

RIO HONDO COMMUNITY COLLEGE DISTRICT PLANNING AND FISCAL COUNCIL MINUTES SPECIAL MEETING

Tuesday, December 6, 2016, 2:30 p.m., Board Room

Members Present: Dr. Joanna Schilling (VPAA & Co Chair), Robert Bethel (Co-Chair and President, AS), Henry Gee (VPSS), Myeshia Armstrong (VPFB), Sheila Lynch (2nd VP, AS), Michelle Bean (Secretary, AS), Katie O'Brien (Parliamentarian), Mike Dighera (ASCCC Rep.), Dr. Adam Wetsman (Past President, AS), Dr. Sergio Guzman (President, RHCFA), Robin Babou (Faculty), Sandra Rivera (CSEA), Dr. Jim Sass (CSEA), Dr. Vann Priest (Mgmt. AA), Dr. Jennifer Fernandez (Mgmt., SS)

Members Absent: Doralí Pichardo-Díaz (1st VP, AS), Jeannie Liu (Faculty), Mark Littrell (Faculty), Lisa Sandoval (CSEA), Andrew Gonzalez (President, ASRHC), Robert Ruiz (ASRHC), Linda Parra (ASRHC)

Staff Members: Reneé Gallegos (Recorder)

I. Call to Order

Robert called the meeting to order at 2:37 pm

- II. **Co-Chair's Report** – Robert reported that we called a special meeting to review an AP to move it forward. You have a hard copy before you that has slight revisions. Some of the changes are grammatical and involved content revision to make it clearer and not repeat the same language.

III. Unfinished Business - BP/AP Review (1 Returning item)

- **AP 7250 Administrators** – Robert went through the edits. The first change is a clarification on Educational Administrators. There is a clarification on Ed Code in part B, grammatical changes in part E. Redundancies have been deleted. Section A defines what an Educational Administrator is, section I is related to Classified Administrators. Classified Administrators have a probationary period that differs from an Educational Administrator. Any discussion?

Jim asked if any Classified Administrator had input on this AP? If not, then he has concerns with this and is not comfortable moving forward.

JoAnna responded that it was not agreed upon to have this AP go to subcommittee as recommended at the last PFC meeting. This AP was changed in 2010, and there was section designated for Educational Administrators and one for Classified Administrators. They were listed in two separate areas and aligned with Ed. Code. That is what sits before us today for review.

Adam clarified that it seems that some of these relate to when the District can terminate an administrator and not pay them for the remainder of the year. Theoretically speaking, if the District issues a March 15th notice on everyone, the exception is for the President and three Vice Presidents who are on a special contract. He wanted to clarify with Jim if he thinks this is correct that the probationary period applies to hiring a Classified Administrator who is in the probationary period and the District can say goodbye, and an Educational Administrator receives a March 15th notice. If an administrator is interim they can be let go at any time. What we are doing is creating legal obligations here. It would be more clear cut to develop a list and name the positions that fall under both categories of Educational Administrators and Classified Administrators.

Katie clarified that Educational Administrators can receive a March 15th notice and classified Administrators can be terminated at any time if cause exists and due process is followed.

JoAnna responded that the designation by STRS and PERS determines which administrator falls into what category. We are talking about a 12-month probationary period and the person has the same rights under California state law. We must follow due process. The point JoAnna made is that every employee is on some type of probationary period. None of the managers have a bargaining unit so there must be a disciplinary approach as would be similar to any other employee. Most administrators are hired on July 1st with the assumption that they are year to year. If they were not working out they would be gone on June 30. The issue here is about payout and how long the employee would be placed on administrative leave.

Sheila noted under item III.F regarding express appointment. For example, is Vann was terminated as the Dean of Math and Science and appointed as the Dean of the Library, when would his new appointment begin? Does he meet minimum qualifications to be the Dean of the Library? This is one of the issues that Senate has with Administrators retreating to other positions or to the classroom and we have no input on it.

Robert responded that this is about termination of the assignment not necessarily the employee.

Jim felt that number six does not apply to Classified Administrators. It is still not clear if Educational Administrators are on a year to year contract

Sandra reported that under Item IV - Classified Supervisors and Managers are broken into two groups. With these duties, the language is clear cut in the scope of work for the manager and the supervisor but in the past, they have crossed over, especially in Facilities.

Robert responded that we can find crossover in other categories and Divisions/Departments. Next semesters we should work on creating a BP.

After a lengthy discussion, the following edits were consensed upon (new recommendations in purple) along with the following items;

- 1.) Recommend the edits to the President as noted in the AP.
- 2.) Have legal counsel review the recommended edits.
- 3.) Have legal counsel clarify what "Permanently employ" means.
- 4.) Develop a list by position of Educational Administrators and Classified Administrator and house in the Governance Manual or another appropriate location.

ADMINISTRATORS

AP No. 7250

Board Reviewed: 4/12/05; 12/12/07 (Formerly BP 7250)

Page 1 of 4

- ▲ I. An administrator is a person employed by the Board **of Trustees** in a supervisory or management position as defined in Educational Code 87002 and Administrators shall be employed in accordance to Education Code Section 72411, or Education Code 72441.5.
- II. Each year, the Board of ~~Trustees~~ in the exercise of its sole discretion, may conduct a review of the number and types of administrator positions required for the operation of the college District. The Board reserves the right to reclassify positions by either increasing or decreasing the classification status and increasing or decreasing the number of administrator personnel as required for the operation of the college District. An administrator shall be subject to reclassification or termination by the Board of ~~Trustees~~ as a result of the annual review above mentioned and the decision of the Board shall be final.
- III. Educational Administrators
- A. Educational administrators are those who are employed in an academic position designed by the governing Board of the District as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services programs of the District.
- B. ~~A person employed in an administrative position that is not part of the classified service~~ An **educational administrator** who has not previously acquired tenure status as a faculty member in the District and who is not under contract in a program or project to perform services conducted under contract with public or private agencies, or in other categorically funded projects of indeterminate duration shall have the right to become a first year probationary faculty member once his or her administrative assignment expires or is terminated, if all of the following criteria apply.
- 1) The ~~administrator~~ **educational administrator** meets the criteria established by the District for minimum qualifications for a faculty position, in accordance with procedures developed and agreed upon jointly by the Superintendent/President or his/her designee and the Academic Senate and approved by the Board. The Board shall also provide the Academic Senate with an opportunity to present its views to the Board before the Board makes a determination and the written record of the decision, including the view of the Academic Senate shall be available for review pursuant to Educational Code 87458. The Board shall rely primarily on the advice and judgment of the Academic Senate to determine that ~~an administrator~~ **The educational administrator** possesses **the** minimum qualifications for employment as a faculty member.

ADMINISTRATORS

AP No. 7250

Board Reviewed: 4/12/05; 12/12/07 (Formerly BP 7250)

Page 2 of 4

- 2) The requirements of Education Code Section 87458 (c) and (d), or any successor statute, are met with respect to prior satisfactory service and *the* reason for termination of the administrative assignment. At the time the Board takes action to notify an administrator ~~the educational administrator~~ of the expiration or termination of his or her administrative assignment, the Board shall state whether the action is taken for cause within the meaning of Education Code Section 87458(d).
- 3) There is an available position for which the administrator possesses minimum qualifications.
- C. Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board upon recommendation by the Superintendent/President. Educational administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Superintendent/President, or as may be specifically established in a contract of employment.
- D. Educational administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, contract, Board ~~these~~ Policies, and Administrative Procedures. ~~adopted by the Superintendent/President.~~
- E. Every educational administrator shall be employed, ~~and all other administrators may be employed~~, by the governing Board of the District by an appointment or contract of up to four years in duration. The ~~Superintendent/~~President and the Vice Presidents shall be employed by a contract.
- F. The Board may, with the consent of the educational administrator concerned, terminate, effective on the next succeeding first day of July, the terms of employment and any contract of employment with the ~~administrator~~ educational administrator, and reemploy the administrator on any terms and conditions as may be mutually agreed upon by the Board and the ~~administrator~~ educational administrator, for a new term to commence on the effective date of the termination of the existing term of employment.
- G. For an ~~administrator~~ educational administrator employed by an appointment or a contract, the term of which is longer than one year, the notice shall be given at least six months in advance of the expiration of the appointment or contract unless the contract or appointment provides otherwise. For every other administrator, notice that the administrator may not be reemployed by appointment or contract in his or her administrative position of the following college year shall be given on or before March 15.

ADMINISTRATORS

<p>AP No. 7250</p>

Board Reviewed: 4/12/05; 12/12/07 (Formerly BP 7250)

Page 3 of 4

IV. Classified Administrators

- ~~A. Classified administrators are either classified supervisors or classified managers who are not employed as educational administrators.~~

Classified administrators are administrators who are not employed as educational administrators. (CCLC)

- 1) Classified administrators ~~supervisors~~ are those classified administrators, regardless of job description, having authority to hire, transfer, suspend, recall, promote, discharge, assign, reward, or discipline other employees, or having the responsibility to assign work to and direct them, adjust their grievances, or effectively recommend such action. Classified ~~managers~~ administrators may have are those classified administrators, regardless of job description, having significant responsibilities for formulating District policies or administering District programs other than the educational programs of the District.

- 2) Every classified administrator shall be employed by the Board by an appointment or contract.

~~B. Classified administrators shall be employed pursuant to appointments or contracts of up to four year.~~

- ~~B. Classified administrators may be employed in the same manner as the other members of the classified service. If a classified administrator is employed as a regular member of the classified service, employment shall be consistent with other provisions of these policies regarding employment of classified employees. (CCLC)~~

- 3) Classified administrators employed by the District, shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board upon recommendation by the Superintendent/President. Classified administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Superintendent/President, or as may be specifically established in a contract of employment.
- 4) Classified administrators ~~employed by the District~~, shall be entitled to vacation leave, sick leave, and other leaves as

ADMINISTRATORS

AP No. 7250

Board Reviewed: 4/12/05; 12/12/07 (Formerly BP 7250)

Page 4 of 4

provided by law, contract, Board Policies, and Administrative Procedures. adopted by the Superintendent/ President.

- 5) ~~The Board may, with the consent of the administrator concerned, terminate, effective on the next succeeding first day of July, the terms of employment and any contract of employment with the administrator, and reemploy the administrator on any terms and conditions as may be mutually agreed upon by the Board and the administrator, for a new term to commence on the effective date of the termination of the existing term of employment.~~
- 6) ~~For an administrator employed by an appointment or a contract, the term of which is longer than one year, the notice shall be given at least six months in advance of the expiration of the appointment or contract unless the contract or appointment provides otherwise. For every other administrator, notice that the administrator may not be reemployed by appointment or contract in his or her administrative position of the following college year shall be given on or before March 15.~~

V. Classified Administrators Probationary Period

- A. The probationary period of all members of the classified administrators shall be the 12 months of actual service which shall be deemed to include days of absence for illness or injury to which the employee is entitled without loss of pay pursuant to the requirements and authority of Section 88013 of the Education Code.**
- B. During the probationary period, any classified administrator who is subject to disciplinary action shall not have a right to a hearing with respect thereto reclassification, demotion or termination. (Ed Code 88013)**
- C. Upon completion of the probationary period by any classified administrator, such person is hereby designated as a permanent employee who shall be subject to disciplinary action only for cause as prescribed in these rules and regulations and subject to reclassification. (Ed Code 88013)**
- VI. In the absence of an express appointment or contract as provided in Education Code Section 72411, every administrator shall serve in his or her administrative assignment at the pleasure of the Board. (Ed Code 72411.5)**
- VII. Source/Reference
EC 72411, 72411.5, 87002, 87457-87460, 88013., & 88012.
 Government Code 3540.1(g) and (m)**

VI. Information Item – No items.

VII. Committee Reports – No reports.

PFC Sub-Committees

- Safety
- Staffing
- IEC
- Program Review
- Facilities
- Equipment & Technology

Other Committees

- Staff Development
- Basic Skills
- SLO
- Online Education (DEC)

VIII. Announcements – JoAnna and Robert thanked everyone for their hard work this semester and wished all a safe and restful holiday.

IX. Public Comment – No public comments were made.

X. Adjournment – Robert adjourned the meeting at 3:25 pm. The next PFC will be held on February 14, 2017, 2:30 – 4:00 p.m., Board Room.