



## President's Cabinet Action Notes

Bill Scroggins, *President & CEO* • Irene Malmgren, *VP of Instruction* • Audrey Yamagata-Noji, *VP of Student Services*  
Mike Gregoryk, *VP of Administrative Services* • James Czaja, *VP of Human Resources*



**September 29, 2015**

Vic Belinski substituted for Mike Gregoryk who was on vacation.  
No Cabinet meeting will be held on October 6<sup>th</sup>.

1. Cabinet discussed claiming FTES apportionment for tutoring and supplemental instruction. [Attached](#) are several relevant regulations. Two standards in Title 5 §58170 were addressed.
  - The highlighted section of §58170(h) states, "The district shall not claim state apportionment for tutoring services for which it is being paid from state categorical funds." However, this section needs to be read in context with §58050(a)(4), "The district may not receive *full compensation* for the direct education costs for the course from any public or private agency...." (emphasis added). So Mt. SAC will claim FTES apportionment for tutoring since the full cost of that tutoring is not paid by categorical funds.
  - The highlighted section of §58170(e) states that tutoring must be based on "referral by a counselor or an instructor on the basis of an identified learning need." The primary means by which the college identifies learning needs is through assessment. Assessment results are a basis for counselor-developed education plans that include English, ESL, and Math classes to address those learning needs as well as the basis for referring students to tutoring classes. Thus the Mt. SAC way of meeting §58170(e) is to establish the learning need through assessments and to refer students to tutoring through working with counselors during education plan development thus meeting the requirement for claiming FTES apportionment. Supplemental Learning Assistance is covered in §58172. The college meets the standards for claiming FTES apportionment by offering supplemental instruction in open entry/open exit noncredit format in compliance with §58164 and by having the noncredit courses "identify the other course or courses that it supports and the specific learning objectives to be addressed and the educational competencies students are to achieve."
2. Bill shared a PowerPoint ([attached](#)) on the Adult Education Block Grants. The PowerPoint was presented at the Board of Governor's meeting last Monday. Several key points about the Adult Ed Block Grants are summarized in the document:
  - Adult Ed continues to be a joint responsibility of the California Department of Education and the Community College Chancellor's Office.
  - \$500 M in ongoing funding provided K-12 with \$337 M and Consortia with \$163 M for 2015-16. All of the \$500 M will be distributed through Consortia beginning in 2016-17.
  - \$25 M in one-time money will build mechanisms for assessment and accountability.
  - The two basic measurements of effectiveness for use of the funds are number of adults served and number of adults with six specific outcomes as listed in the PowerPoint.
  - The consortia fiscal agents were determined locally: 44 are CC Districts, 13 are K-12 Districts, 2 are County Office of Ed, 7 did not form Consortia but have funds direct to Districts, and 5 are still undecided. Mt. SAC is the fiscal agent for our Adult Ed Consortium: \$3.3 M.A Summit was held last Thursday and Friday with Mt. SAC's Madelyn Arballo, Dean of Continuing Education, attending. Irene shared Madelyn's update from the Summit.

3. Cabinet discussed the importance of settling personnel matters at the informal level. It was recommended that the menu of HR manager training include recognizing potential personnel issues before they get critical and how to have informal discussions to address potential personnel issues.
4. Cabinet was joined by Karen Saldana, Director of Safety, Health Benefits & Risk Management, and Melonee Cruse, Environmental Safety and Emergency Services Manager. Melonee provided a summary ([attached](#)) of the recent evacuation and triage drill at the Child Development Center. Karen reviewed the Emergency Operations Center Training Schedule ([attached](#)) and explained the requirements for manager training through the courses available on-line ([attached](#)). She reviewed the status of training compliant with the NIMS protocol and explained next steps in the training.
5. Cabinet discussed providing ergonomic furniture and equipment to employees. There are two situations for which the college would consider funding such needs.

- Reasonable accommodation for a medically certified condition could involve providing the employee with an ergonomic chair, for example. According to the Equal Employment Opportunity Commission which enforces not only the Americans with Disabilities Act (ADA) and the 2009 ADA amendments, but also the ADA's predecessor, the Rehabilitation Act of 1973, when an employee asks for an ergonomic accommodation, the employer has the right to ask for medical documentation—which is Mt. SAC's practice. This is detailed in the EEOC's [Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees](#).
- For several years, California has had regulatory standards for ergonomics in the workplace designed to minimize instances of repetitive motion injury (RMI). Specifically, the California Code of Regulations, Title 8, Section 5110 ([attached](#)) requires employers to 1) conduct work site evaluations for exposures which have caused medically verified RMIs, 2) where found, correct or minimize RMI exposures through work station redesign, adjustable fixtures such as an ergonomic chair, or administrative controls such as work pacing, and 3) provide training designed to minimize RMIs.

The Risk Management office in concert with Human Resources has historically provided these evaluations, both for reasonable accommodation requests and for correction of a repetitive motion injury. If the resulting evaluation finds a need for accommodation or corrective action, Risk Management and/or HR will make a recommendation which may include purchasing chairs, ergonomic keyboard trays, etc. Fund 13901 was established several years ago to cover such costs, and access to this fund has been granted to Lorraine Jones, EEO Director, and Karen Saldana, Risk Management Director. The call for funds from this account often exceeds the annual budget, and an augmentation may be needed. Karen Saldana was asked to call together a work group to review this issue. Cabinet identified participants as Mika Klein from Facilities, James Czaja from HR, Susana Andrade from Student Services, and Rosa Royce or a designee from Fiscal.

6. James shared the latest status report ([attached](#)) on hiring positions approved through the Request To Fill process. Bill emphasized that the approval of a Request to Fill form means that the position is ready to post and expressed concern that the spreadsheet shows many holds and delays in getting jobs posted. Cabinet discussed the following situations.

- The Comments section of the attached report reflects that HR has been waiting to discuss positions with hiring managers before posting the jobs. These positions are highlighted in **green** on the attached spreadsheet. The vice presidents will emphasize to hiring managers that submittal of a Request to Fill form indicates that the process has reached the point that HR will be authorized to post the position upon receipt of the form.
- James pointed out that some positions are being held by the hiring manager such that posting of the position is delayed. Bill noted that there are positions on the list for which the hiring manager wishes to change the job description, revisit the funding source, or even hire a different position to meet the staffing need. The positions on HOLD are highlighted in **yellow** on the attached spreadsheet. Circumstances such as these will require the Request to Fill to be withdrawn until the issues are resolved and then have the form resubmitted and reapproved. **HR will return the Request to Fill Form and reopen the search when the revised form is signed and resubmitted.**
- Several positions are in limbo due to a prior unsuccessful search. Hiring managers should be actively seeking input to make decisions about reopening or modifying the position or the search. These are highlighted in **pink**. **HR will actively work with hiring managers to determine a timely course of action in these circumstances. PENDING REOPENING will be a separate category on the weekly Request to Fill Status Report.**

7. Items for future agendas (items for the **next** Cabinet meeting are shown in **BOLD**):

- Dual Enrollment Offerings at Local High Schools (Irene & Audrey, 11/17)
- Staffing Work Experience (Irene & Audrey, 11/17)
- New Resource Allocations, Phase 3 (**All, 10/13**)
- Text messaging (Mike, Yen & Vic, 10/20)
- BP & AP 3700—Social Media (Audrey & Irene, 10/27)
- EV Charging Stations (Mike, 10/20)
- Follow Up on Ergonomic Accommodations (Mike & James, 11/3)

8. Quarterly Reports to Cabinet

- Emergency Response Plan Implementation (Karen Saldana, 1/10)
- Classroom Utilization Project (Mike & Irene, 11/10)
- Faculty Position Control Report (Irene, 11/17)
- Timely Employee Evaluations & Quarterly Cabinet Review (All, 12/8)
- Construction Project/Scheduled Maintenance Quarterly Report (Mike & Gary, 12/1)
- IT Projects Quarterly Report (Mike & Vic, 12/1)