

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION MEETING
Wednesday, February 24, 2021 – 12:30 p.m.

Via Teleconference:
<https://laccd.zoom.us/j/5603717342>

Dial by your location
+1 669 900 6833 US (San Jose)
Meeting ID: 560 371 7342

ORDER OF BUSINESS-CLOSED SESSION MEETING

- I. Roll Call
- II. Requests to Address the Personnel Commission on Closed Session Matters
- III. Convene in Closed Session
 - a. To Discuss Public Employment
Pursuant to Government Code Section 54957
 - b. Conference with Legal Counsel-Anticipated Litigation
Pursuant to Government Code Section 54957(b)(1)
- IV. Report of Action taken in Closed Session
- V. Adjourn

NEXT PERSONNEL COMMISSION MEETING:

Wednesday, March 10, 2021
Closed Meeting 12:30 p.m.
Open Meeting 1:00 p.m.
Via Teleconference

In compliance with Government Code Section 54957.5 (b), documents made available to the Personnel Commission after posting of the agenda that relate to an upcoming public session item will be made available by posting on the District's official bulletin board located in the lobby of the Educational Services Center located at 770 Wilshire Boulevard, Los Angeles, California 90017. Members of the public wishing to view the material will need to make their own parking arrangements at another location.

If requested, the agenda shall be made available in appropriate alternate formats to persons with a disability, as required by Section 202 of the American with Disability Act of 1990 (42 U.S.C. Section 12132), and the rules and regulations adopted in implementation thereof.

To make a request for disability-related modification or accommodation, including auxiliary aids or services, please contact the Personnel Commission Office at PersComm@laccd.edu no later than 12 p.m. (noon) on the Monday prior to the Personnel Commission meeting.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION MEETING
Wednesday, February 24, 2021 – 1:00 p.m.
Via Teleconference:
<https://laccd.zoom.us/j/5603717342>
Dial by your location
+1 669 900 6833 US (San Jose)
Meeting ID: 560 371 7342

ORDER OF BUSINESS – OPEN MEETING

- I. Convene Regular Meeting
- II. Report of Actions Taken in Closed Session
- III. Review and Approve the Minutes of the Closed and Open Meetings of February 10, 2021
- IV. Miscellaneous Personnel Commission Activities and Announcements
 - a. Classified Employment Opportunities Bulletin
- V. Revision to Personnel Commission Rule 513, HEARINGS AND INVESTIGATIONS (Final Approval) (Case 3925)
- VI. Reissue of Personnel Commission Rule 595, SALARY DIFFERENTIAL FOR MULTIPLE COLLEGE RESPONSIBILITY (Case 3926)
- VII. Correspondence
- VIII. Notice of Anticipated Items: Establishment of New Technology Support Services Job Classifications, Information Technology Series (Case 3929); Revision to Personnel Commission Rule 667, GENERAL EMPLOYMENT REQUIREMENTS (Tentative Approval); Revision to Personnel Commission Rule 578, SALARY STEP ADVANCEMENT WITHIN CLASS FOR REGULAR EMPLOYEES (Tentative Approval); Revision to Personnel Commission Rule 591, SALARY ALLOCATION AT RECLASSIFICATION OR REALLOCATION (Tentative Approval)
- IX. Hear Non-Agenda Speakers/Open Forum
- X. Reconvene into Closed Session
- XI. Reconvene into Open Session
- XII. Report of Actions Taken in Closed Session
- XIII. Adjourn

NEXT PERSONNEL COMMISSION MEETING:

Wednesday, March 10, 2021

Closed Meeting 12:30 p.m.

Open Meeting 1:00 p.m.

Via Teleconference

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**LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION
Wednesday, February 10, 2021 – 12:30 p.m.**

Via Teleconference:
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+1 669 900 6833 US (San Jose)
Meeting ID: 560 371 7342

MINUTES OF THE REGULAR MEETING – CLOSED SESSION

Present: Commissioners:
David Iwata, Chair
Diva Sanchez Trevino

Staff: Ronald Delahoussaye, Personnel Director

- I.** Roll Call
- II.** Requests to Address the Personnel Commission on Closed Session Matters - None
- III.** Convene in Closed Session
- a.** To Discuss Public Employment
Pursuant to Government Code Section 54957
- b.** Conference with Legal Counsel – Anticipated Litigation
Pursuant to Government Code Section 54957(b)(1)
- IV.** Report Out Actions Taken in Closed Session - Mr. Iwata reported that no action was taken in closed session.
- V.** Correspondence – No correspondence was received.
- VI.** Adjourn – The meeting adjourned at 1:01 p.m.

This is to certify that these are the full and correct minutes of the Closed Session meeting of the Personnel Commission of the Los Angeles Community College District.

Date

David Iwata, Chair

**LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION**

Wednesday, February 10, 2021 – 1:00 p.m.

Via Teleconference:

<https://laccd.zoom.us/j/5603717342>

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 560 371 7342

MINUTES OF THE OPEN MEETING

Present: Commissioners:
David Iwata, Chair
Diva Sanchez Trevino

Staff:
Ronald Delahoussaye, Personnel Director
Ute Severa, Assistant Personnel Director
Neely Miller, Executive Assistant (Confidential)
Ryan Pennock, Personnel Analyst
Deborah Tsai, Assistant Personnel Analyst
Patrick Sung, Assistant Personnel Analyst

Guests:
Cheryl Stephens, Administrative Analyst, Human Resources, Educational Services Center
Karen Martin, Personnel Director Emeritus
Abraham Horowitz, AFT 1521A
Hazel Joy Alonzo, AFT 1521A
Troy Pierce, AFT 1521A
Jo-Ann Haywood, AFT 1521A
Suleman Ishaque, President, AFT 1521A

- I. The Chair convened the regular meeting at 1:01 p.m.
- II. **Report of Actions Taken in Closed Session** – Mr. Iwata reported that the Personnel Commission took no action during closed session.
- III. **Review and Approve the Minutes of the Closed and Open Meetings of January 27, 2021** - Upon motion by Ms. Sanchez Trevino and concurred with by the Chair, the Personnel Commission approved the minutes for the January 27, 2021 open and closed meetings of the Personnel Commission.

IV. Miscellaneous Personnel Commission Activities and Announcements

- a. Classified Employment Opportunities Bulletin**
- b. Strictly Classified Employee Bulletin**

Upon motion by Ms. Sanchez Trevino and concurred with by the Chair, the Personnel Commission received the Classified Employment Opportunities Bulletin and the Strictly Classified Employee Bulletin.

- V. Resolution for the Appointment of a New Personnel Commissioner -** Upon motion by Ms. Sanchez Trevino and concurred with by the Chair, the Personnel Commission approved the resolution noted above, as presented by the Personnel Director.

- VI. Revision to Personnel Commission Rule 513, HEARINGS AND INVESTIGATIONS (Tentative Approval) (Case 3925) -** Upon motion by Ms. Sanchez Trevino and concurred with by the Chair, the Personnel Commission granted tentative approval to the revisions to the Personnel Commission rule noted above, as presented.

- VII. Revision to Personnel Commission Rule 586, PAY DIFFERENTIAL FOR NIGHT WORK (Final Approval) (Case 3923) -** Upon motion by Ms. Sanchez Trevino and concurred with by the Chair, the Personnel Commission granted tentative approval to the revisions to the Personnel Commission rule noted above, as presented.

- VIII. Salary Reallocation for the Class of Instructional Assistant, Nursing, Instructional Assistance Group, Instructional Services series (Case 3921) -** Upon motion by Ms. Sanchez Trevino and concurred with by the Chair, the Personnel Commission approved the salary reallocation noted above, as presented.

- IX. Correspondence –** No correspondence was received.

- X. Notice of Anticipated Items –** Upon motion by Ms. Sanchez Trevino and concurred with by the Chair, the Personnel Commission acknowledged notice of anticipated items: Revisions to Personnel Commission Rule 513, HEARINGS AND INVESTIGATIONS (Final Approval); Revision to Personnel Commission Rule 595, SALARY DIFFERENTIAL FOR MULTIPLE COLLEGE RESPONSIBILITY (Tentative Approval)

- XI. Hear Non-Agenda Speakers/Open Forum –** None.

- XII. Reconvene into Closed Session**

- XIII. Reconvene into Open Session**

- XIV. Report of Actions Taken in Closed Session –** Mr. Iwata announced that no decision was made during closed session.

- XV. Adjourn –** The meeting adjourned at 1:15 p.m.

Ronald Delahoussaye, Personnel Director

This is to certify that these are the full and correct minutes of the regular meeting of the Personnel Commission of the Los Angeles Community College District.

Date

David Iwata, Chair

DRAFT

LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ronald Delahoussaye

SUBJECT: Revision to Personnel Commission Rule 513, HEARINGS AND INVESTIGATIONS (Final Approval) (Case 3925)

The review of Personnel Commission Rule 513 was triggered by staff's summary report for the 2020 California legislative bills, which was presented to the Personnel Commission on January 27, 2021.

The proposed amendments to the rule include updates to Education Code Section 88132 in accordance with the recent passing of Assembly Bill 2234. Additionally, paragraph G. was added to include provisions from Education Code Section 88132, including the new provision where the Personnel Commission may find that a conflict of interest exists between the Personnel Commission and the Board of Trustees or district, and therefore may employ its own attorney instead of relying on the General Counsel. Editorial changes have also been made to the rule for consistency purposes.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

513

LAW AND RULES

May 24, 2016 February 24, 2021

513 HEARINGS AND INVESTIGATIONS

Education Code Section(s)

~~88130. Powers of Commission in Conducting Hearings, and Inspecting Records of Governing Board.~~ The commission may conduct hearings, subpoena witnesses, require the production of records or information pertinent to investigation, and may administer oaths. It may, at will, inspect any records of the governing board that may be necessary to satisfy itself that the procedures prescribed by the commission have been complied with. Hearings may be held by the commission on any subject to which its authority may extend as described in this article.

~~88131. Hearings and Investigation by Hearing Officer.~~ The commission may authorize a hearing officer or other representative to conduct any hearing or investigation which the commission itself is authorized by this article to conduct. Any such authorized person conducting such hearing or investigation may administer oaths, subpoena and require the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses to be taken in the manner prescribed by law for like depositions in civil cases in the superior court of this state under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure. The commission may instruct such authorized representative to present findings or recommendations. The commission may accept, reject or amend any of the findings or recommendations of the said authorized representative. Any rejection or amendment of findings or recommendations shall be based either on a review of the transcript of the hearing or investigation or upon the results of such supplementary hearing or investigation as the commission may order.

The commission may employ by contract or as professional experts or otherwise any such hearing officers or other representatives and may adopt and amend such rules and procedures as may be necessary to effectuate this section.

~~88132. Counsel for the Commission.~~ (a) Except as provided in subdivision (b), the legal counsel of the governing board shall aid and represent the commission in all legal matters, and if he refuses, if the legal counsel does not respond to a written request by the commission for aid or representation within 15 working days of receipt of the written request, the legal counsel is deemed to have refused to aid or represent the commission in that matter.

(b) (1) The legal counsel shall refuse to represent the commission in circumstances in which the legal counsel knows, or has reason to know, that at the time the request is made a conflict exists between the interests of the commission and the interests of the governing board or the community college district.

(2) Notwithstanding any other provision of this article, a member of the commission may also declare that a conflict exists between the interests of the commission and the interests of the governing board or the community college district. A conflict shall not be found pursuant to this paragraph unless approved by a majority vote of the members of the commission.

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LAW AND RULES

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(c) If the legal or the commission finds that a conflict exists, or if the legal counsel otherwise refuses to aid or represent the commission in a legal matter, the commission may employ its own attorney, and the reasonable cost of the attorney thereof shall constitute a legal charge against the general funds of the community college district.

- A. All requests for investigation of personnel problems related to alleged violations of Merit System law or Personnel Commission rules shall be made in writing and shall include specific pertinent facts.
1. Upon receipt of a request for investigation, the Personnel Director will conduct an investigation which may include reviewing or auditing departmental records, determining departmental and merit system practices, interviewing relevant parties, reviewing related merit system publications, and applying relevant merit system Rules, policies, and procedures.
 2. Every effort shall be made to correct or resolve matters informally. If informal resolution is not possible or the findings require formal action(s), an investigatory report with findings and recommendations will be presented to the Personnel Commission for determination.
 3. A final letter of determination will be sent to all parties.
 4. If the allegations in a request for investigation implicate the Personnel Director, the request shall be referred to the Personnel Commission who shall appoint an independent investigator to perform the duties of the Personnel Director in carrying out the provisions of Paragraph A.1 through 3., above.
- B. The Personnel Commission may appoint a hearing officer to conduct any hearing or investigation which the Personnel Commission is authorized to conduct.
- C. In the conduct of a hearing, the hearing officer may administer oaths, request the issuance of subpoenas, and cause the depositions of witnesses to be taken ~~and may make determination of the need to subpoena witnesses who failed to attend the hearing.~~ The Personnel Director is responsible for assisting the hearing officer in providing staff support in such areas ~~such~~ as: establishing and maintaining a file of pertinent documents related to an employee's appeal; issuing subpoenas; and arranging for hearing facilities.
- D. The hearing officer shall render written findings, conclusions, and the recommendation(s) within 30 calendar days of the termination of a hearing, if

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practicable. The findings, conclusions, and recommendations shall be submitted to the Personnel Commission for adoption, amendment, or rejection. Any rejection or amendment of the findings or recommendations of the hearing officer will be based on a review of the transcript of the hearing or investigation or upon the results of such supplementary hearing or investigation as the Personnel Commission may order.

- E. The decision adopted by the Personnel Commission will specify the corrective action, if applicable, including "back-pay" eligibility, effective date, and any seniority benefits and/or burdens of a permanent employee.
- F. Following the Personnel Commission's decision to adopt, amend, or reject the hearing officer's recommendation(s), a copy of the hearing officer's report of findings and the Personnel Commission's decision will be sent to the employee or his/her designated representative, the aAdministration's representative, and the cCollege pPresident or dDivision hHead involved.
- G. In accordance with the provisions of Education Code Section 88132, the General Counsel of the Board of Trustees shall aid and represent the Personnel Commission in all legal matters, unless the General Counsel or the Personnel Commission finds that a conflict exists, or the General Counsel does not respond to a written request for representation within 15 working days of receipt, in which case the Personnel Commission may employ its own attorney.

LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ronald Delahoussaye

SUBJECT: Reissue Personnel Commission Rule 595, SALARY DIFFERENTIAL FOR MULTIPLE COLLEGE RESPONSIBILITY (Case 3926)

Personnel Commission Rule 595 has been reviewed as part of the Personnel Commission's continuing review and update of Personnel Commission Laws and Rules. No changes have been recommended.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

595

LAW AND RULES

~~March 8, 2016~~ February 24, 2021

595 SALARY DIFFERENTIAL FOR MULTIPLE COLLEGE RESPONSIBILITY

Education Code Sections

~~88080. Power of the personnel commission to prescribe, amend and interpret rules.~~

(a) The commission shall prescribe and, amend, and interpret subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. 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.

(b) 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 community college employer of the classified employees who would be affected have been given reasonable notice of the proposal.

~~88081. Subjects of Rules.~~

(a) The rules shall provide for the procedures to be followed by the governing board as they 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.

(b) With respect to those matters set forth in subdivision (a) which are a subject of negotiation under the provisions of Section 3543.2 of the Government Code, such rules as apply to each bargaining unit shall be in accordance with the negotiated agreement, if any, between the exclusive representative for that unit and the public school employer.

- A. A management employee serving in a class defined by the Personnel Commission as a class with responsibility for directing or administering a function or activity specific to a single college location and who is temporarily assigned the same responsibility for more than one college/location shall be eligible to receive differential compensation which is equal to two steps of 5.5 percent each above the current rate of pay. Satellite or other auxiliary locations assigned to a college or the District Office shall be considered part of that location.
- B. This differential shall be of a temporary nature. Its purpose is to cover the transition period as individual positions are assigned multi-college responsibilities but the multi-college class concept has not been incorporated into the class description and salary allocation for the class.

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- C. The salary differential shall be determined from the salary schedule step placement of the employee after all other types of compensation above the basic salary schedule rate have been removed. After determining the new rate of pay, the other types of compensation shall be added to such new salary rate.
- D. This rule shall have no force and effect upon employees of any collective bargaining unit to the extent that the provisions of this rule are negotiable.
- E. To qualify for the salary differential:
1. The employing college or division shall prepare a Request for Multiple College Responsibility Salary Differential (Form PC 595).
 2. The employing college or division shall forward copies of Form PC 595 to the Personnel Commission for final approval.