ▶ Title VII of the Civil Rights Act of 1964
 - ▶ California Employment and Housing Act
 - ▶ The Educational Employment Relations Act
 - ▶ California Educational Code
 - ▶ Board Policies and Administrative Procedures
 - ▶ Collective Bargaining Agreement (CBA)

Standardized Testing Has Bias

- The Merit System applicant selection process relies on standardized testing. Most questions come from a state-wide database and are not customized for the department, position, or District.
- Research over many years has shown that many qualified applicants do not test well. Under the Merit System, those applicants will never be placed on an eligibility list.
- Typical Types of Examinations:
 - ▶ Written examination
 - ▶ Practical demonstration skill
 - ▶ Evaluation of training and experience based on application
 - ▶ Evaluation by a qualifications appraisal interview panel

Personnel Commission Rules

The merit system provisions set forth in the Ed Code provide a Personnel Commission with the authority to adopt rules that “pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article.” (Ed Code 88081).

However, a Personnel Commission may not establish any rule that involves an issue that is within the scope of negotiations and is included in a collective bargaining unit. (Ed Code 88080). This serves to protect the integrity of collective bargaining agreements and results in a significant limitation on the authority of personnel commissions.

Personnel Commissions are Expensive

- ▶ Five CCC's currently have Personnel Commissions. Their Commission budgets range from \$600,000 to \$1.3 million per year.
- ▶ All costs for Personnel Commission will come from NOCCCD's general budget. This money will not be available for other use.
- ▶ The Personnel Commission sets its own budget each year
- ▶ Commission budgets typically include: Salary and benefits for 3 Personnel Commissioners, a Director and support staff; legal expenses; as well as operating costs including rent, supplies, consultants, travel, equipment, utilities and housekeeping, advertising, postage, etc.

No Oversight for Commissioners

- ▶ Personnel Commissioners are appointed and serve three year terms
- ▶ The Education Code does not provide for oversight, evaluation, or removal of a Personnel Commissioner
- ▶ This means that if a Commissioner is unfit, they will still serve out their three year term

Common Concerns About Merit Systems/Personnel Commissions

- ▶ The testing pass rates and percentage scores for top three ranks are arbitrarily established
- ▶ Testing often prevents qualified current employees from being hired and promoted
- ▶ Employment exams and eligibility lists do not ensure the best candidate is selected. No consideration is given to time on the job or department dynamics.
- ▶ Interferes with the union's rights and obligations

Common Concerns About Merit Systems/Personnel Commissions

- ▶ Most Personnel Commission rules will not apply to CSEA members
- ▶ A Merit System can have a chilling effect on diversity and inclusion efforts
- ▶ The recruitment and selection process is cumbersome and slow
- ▶ If classified employees want to exit the Merit System for any reason, the District must wait five years to vote to terminate (Ed Code 88138)



Merit System/Personnel Commission is not necessary at NOCCCD

For more information, go to

www.nocccd.edu/merit-system-information



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