

**SAN MATEO COUNTY OFFICE OF EDUCATION
REGULAR MEETING AGENDA OF THE
PERSONNEL COMMISSION**

Wednesday, August 14, 2024 at 4:00 p.m.

**California Suite
101 Twin Dolphin Drive
Redwood City, CA 94065
Meeting #627**

*The Personnel Commissioners will hold this meeting in person.
However, for those interested in attending remotely, you may register at:*

Join Zoom Meeting
<https://tinyurl.com/perscomm>

Meeting ID: 940 6560 5420

One tap mobile
+17193594580,,940656054#
+12542050468,, 94065605420#

In accordance with Government Code § 54957.5 (b) (1), writings relating to a Personnel Commission meeting agenda item that are distributed to at least a majority of Commissioners less than 72 hours before a noticed meeting, and that are public records not otherwise exempt from disclosure, will be available for inspection at the Personnel Commission Office, 101 Twin Dolphin Drive, Redwood City, CA 94065 during normal business hours. In addition, such writings and documents may be posted on the Personnel Commission's webpage at <https://www.smcoe.org/about/personnel-commission/>

1. Call To Order

2. Roll Call:

- ☐ Commissioner Annette Shreve
- ☐ Commissioner Veronica Palmer
- ☐ Commissioner Karen Schwarz

3. Approval of Agenda – August 14, 2024

4. Approval of Meeting Minutes

- a) July 17, 2024

5. Board of Education/Superintendent Communications

6. Public/Employee Communications

Persons may comment at this time on items not listed on the agenda. The Commissioners will hear such comments but may not discuss nor act upon them unless and until the items appear on a posted agenda. To efficiently accommodate public comment for agenda items, please submit your question or comment online prior to the meeting using the following link:
<https://tinyurl.com/smcoepe>

Once you are acknowledged to speak, please state your name, your affiliation, and speak clearly into the microphone. Only one person may speak at a time.

7. Information & Discussion

- a) Recruitment/Selection Activities and Staffing Report
- b) Personnel Commission Services Executive Director's Report
- c) Personnel Commissioner Vacancy

8. Consent Calendar

- a) Approval of Eligibility Lists

9. Discussion & Action

These items are presented for discussion and action, and were brought forth to the Commission at a previous meeting.

- a) Request to Approve and Adopt Merit Rule 130.1 (C)
- b) Request to Approve and Adopt Merit Rule 200

10. Personnel Commissioners' Report

11. Next Meeting – September 11, 2024 at 4:00 p.m.

12. Adjournment

**San Mateo County Office of Education
Personnel Commission
Agenda Item 7 (a)**

Date: August 14, 2024

To: Members of the Personnel Commission

From: Randy Perez, Executive Director, Personnel Commission Services 

Subject: Recruitment and Selection Update – JULY/AUGUST 2024

Recommendation:

Information item only.

Background:

Personnel Commission Staff presents the attached report for the Personnel Commission Services department's recruitment and selection activities from July 17, 2024 through August 13, 2024.

STAFFING REPORT – CLASSIFIED

July 17, 2024 – August 13, 2024

RECRUITMENT / TESTING IN PROGRESS – POSITIONS OPEN

Position	Division/ Department	Replacing	Date Opened	Date Closed	Written/ Perf Exam	Oral Exam	Cert List Date
Fingerprint Assistant	SUPT/HR	New Position	08/02/2024	08/19/2024	08/21/2024	08/28/2024	TBD
Supervisor, Information System, DBS	BSD/DBS	New Position	08/01/2024	08/16/2024	N/A	08/23/2024	TBD
Fiscal Services Supervisor	BSD/IBS	New Position	08/01/2024	08/16/2024	N/A	08/22/2024	TBD
Paraeducator, Court/Community Schools (<i>Repost</i>)	ESD/C&C	New Position	07/25/2024	08/15/2024	08/21/2024	08/28/2024	TBD
Executive Director, Equity, Social Justice, & Incl	SUPT/SUPT	Niambi Clay	07/22/2024	08/12/2024	08/14/2024	08/19/2024	TBD
Green Facilities & Operations Analyst	SUPT/ELSI	Annalise Eder	06/25/2024	07/12/2024	N/A	07/17/2024	07/17/2024
Senior Naturalist	ESD/OE	Anna Golos	05/17/2024	06/03/2024	N/A	06/14/2024	06/18/2024
Student Services Specialist	ESD/P3ELS	New Position	05/14/2024	05/29/2024	06/04/2024	06/12/2024	06/12/2024
Paraeducator, Court/Community Schools (<i>Repost</i>)	ESD/C&C	Alicia Galicia	05/10/2024	06/27/2027	N/A	06/26/2027	06/28/2024
Health Care Specialist	ESD/OE	Miguel Salazar	05/07/2024	06/10/2024	N/A	06/24/2024	06/24/2024
School Bus Driver	BSD/TRANS	David Muller	04/24/2024	05/10/2024	05/15/2024	05/22/2024	05/22/2024
Naturalist	ESD/OE	Multiple Positions	04/18/2024	05/03/2024	N/A	05/09/2024	05/09/2024
Itinerant Paraeducator, Special Education	ESD/SPED	Multiple Positions	08/11/2023	<i>Continuous</i>	N/A	06/27/2024	06/28/2024
Paraeducator, Special Education (Substitute)	ESD/SPED	Multiple Positions	08/19/2022	<i>Continuous</i>	TBD	TBD	TBD

SELECTION / TESTING IN PROGRESS – POSITIONS OPEN

Position	Division/ Department	Replacing	Applicants	Met MQ's	Written/PE/ SR Pass	Oral Pass	Eligible Candidates
Fingerprint Assistant	SUPT/HR	New Position	<i>Ongoing</i>				
Supervisor, Information System, DBS	BSD/DBS	New Position	<i>Ongoing</i>				
Fiscal Services Supervisor	BSD/IBS	New Position	<i>Ongoing</i>				
Paraeducator, Court/Community Schools (<i>Repost</i>)	ESD/C&C	New Position	<i>Ongoing</i>				
Executive Director, Equity, Social Justice, & Incl	SUPT/SUPT	Niambi Clay	<i>Ongoing</i>				
Green Facilities & Operations Analyst	SUPT/ELSI	Annalise Eder	18	12	11	7	*7
Senior Naturalist	ESD/OE	Anna Golos	4	4	N/A	3	3
Student Services Specialist	ESD/P3ELS	New Position	15	11	3	2	2
Paraeducator, Court/Community Schools (<i>Repost</i>)	ESD/C&C	Alicia Galicia	9	7	N/A	3	**4
Health Care Specialist	ESD/OE	Miguel Salazar	2	2	N/A	2	2
School Bus Driver	BSD/TRANS	David Muller	4	4	3	3	3
Naturalist	ESD/OE	Multiple Positions	14	13	N/A	12	12
Itinerant Paraeducator, Special Education	ESD/SPED	Multiple Positions	8	6	N/A	3	**4
Paraeducator, Special Education (Substitute)	ESD/SPED	Multiple Positions	4	4	4	N/A	3

*6 Ranks with 7 eligible candidates.

**4 Ranks with 3 eligible candidates + 1 eligible candidate merged from previous list.

STAFFING REPORT – CLASSIFIED

July 17, 2024 – August 13, 2024

CERTIFICATION LISTS

Position	Date Sent	Division/Department
Administrative Assistant III	08/09/2024	ESD – Research & Systems Planning
Green Facilities & Operations Analyst	07/31/2024	SUPT – Environmental Literacy & Sustainability Initiative
Paraeducator, Court/Community Schools	07/23/2024	ESD – Court & Community Schools
Educational Data Analyst	07/23/2024	ESD – Center for Learning Analytics
Itinerant Paraeducator, Special Education	07/22/2024	ESD – Special Education
Green Facilities & Operations Analyst	07/17/2024	ESD – Environmental Literacy & Sustainability Initiative

PROMOTIONS

POSITION FILLED	DIV. / DEPT.	FILLED BY	REPLACING
Senior Naturalist	ESD/OE	Joshua Stacy	Anna Golos
Student Services Specialist	ESD/P3ELS	Ian Johnson	New Position

TRANSFERS

POSITION FILLED	FILLED BY	Fr DIV. / DEPT.	To DIV. / DEPT.	EFFECTIVE DATE
None to report.				

RECLASSIFICATION

NEW POSITION	FORMER POSITION	FILLED BY	EFFECTIVE DATE
None to report.			

NEW EMPLOYEES – REGULAR

POSITION	DIV. / DEPT.	FILLED BY	DATE OF HIRE
Health Care Specialist	ESD/OE	Timothy Daly	08/19/2024
Naturalist	ESD/OE	Owen Mylod-Yee	08/19/2024
Naturalist	ESD/OE	Lillian Tatusko	08/19/2024
Naturalist	ESD/OE	Miriam Urrutia-Zendejas	08/19/2024
School Bus Driver	BSD/FAC	Zina Reese	08/14/2024
Itinerant Paraeducator, Special Education	ESD/SPED	Antonio Canelo	08/14/2024
Itinerant Paraeducator, Special Education	ESD/SPED	Sean Fox	08/14/2024
Itinerant Paraeducator, Special Education	ESD/SPED	Joanna Ricafort	08/14/2024

NEW ASSIGNMENT

POSITION	DIV. / DEPT.	FILLED BY	DATE OF HIRE
None to report.			

STAFFING REPORT – CLASSIFIED

July 17, 2024 – August 13, 2024

RE-EMPLOYMENT FROM LAYOFF

POSITION	DIV. / DEPT.	FILLED BY	DATE OF HIRE
----------	--------------	-----------	--------------

None to report.

REINSTATEMENT

POSITION	DIV. / DEPT.	FILLED BY	DATE OF HIRE
----------	--------------	-----------	--------------

None to report.

NEW EMPLOYEES – LIMITED TERM/PROVISIONAL/SUBSTITUTE

POSITION	DIV. / DEPT.	FILLED BY	DATE OF HIRE
----------	--------------	-----------	--------------

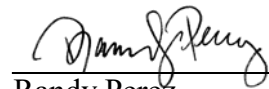
None to report.

SEPARATIONS

POSITION	DIV. / DEPT.	VACATING EMPLOYEE	REMARKS
----------	--------------	-------------------	---------

Administrative Assistant III	ESD/RSP	Alexandra Sheldon	Resignation
Educational Data Analyst	ESD/CLA	Jennifer Pham	Resignation
Paraeducator, Court/Community Schools	ESD/C&C	Alicia Galicia	Retirement

Respectfully Submitted By:



Randy Perez
Ex-Officio Secretary to the Personnel Commission

**San Mateo County Office of Education
Personnel Commission
Agenda Item 7 (c)**

Date: August 14, 2023

To: Members of the Personnel Commission

From: Randy Perez, Executive Director, Personnel Commission Services 

Subject: Forthcoming Personnel Commissioner Vacancy – Joint Appointee

Background:

Pursuant to Education Code section 45246 and Merit Rule 20.2, the Personnel Director is required to notify the appropriate appointing party of the forthcoming Commissioner vacancy by September 1st of each year. Accordingly, I recently sent notification to the appointing authority informing them that Commissioner Annette Shreve's term is expiring on December 1, 2024. The Personnel Commission has until September 30th to submit a nominee for appointment or reappointment to fill the forthcoming Commissioner seat.

No action is required at this time.

**San Mateo County Office of Education
Personnel Commission
Meeting Agenda
Item 9 (a)**

Date: August 14, 2024

To: Members of the Personnel Commission

From: Randy Perez, Executive Director, Personnel Commission Services



Subject: Adoption of Merit Rule 130.1 (C)

Background:

Merit Rule 10.4 states, in part:

B. No rule or amendment shall be adopted by the Commission until employee representative groups for classified employees and administration of the San Mateo County Office of Education have been given reasonable notice of the proposal. (Education Code Section 45260)

C. All proposals to amend, delete, or add to these rules will be presented to the Personnel Commission for a first reading. Proposals to amend, delete, or add rules shall not become final without a second reading, unless a critical emergency exists requiring that the Commission take immediate action to enact or revise a rule.

Revisions made to Merit Rule 130.1 (C) were presented to the Commission in June as a first reading, and then in July as a second reading pursuant to Merit Rule 10.4. Accordingly, this agenda item is presented to the Commission in request to adopt the amended Merit Rule 130.1 (C).

Recommendation:

I request a motion to adopt Merit Rule 130.1 (C) as presented, effective this day, the 14th of August, 2024.

CHAPTER 130

PERFORMANCE EVALUATIONS

130.1 GENERAL POLICY

C. When Evaluations Are To Be Made: All regular classified employees shall be evaluated in writing by their immediate supervisor in accordance with the following schedule:

- 1. Probationary Employees:** Employees serving in a probationary status shall be evaluated at the end of the third month of service and at the end of the fifth month of service. For positions designated as management, performance evaluations shall take place at the end of the fifth and eleventh months of service.
- 2. Permanent Employees:** Employees who hold permanent status shall be evaluated annually on or before their anniversary date, and at any time more than sixty (60) days after an employee is assigned to a new supervisor. Permanent employees in positions designated as management are to be evaluated by June 15th of every fiscal year.

**San Mateo County Office of Education
Personnel Commission
Meeting Agenda
Item 9 (b)**

Date: August 14, 2024

To: Members of the Personnel Commission

From: Randy Perez, Executive Director, Personnel Commission Services



Subject: Adoption of Merit Rule 200

Background:

Merit Rule 10.4 states, in part:

B. No rule or amendment shall be adopted by the Commission until employee representative groups for classified employees and administration of the San Mateo County Office of Education have been given reasonable notice of the proposal. (Education Code Section 45260)

C. All proposals to amend, delete, or add to these rules will be presented to the Personnel Commission for a first reading. Proposals to amend, delete, or add rules shall not become final without a second reading, unless a critical emergency exists requiring that the Commission take immediate action to enact or revise a rule.

Revisions made to Merit Rule 200 were presented to the Commission in June as a first reading, and then in July as a second reading pursuant to Merit Rule 10.4. Accordingly, this agenda item is presented to the Commission in request to adopt the amended Merit Rule 200.

Recommendation:

I request a motion to adopt Merit Rule 200 as presented, effective this day, the 14th of August, 2024.

CHAPTER 200

LAYOFF AND REEMPLOYMENT PROCEDURES

200.1 DEFINITIONS

Bumping Rights: The right of an employee, under certain conditions, to displace an employee with less seniority in a class.

Employee: An employee, for the purpose of this article, is a person who has gained permanency in the classified service.

Layoff: A layoff is a separation from the classified service for lack of work and/or lack of funds.

Reemployment List: A reemployment list, for the purpose of this article, is a list of names in rank order of seniority, of persons who have been laid off from permanent positions by reason of lack of work and/or lack of funds, or who have accepted a voluntary demotion in lieu of layoff. Employees who are laid off are eligible for reemployment without examination in the former class or classes within a period of thirty-nine (39) months following the date of layoff. In certain specific cases of voluntary demotion in classification or reduction in assigned time in lieu of layoff, the period of reemployment is extended by an additional 24 months.

Seniority: Seniority for employees hired after July 1, 1971, shall be all hours in paid status while working in their present classification, plus higher classifications, but excluding overtime. The Superintendent may enter into an agreement with the bargaining unit(s) that defines "length of service" to mean the initial hire date into a regular position as a probationary employee.

Voluntary Demotion: A voluntary demotion is an employee consent to a reduction of hours or to an assignment in a lower classification in lieu of layoff.

Education Code: 45308

200.2 LAYOFF PROCEDURES

- A. **Reason and Order of Layoff:** Classified employees shall be subject to layoff only for lack of work or lack of funds. When it becomes necessary to lay off a classified employee due to the elimination of a classified position, the order of

layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class (including time earned as a regular employee in higher classes), shall be laid off first. Reemployment shall be in the reverse order of layoff.

Education Code 45308

- B. Reemployment List:** The names of employees who are laid off, or who accept a voluntary demotion in lieu of layoff, shall be placed on a reemployment list for the class from which they were laid off. Names on the reemployment list shall be in relative order of seniority.

Education Code Section 45308

- C. Seniority Computation:** As provided in Education Code Section 45308, "length of service" shall mean hire date as a regular employee. An employee's seniority hire date shall be established for paid time served beginning in a regular status in each classification in which (s)he serves. "Length of service" means all time in paid status including paid holidays, paid leave, or school recess periods. No seniority shall be earned during unpaid periods of separation from service with the County Office. An employee's hire date shall not be interpreted to mean any service performed prior to entering into a probationary status in the classified service, or service performed by permanent employees in temporary assignments outside the employee's regular classification.

Education Code Section 45117 and 45308

- D. Layoff Notice:** On or before March 15th, the Superintendent, or designee, shall provide classified employees with written notice of their layoff due to lack of work or lack of funds. Such notice shall include: 1) a statement indicating that the employee's services will not be required for the subsequent fiscal year, the reason their services will not be required, and information regarding the employee's displacement and reemployment rights, 2) a copy of the layoff resolution, 3) a request for hearing form and 4) relevant Education Code sections. All decisions regarding the elimination of classified positions (except those pertaining to Personnel Commission staff), procedural requirements and layoff appeal hearing rights are pursuant to Education Code section 45117, and are outside the jurisdictional ground possessed by the Personnel Commission. After hearing proceedings have concluded, final notice of layoff to impacted classified employees must be served before May 15th. If a permanent classified employee is not given the notice of layoff and right to a hearing as provided for in Education Code section 45117, the employee shall be deemed reemployed for the ensuing school year.

1. Specially Funded Positions:

The Superintendent shall give classified employees in positions within specially funded programs due to be eliminated at the end of a school year, written notice of layoff on or before April 29th. If the termination date of any specially funded program is other than June 30, the notice shall be given not less than 60 days prior to the effective date of layoff. The written notice shall include: 1) the reason for the layoff, any displacement rights afforded the impacted employee(s), and reemployment rights, 2) the layoff resolution, and 3) relevant Education Code sections. Employees laid off due to the expiration of specially funded programs are not afforded the right to an appeal hearing.

Education Code Section 45117

E. Procedure After Layoff: An employee whose position is eliminated shall first be placed in a vacant position with equal assigned time in the same class as the employee's former position.

1. If the employee's former position is less than full time, and no vacancy exists in the class with equal assigned time, the employee shall be placed in a vacant position that has additional assigned time in the same class as the employee's former position.

Education code 45308

F. Bumping Rights: If no vacancy exists in the class with equal or additional assigned time, an employee who is laid off from a class shall have the right to bump the least senior employee in the same class, or in a previously held equal or lower class in which they attained permanency. The following bumping priority shall apply:

1. The employee will be allowed to bump into a position providing an equal assignment in the same class when compared to the employee's former position, and which is held by the least senior employee.
2. If employee's former position is less than full time and a position with equal assigned time is unavailable, the employee will be allowed to bump into a position providing additional assigned time in the same class as the employee's former position, and which is held by the least senior employee.
3. If the previous options are unavailable, the employee will be allowed to bump into a position in the same class with less assigned time that is closest to the employee's former assigned time, and which is held by the least

senior employee. As an alternative, the employee shall have the option of bumping into an equal (1st option) or lower (2nd option) formerly held class in which the employee has achieved permanent status, and which is held by the least senior employee.

4. The employee will repeat the sequence of options outlined in this rule for the equal position first. If no alternative is available in the equal class, the employee will repeat the sequence of options for the lower class.

Education Code Sections 45260, 45261, 45308

- G. Voluntary Demotion or Transfer:** An employee whose position is eliminated (despite bumping rights) may accept a voluntary demotion to a vacant position in a lower related class not previously held by the employee, or may request transfer to a vacant position in an equal class not previously held by the employee, provided the employee is qualified to perform the duties of the job. Voluntary demotion or transfer as described herein is contingent on agreement by the appointing authority and approval of the Personnel Commission.

Education Code Sections 45260, 45261, 45308

- H. Layoff Versus Temporary Positions:** A classified employee may not be laid off if a short-term employee (Substitute or Limited Term employee) is retained to render service in a position of the same class or in a class that the employee is qualified to render, except in circumstances where a short-term employee was hired to render service for a period not exceeding 60 days after which the short-term service may not be extended or renewed.

Education Code Section 45117

- I. Acceptance of Substitute or Temporary Employment:** An employee who has been laid off and who is on a reemployment list may be employed as a substitute or temporary employee in his/her original class or any other class for which qualified, and such employment shall in no way jeopardize or otherwise affect his/her status or eligibility for reemployment.

Education Code Sections 45260, 45261

- J. Refusal of Temporary Employment:** Refusal of an offer of limited term employment shall not affect the standing of any employee on a reemployment list.
- K. Probationary Employees:** The County Office may release employees in probationary status without cause. However, if an employee in probation will achieve permanency in his/her classification at any time between March 15

and June 30 and his/her position is being eliminated as a consequence of layoff proceedings, the employee must be laid off pursuant to Education Code section 45117. A probationary employee may be released in the event that a more senior employee subject to layoff due to lack of work or lack of funds exercises, or has the ability to exercise, his/her bumping rights over the probationary employee. However, a probationary employee who does not attain permanency between March 15 and June 30 shall not possess the right to an appeal hearing as provided in Education Code section 45117.

Education Code section 45117

200.3 REEMPLOYMENT PROCEDURES

- A. Laid Off Employees Placed on Reemployment List:** The names of employees laid off pursuant to these Rules shall be placed on the reemployment list for the class from which they were laid off. Names on the reemployment list shall be in order of seniority by these Rules.

Education Code Section 45308

- B. Employees with Equal Seniority:** If two or more employees subject to rehire have equal class hire date seniority, then the rehire offer shall be made to the employee with the earliest regular hire date with the County Office.

If the regular hire date is equal, then rehire offer shall be made to the employee with the earliest date of hire with the County Office. If the date of hire is equal, decision shall be made by lot.

Education Code Sections 45260, 45261

- C. Eligible for Reemployment for 39 Months:** An employee laid off because of lack of work or lack of funds shall be eligible for reemployment in the class from which laid off for a period of thirty-nine (39) months and shall be reemployed in preference to new applicants. In addition, the employee shall have the right to participate in promotional examinations within the County Office during the thirty-nine (39) month period.
- 1.** An employee who is reemployed in a new position within a classification in which the employee does not hold permanent status shall serve a probationary period in the new position. An employee who fails to complete the probationary period in the new position shall be returned to the reemployment list for the remainder of the 39-month period, which shall be measured as the time remaining in the 39-month period as of the date of reemployment. However, if the reason for the probationary release would have warranted dismissal for cause pursuant to Chapter 190 of these

Rules had the employee achieve permanent status in the new position, then the employee's name shall be removed from all reemployment and eligibility lists upon the effective date of probationary release. If an employee achieves permanent status in the new position and is released for cause pursuant these Rules, then the employee's name will be removed from all reemployment and eligibility lists.

- D. Eligibility for an Additional 24 Months:** An employee who takes a voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of twenty-four (24) months, provided that the same tests of fitness under which the employee qualified for appointment to the class shall still apply.

Education Code Section 45298

1. An employee who takes a voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in his/her former class or to a position with increased assigned time as vacancies become available within the reemployment eligibility of the employee. If there is a valid reemployment list, the employee shall be ranked on that list in accordance with his/her proper seniority.

Education Code 45298

- E. Retirement in Lieu of Layoff:** An employee who is laid off and elects retirement from the Public Employees' Retirement System (PERS) shall be placed on a reemployment list. The County Office shall notify PERS that retirement was due to layoff. Should the employee subsequently accept, in writing, reemployment, the County Office shall maintain the vacancy until PERS has properly processed the request for reinstatement from retirement.
- F. Response to Offer of Reemployment:** An employee shall have seven (7) working days after receipt of an offer to accept reemployment.
- G. Right of Refusal:** An employee on a reemployment list may decline three (3) offers of reemployment in his/her former classification. After the third refusal no additional offers need to be made and his/her name shall be removed from the reemployment list.