

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION MEETING

Wednesday, June 9, 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 54956.9
- IV. Report of Action Taken in Closed Session
- V. Adjourn

NEXT PERSONNEL COMMISSION MEETING:

Wednesday, June 23, 2021

Closed Session 12:30 p.m.

Open Session 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, June 9, 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 May 19, 2021 and the Special Meeting of May 26, 2021
- IV. Miscellaneous Personnel Commission Activities and Announcements
  - a. Classified Employment Opportunities Bulletin
  - b. Strictly Classified Employee Bulletin
- V. Receive Schedule of Personnel Commission Meetings for July – December 2021
- VI. Classification Study: Student Services Assistant, EN 1062139, College Promise Program, East Los Angeles College (Case 3928)
- VII. Classification Study: Assistant Administrative Analyst, EN 1066563, Curriculum and Instructional Support, Educational Services Center (Case 3946)
- VIII. Claims for Temporary Work Out of Classification for EN 790980 (Case 3947)
- IX. Claims for Temporary Work Out of Classification for EN 785506 (Case 3948)
- X. Salary Reallocations for Classes in the Systems and Programming Group, Information Technology Series (Case 3949)
- XI. Temporary Suspension of Certain Sections of Personnel Commission Rules in Light of the Covid-19 Health Crisis (Case 3816-2)
- XII. Revision to Personnel Commission Rule 510, PERSONNEL DIRECTOR AND PERSONNEL COMMISSION EMPLOYEES (Final Approval) (Case 3943)
- XIII. Revision to Personnel Commission Rule 512, ORAL PRESENTATIONS TO THE PERSONNEL COMMISSION (Final Approval) (Case 3944)
- XIV. Reissue Personnel Commission Rule 503, PERSONNEL COMMISSION RULES (Case 3952)
- XV. Revision to Personnel Commission Rule 519, SENIOR ADMINISTRATIVE POSITIONS AND EMPLOYEES (Tentative Approval) (Case 3951)

- XVI. Revision to Personnel Commission Rule 550, TEMPORARY WORK OUT OF CLASSIFICATION (Tentative Approval) (Case 3938)
- XVII. Revision to Personnel Commission Rule 600, REJECTION OF APPLICANTS, CANDIDATES, AND ELIGIBLES (Tentative Approval) (Case 3950)
- XVIII. Correspondence
- XIX. Notice of Anticipated Items: Revision to Personnel Commission Rule 519, SENIOR ADMINISTRATIVE POSITIONS AND EMPLOYEES (Final Approval); Revision to Personnel Commission Rule 550, TEMPORARY WORK OUT OF CLASSIFICATION (Final Approval); Revision to Personnel Commission Rule 600, REJECTION OF APPLICANTS, CANDIDATES, AND ELIGIBLES (Final Approval); Revision to Personnel Commission Rule 635, APPOINTMENTS FROM ELIGIBILITY LISTS (Tentative Approval); Class Description Revisions for: SAP/ERP Manager (CMA), Custodial Supervisor (Local 721), Senior Custodial Supervisor (Local 721)
- XX. Hear Non-Agenda Speakers/Open Forum
- XXI. Reconvene into Closed Session
- XXII. Reconvene into Open Session
- XXIII. Report of Actions Taken in Closed Session
- XXIV. Adjourn

NEXT PERSONNEL COMMISSION MEETING:

Wednesday, June 23, 2021  
Closed Session 12:30 p.m.  
Open Session 1:00 p.m.  
Via Teleconference

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LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

Wednesday, May 19, 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

**MINUTES OF THE REGULAR MEETING – CLOSED SESSION**

Present: Commissioners:  
David Iwata, Chair  
Diva Sanchez Trevino, Vice Chair  
Hope Singer

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 1:02 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, May 19, 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, Vice Chair

Hope Singer

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

Justin L’Hommedieu, Assessment & Selection Analyst

Guests:

Anna Rizhavaskaya, Student Services Aide, Transfer Center, Los Angeles Mission College,  
Carita Hughes, Senior Personnel Assistant, Educational Services Center

Abraham Horowitz, AFT

Troy Pierce, AFT 1521A

Hazel Joy Alonzo, AFT 1521A

Jo-Ann Haywood, AFT 1521A

- I. The Chair convened the regular meeting at 1:00 p.m.
- II. **Report of Actions Taken in Closed Session** – Mr. Iwata reported that the Personnel received the California State Auditor’s report on the Personnel Commission during the closed session meeting on May 14, 2021.
- III. **Review and Approve the Minutes of the Closed and Open Meetings of April 21, 2021 and May 5, 2021** - Upon motion by Ms. Sanchez Trevino, seconded by Ms. Singer, and concurred with by the Chair, the Personnel Commission approved the minutes for the meeting noted above, as presented.

**IV. Miscellaneous Personnel Commission Activities and Announcements**

**a. Classified Employment Opportunities Bulletin**

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

- V. Informative Report on the Results of the Annual Classification Survey (Case 3945)** - Upon motion by Ms. Singer, seconded by Ms. Sanchez Trevino, and concurred with by the Chair, the Personnel Commission granted final approval to Personnel Commission Rule 513, as presented.
- VI. Classification Study: EN 767806, Student Services Aide, Transfer Center, Los Angeles Mission College (Case 3936)** - Upon motion by Ms. Sanchez Trevino, seconded by Ms. Singer, and concurred with by the Chair, the Personnel Commission approved the reclassification noted above, as presented.
- VII. Revision to Personnel Commission Rule 510, PERSONNEL DIRECTOR AND PERSONNEL COMMISSION EMPLOYEES (Tentative Approval) (Case 3943)** - Upon motion by Ms. Sanchez Trevino, seconded by Ms. Singer, and concurred with by the Chair, the Personnel Commission granted tentative approval to the rule noted above, as presented.
- VIII. Revision to Personnel Commission Rule 512, ORAL PRESENTATIONS TO THE PERSONNEL COMMISSION (Tentative Approval) (Case 3944)** - Upon motion by Ms. Sanchez Trevino, seconded by Ms. Singer, and concurred with by the Chair, the Personnel Commission granted tentative approval to the rule noted above, as presented.
- IX. Correspondence** – Mr. Delahoussaye announced that the Personnel Commission had received the California State Auditors report.
- X. Notice of Anticipated Items** – Upon motion by Ms. Sanchez Trevino, seconded by Ms. Singer, and concurred with by the Chair, the Personnel Commission acknowledged notice of anticipated items: Public Meeting of the Personnel Commission Budget for 2021-2022.
- 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 1:23 p.m.

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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.

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Date

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David Iwata, Chair

**LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION  
SPECIAL MEETING  
PUBLIC MEETING OF THE PERSONNEL COMMISSION BUDGET FOR 2021-2022**

**Wednesday, May 26, 2021 – 10:00 a.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 SPECIAL MEETING  
OF THE PERSONNEL COMMISSION BUDGET FOR 2021-2022**

Present: Commissioners:  
David Iwata, Chair  
Hope Singer

Staff: Ronald Delahoussaye, Personnel Director  
Ute Severa, Assistant Personnel Director  
Deborah Tsai, Assistant Personnel Analyst  
Patrick Sung, Assistant Personnel Analyst  
Justin L’Hommedieu, Assessment & Selection Analyst  
Neely Miller, Executive Assistant

Guests: Jo-Ann Haywood, AFT 1521A  
Anna Salazar, Classified Management Association\*

\*Zoom records showed attendance but participant did not attend meeting

- I. **Convene Special Meeting**
- II. **Resolution: In Recognition of Classified School Employees Week** - Upon motion by Ms. Singer, and concurred with by the Chair, the Personnel Commission adopted the resolution in recognition of Classified School Employees Week.
- III. **Discuss Implementation of Budget Allocation**
- IV. **Receive Comments from the Board of Trustees, Chancellor, Administration, Employee Organizations, and the Public** – No Comments were made.
- V. **Adopt Personnel Commission Budget for Fiscal Year 2021-2022** - Upon motion by Ms. Singer, and concurred with by the Chair, the Personnel Commission adopted the Budget for Fiscal Year 2021-2022, as presented.
- VI. **Notice of Anticipated Items:** – Upon motion by Ms. Singer, and concurred with by the Chair, the Personnel Commission acknowledged notice of anticipated items:  
Classification Study: Assistant Administrative Analyst, EN 1066563, Curriculum and



Instructional Support, Educational Services Center (AFT); Classification Study: Student Services Assistant, EN 1062139, College Promise Program, East Los Angeles College (AFT); Claims for Temporary Work Out of Classification for EN 785506 (Local 721); Claims for Temporary Work Out of Classification for EN 790980 (AFT); Revision to Personnel Commission Rule 512, ORAL PRESENTATIONS TO THE PERSONNEL COMMISSION (Final Approval); Revision to Personnel Commission Rule 510, PERSONNEL DIRECTOR AND PERSONNEL COMMISSION EMPLOYEES (Final Approval)

**VII.** Adjourn – The meeting adjourned at 10:17 a.m.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
David Iwata, Chair

DRAFT

**PERSONNEL COMMISSION**  
**Schedule of Meetings -- July - December 2021**

<b>July</b>			
Wednesday	14	Closed	12:30 p.m.
		Open	1:00 p.m.
Wednesday	28	Closed	12:30 p.m. <b>TBD</b>
		Open	1:00 p.m.

<b>August</b>			
Wednesday	11	Closed	12:30p.m.
		Open	1:00p.m.
Monday	25	Closed	12:30p.m. <b>TBD</b>
		Open	1:00p.m.

<b>September</b>			
Wednesday	1	Closed	12:30p.m.
		Open	1:00p.m.
Wednesday	22	Closed	12:30p.m. <b>TBD</b>
		Open	1:00p.m.

<b>October</b>			
Wednesday	6	Closed	12:30p.m.
		Open	1:00p.m.
Wednesday	20	Closed	12:30p.m. <b>TBD</b>
		Open	1:00p.m.

<b>November</b>			
Wednesday	3	Closed	12:30p.m.
		Open	1:00p.m.
Wednesday	17	Closed	12:30p.m. <b>TBD</b>
		Open	1:00p.m.

<b>December</b>			
Wednesday	1	Closed	12:30p.m.
		Open	1:00p.m.
Wednesday	15	Closed	12:30p.m. <b>TBD</b>
		Open	1:00p.m.

## LOS ANGELES COMMUNITY COLLEGE DISTRICT

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ronald Delahoussaye

**SUBJECT:** Classification Study: Student Services Assistant, EN 1062139, College Promise Program, East Los Angeles College (Case 3928)

### **Recommendation:**

It is recommended that the Personnel Commission approve the following reclassification action:

**From:**  
Student Services Assistant  
(\$4413.04 – 5466.98/month)

**To:**  
Student Services Specialist  
(\$5466.98 – 6772.64/month)

**Location:**  
College Promise Program  
East Los Angeles College

**Incumbent:**  
R. Villalobos (EN 1062139)

**Effective Date:** October 12, 2020

### **Bases of Recommendation:**

1. The request to study the employee's position was initiated by the Dean in Student Services, the employee's immediate supervisor. It was requested that the position be reclassified to Student Services Specialist because the employee has been assuming the higher-level responsibilities in the College Promise Program. The college administration was informed of this request.
2. Staff audited the position and found that the employee performs the following primary duties:
  - Provides day-to-day oversight of the College Promise Program, including the supervision of 15 student employees.
  - Plans, organizes, and attends outreach activities for students in the program, such as Welcome Day, Ready, Set, Grow Day (Summer Transition), and MAYA workshops.
  - Establishes program standards and goals, such as increasing the persistence rates of students from Year 1 to Year 2, and evaluates the results.
  - Oversees and participates in the screening of applications and eligibility review of students for the program. Tracks all student information and requirements using a customized Case Management Tool.
  - Gathers and analyzes a variety of data related to the needs of students in the program and develops activities and participant tools based on these analyses.

- Establishes and maintains relationships with schools, the community, and public agencies to promote the program and establish additional resources for the program.
  - Prepares a wide variety of promotional materials and develops and maintains the content for the website, Canvas, and Instagram.
  - Gathers data and prepares reports on College Promise services and enrollment.
3. The classification concept for the employee's current class of Student Services Assistant is based on participation in the development, promotion, coordination, and evaluation process of various student services programs. The classification concept of the recommended class of Student Services Specialist requires an incumbent to develop, promote, implement, coordinate, and evaluate various student services programs including providing program administration with technical and professional expertise, establishing program standards and goals and evaluating results of program, and gathering and analyzing a variety of data related to student needs and background and developing programs based on analyses. After a thorough analysis of the duties assigned to the employee's position, staff found that the employee's position meets the class concept of a Student Services Specialist because the employee is independently responsible for the day-to-day administration of the College Promise Program, establishing program standards and goals to increase student participation and retention in the program and evaluating the results, planning and organizing outreach activities for College Promise students, and overseeing the screening of applications and eligibility review of students for the program.

### **STATUS OF INCUMBENT**

In accordance with the provisions of Personnel Commission Rule 545, CLASSIFICATION STUDIES, R. Villalobos (EN 1062139) must participate in an examination process and place in the top three ranks to be eligible for the reclassified position.

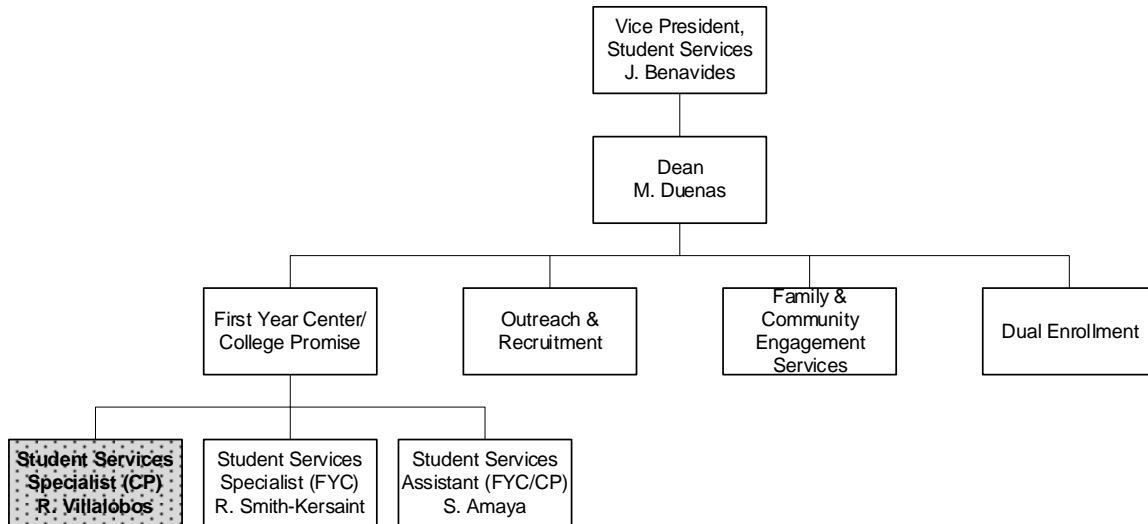
Date of Last Performance Evaluation: June 5, 2020

Classification of position check box was marked "No" by the supervisor and employee.



**LOS ANGELES COMMUNITY COLLEGE  
DISTRICT ORGANIZATIONAL CHART**

**EAST LOS ANGELES COLLEGE  
-First Year Center/College Promise-**



**LOS ANGELES COMMUNITY COLLEGE DISTRICT**

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ronald Delahoussaye

**SUBJECT:** Classification Study: Assistant Administrative Analyst, EN 1066563, Curriculum and Instructional Support, Educational Services Center (Case 3946)

**Recommendation:**

It is recommended that the Personnel Commission approve the following reclassification action:

**From:**

Assistant Administrative Analyst  
(\$5399.67 – 6689.24/month)

**To:**

Administrative Analyst  
(\$6689.24 – 8286.80/month)

**Location:**

Curriculum and Instructional Support  
Educational Services Center

**Incumbent:**

J. Seja (EN 1066563)

**Effective Date:** December 21, 2020

**Bases of Recommendation:**

1. The request to study the employee's position was initiated by the Dean of Curriculum and Instructional Support, the employee's immediate supervisor. He requested that the employee's position be reclassified to Administrative Analyst as a result of new Education Code provisions affecting curriculum and instructional support and the implementation of new technological platforms used for educational programs including the curriculum development program eLumen and the PeopleSoft student information system which requires more complex tasks and greater autonomy of the incumbent. The Administration is in support of this request.
2. Staff audited the position and found that the employee is responsible for performing the following primary duties:
  - Collects, analyzes, and compiles data related to changes in Educational Code provisions related to curriculum and recommends changes to business processes as well as configuration changes to the PeopleSoft student information system to ensure compliance with regulatory changes such as AB 705 and the placement of students in English and mathematics courses.
  - Analyzes curriculum and programs and maps degree audits within the PeopleSoft student information system. This function also involves participating in the testing and validation of new changes and/or system upgrades to the PeopleSoft student information system and performs routine audits to ensure that the system is functioning correctly.
  - Resolves substantive problems and discrepancies in curriculum, program, and student record related data identified from college staff such as the inability of students to enroll in courses requiring pre-requisites. This function involves researching applicable procedures/practices, laws and regulations, and system capabilities; building queries to test and validate curriculum, program, and student record data in the PeopleSoft student

information system environment to identify the cause of errors; and recommending solutions to appropriate District IT staff to implement any necessary student information system changes.

- Serves as the single point of contact for colleges and assists in the coordination of processing curriculum related requests such as new courses, course changes, and new programs. This function includes an initial review of the request, distribution of the requests to college curriculum committees to solicit feedback, and Board item preparation.
  - Creates and modifies transfer credit rules for external and internal colleges within the PeopleSoft student information system.
  - Writes and/or updates instructions, procedures, and manuals associated with curriculum and programs.
  - Attends and participates in information technology committee meetings and workgroups for new technological platforms such as eLumen, as a resource for the department.
  - Provides training and technical assistance to District and college staff and faculty related to the use of specialized computer systems such as the PeopleSoft student information system used for degree audits and the development of education plans within the system.
  - Performs centralized data maintenance support tasks within other technological platforms including CCC MyPath and Cranium Café. This function also involves interfacing with software vendors in order to resolve technical issues identified by college staff.
3. The classification concept for the employee's current classification of Assistant Administrative Analyst is based on performing professional-level staff work of moderate complexity related to the analysis of and solution of problems involving systems and procedures, organization and management, work-flow and distribution, work simplification, and improvement in efficiency in a major administrative division. Employees are continuing to learn skills in preparation for promotion, but are expected to work without continuous review and supervision. The classification concept for the requested class of Administrative Analyst is based on analyzing and devising solutions to complex problems related to the analysis of systems and procedures, organization and management, work-flow and distribution, work simplification, and improvement in efficiency in a major administrative division. Employees in this class work at a journey-level and are expected to work independently and without immediate supervision. After a thorough analysis of the employee's assigned duties, staff found that the duties the employee performs falls within the higher-level class of Administrative Analyst because the employee works independently when analyzing and devising solutions to complex problems related to curriculum and instructional support and the implementation of new technological platforms used for educational programs including the curriculum development program eLumen and the PeopleSoft student information system.

## **STATUS OF INCUMBENT**

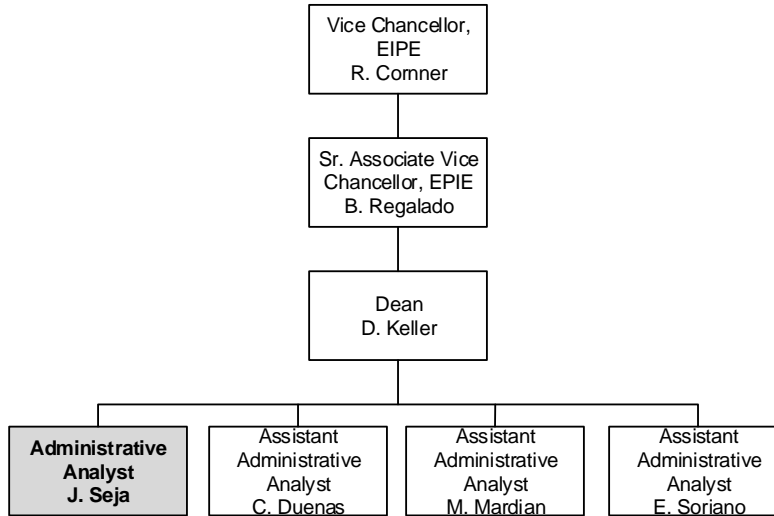
In accordance with the provisions of Personnel Commission Rule 545, CLASSIFICATION STUDIES, J. Seja, EN 1066563, must participate in an examination process and place in the top three ranks to be eligible for the reclassified position.

Date of Last Performance Evaluation: January 18, 2019

Classification of position check box was left blank by the immediate supervisor and marked "yes" by the employee.



**Educational Services Center**  
***Educational Programs and Institutional Effectiveness***  
***– Curriculum and Instructional Support –***





**LOS ANGELES COMMUNITY COLLEGE DISTRICT**

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ronald Delahoussaye

**SUBJECT:** Claims for Temporary Work Out of Classification for EN 790980 (Case 3947)

**Recommendation:**

It is recommended that the Personnel Commission APPROVE payment for duties assigned to EN 790980, as indicated below.

Pay Period	Dates	HRS	DIFFERENTIAL PER HOUR	TOTAL (HRS x PAY)
11.2020	December 4 – December 15, 2020	64	\$2.99	\$191.36
12.2020	December 16 – December 31, 2020	64	\$2.99	\$191.36
13.2020	January 1 – January 15, 2021	80	\$2.99	\$239.2
14.2020	January 16 – January 31, 2021	72	\$2.99	\$215.28
15.2020	February 1 – February 15, 2021	72	\$2.99	\$215.28
16.2020	February 16 – February 28, 2021	72	\$2.99	\$215.28
17.2020	March 1 – March 5, 2021	32	\$2.99	\$95.68
Est. Total		456		\$1,363.44

**Bases of Recommendation:**

1. On December 17, 2020, EN 790980, an Admissions and Records Assistant at Los Angeles Valley College began submitting claims for temporary work out of class and requested that payment be made for additional work performed during the time period of December 4, 2020 to March 5, 2021 during the absence of supervisory staff on the day shift. The claims submitted by the employee were authorized by the college administration.
2. The regular Registrar went on leave from November of 2020 to February of 2021 and the Senior Admissions and Records Office Supervisor was intermittently absent from January of 2020 to the beginning of March 2020. In accordance with Personnel Commission rule 550, Temporary Work Out of Classification, staff notes that the college administration should have hired a substitute admissions supervisor through the customary selection process to appropriately address this staffing issue. Upon receipt of the claims, staff reached out to the applicable administrator requesting that a substitute be hired to provide coverage for the absent supervisory staff; however, the college did not receive the official leave paperwork necessary to move forward with the selection process and therefore asked EN 790980 to assume some lead responsibilities.

In an effort to not adversely impact the employee, staff reviewed the claims to determine if the employee would be owed compensation for the additional work she performed during the absence of the admissions supervisor.

Staff found that during the time periods specified in the report, the employee was assigned responsibilities involving scheduling, overseeing, and participating in operational activities of admissions and records staff on the day shift. After a careful review of the work performed by the employee, staff determined that the work performed by EN 809931 was in a lead capacity and did not rise to the level of an admissions supervisor class because the employee was not assigned the full range of supervisory duties which includes having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees. This responsibility had been assumed by the Dean during the absence of the supervisory staff.

3. Recognizing that the employee was acting in a lead capacity to respond to operational issues pertinent to her assigned area during the time periods specified in the report, staff proposed that an 11% salary differential above the employee's current rate of pay be granted for the additional higher-level responsibilities performed. This represents the typical differential used to recognize lead responsibilities in the classified service.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT**

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ronald Delahoussaye

**SUBJECT:** Claims for Temporary Work Out of Classification for EN 785506 (Case 3948)

**Recommendation:**

It is recommended that the Personnel Commission APPROVE payment for duties assigned to EN 785506, as indicated below.

Pay Period	Dates	HRS	DIFFERENTIAL PER HOUR	TOTAL (HRS x PAY)
10.2020	November 23 – November 30, 2020	32	\$4.59	\$146.88
11.2020	December 4 – December 15, 2020	88	\$4.59	\$403.92
12.2020	December 16 – December 31, 2020	24	\$4.59	\$110.16
13.2020	January 1 – January 15, 2021	48	\$4.59	\$220.32
14.2020	January 16 – January 31, 2021	40	\$4.59	\$183.60
15.2020	February 1 – February 12, 2021	72	\$4.59	\$330.48
Est. Total		304		\$1395.36

**Bases of Recommendation:**

1. On December 17, 2020, EN 785506, a Senior Admissions and Records Office Supervisor at Los Angeles Valley College began submitting claims for temporary work out of class and requested that payment be made for additional work performed during the time period of November 4, 2020 to February 12, 2021 during the absence of the Registrar. The claims submitted by the employee were authorized by the college administration.
2. The regular Registrar went on leave from November of 2020 to February of 2021. In accordance with Personnel Commission rule 550, Temporary Work Out of Classification, staff notes that the college administration should have hired a substitute Registrar through the customary selection process to appropriately address this issue. Upon receipt of the claim forms, staff reached out to the applicable college administrator requesting that a substitute be hired to provide coverage for the employee out on leave; however, the college did not receive the official leave paperwork necessary to move forward with the selection process and distributed some of the work to EN 785506.

In an effort to not adversely impact the employee, staff reviewed the claims to determine if the employee would be owed compensation for the additional work she performed during the absence of the regular employee. Staff found that during the time periods specified in this report, EN 785506 was assigned oversight for additional admissions and records related

areas such as high school relations, international student enrollment and student graduation. After a careful review of the work performed by the employee, staff determined that some of the work performed by EN 785506 was outside the scope of her current class of Senior Admissions and Records Office Supervisor yet did not fully rise to the level of work typically performed by a Registrar such as the preparation and management of the annual budget and policy development.

3. To recognize the additional responsibilities EN 785506 performed for some other programs during the time periods specified in the report, staff proposed that an 11% salary differential above the employee's current rate of pay be granted for the additional work performed outside the scope of the employee's current class. This represents a typical differential used to recognize responsibilities for multiple areas in the classified service.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT**

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ronald Delahoussaye

**SUBJECT:** Salary Reallocations for Classes in the Systems and Programming Group, Information Technology Series (Case 3949)

**Recommendations:**

- I. It is recommended that the Personnel Commission approve the following salary reallocations for the classes in the Systems and Programming Group, Information Technology Series, effective June 9, 2021:

Job Classification	Current Monthly Salary Schedule and Steps	Proposed Monthly Salary Schedule and Steps
Systems and Programming Manager	<u>10192.46</u> \$10,192.46 \$10,753.04 \$11,344.46 \$11,968.41 \$12,626.67	<u>11674.24</u> \$11,674.24 \$12,316.32 \$12,993.72 \$13,708.38 \$14,462.34
Team Leader, Applications Development and Programming	<u>9157.44</u> \$9,157.44 \$9,661.10 \$10,192.46 \$10,753.04 \$11,344.46	<u>10488.75</u> \$10,488.75 \$11,065.63 \$11,674.24 \$12,316.32 \$12,993.72
Senior Applications Developer/Programmer	<u>7392.04</u> \$7,392.04 \$7,798.60 \$8,227.52 \$8,680.04 \$ 9,157.44	<u>8466.69</u> \$8,466.69 \$8,932.36 \$9,423.64 \$9,941.94 \$10,488.74
Applications Developer/Programmer	<u>6641.40</u> \$6,641.40 \$7,006.68 \$7,392.04 \$7,798.60 \$8,227.52	<u>7606.92</u> \$7,606.92 \$8,025.30 \$8,466.69 \$8,932.36 \$9,423.64
Assistant Applications Developer/Programmer	<u>5361.04</u> \$5,361.04 \$5,655.90 \$5,966.98 \$6,295.16 \$6,641.40	<u>6140.43</u> \$6,140.43 \$6,478.15 \$6,834.45 \$7,210.35 \$7,606.92

- II. It is recommended that the Personnel Commission approve the following changes to the salary setting basis and salary allocation for the classes of Database Systems Specialist, effective June 9, 2021.

Job Classification	Salary Setting Basis	Current Monthly Salary Schedule and Steps	Proposed Monthly Salary Schedule and Steps
Database Systems Specialist	4 steps above Applications Developer/Programmer	<u>9157.44</u> \$9,157.44 \$9,661.10 \$10,192.46 \$10,753.04 \$11,344.46	<u>9423.64</u> \$9,423.64 \$9,941.94 \$10,488.75 \$11,065.63 \$11,674.24

- III. It is recommended that the class of Systems and Programming Manager, in the Systems and Programming Group, Information Technology Series, be retitled to Applications and Programming Manager; that the revised class description be adopted; and that the position of Systems and Programming Manager be reclassified for the purpose of title change only to Applications and Programming Manager.

**Bases of Recommendations:**

1. The Vice Chancellor/Chief Information Officer requested that a salary review be conducted on the benchmark class of Applications Developer/Programmer in the Systems and Programming Group to assess the salary rates of programming staff assigned to the PeopleSoft based Student System, which was implemented in October of 2015. This will be the first comprehensive salary review of programmers assigned to work on the PeopleSoft Student System since the implementation of the system and is similar to the salary review that was previously conducted on the counterpart programming staff assigned to the SAP group after the SAP system was implemented in 2005. This salary review will ensure that the District has competitive market rates in place to successfully recruit candidates and retain employees as the District prepares to fill multiple vacancies as a result of the District’s SRP program.
2. Staff conducted the requested salary study for the class of Applications Developer/Programmer by obtaining salary data for a comparable class from the U.S. Department of Labor, Bureau of Labor Statistics, compensation database and from various public agencies that utilize an ERP system within the Greater Los Angeles area. Exhibit A summarizes the findings of the data collection from the public agencies. The salary data produced an average of \$8,835.83 per month at the maximum step.

The U.S. Department of Labor OES Survey, Los Angeles, Glendale, Long Beach, produced the following benchmark: Computer Programmers: “Create, modify, and test the code, forms, and script that allow computer applications to run. Work from specifications drawn up by software developers or other individuals. May assist software developers by analyzing needs and designing software solutions. May develop and write computer programs to store, locate, and retrieve specific documents, data, and information. The salary results were as follows (sample size of 6920 employees):

Q1	Median	Average	Q3	
\$6,553.96	\$8,151.98	\$8,293.09	\$10,011.44	Monthly
\$78,647.52	\$97,823.76	\$99,517.08	\$120,137.28	Annually

Staff considered the benchmark description for the survey class to be comparable to the District’s class of Applications Developer/Programmer.

Staff proposed direct alignment of the salary for the District’s benchmark class of Applications Developer/Programmer with the average of the two surveys, OES and public agencies as noted in Exhibit A, to assure competitive salaries for classes in the system and programming occupational grouping. This produced a salary increase of 14.54% at the maximum step for all programming classes addressed in this report. The recommended salary setting bases for the benchmark class is consistent with the ones used for similar job family groups in the information technology job series.

3. The Database Systems Specialist has historically shared the same salary setting basis as the supervisory class of Team Leader, Applications Development and Programming. However, staff recommended a change in the salary setting basis for the class of Database Systems Specialist because the class concept for the class no longer includes supervisory responsibilities, which typically warrants a four-step differential over a highest subordinate class within an occupational grouping.

In order to assess the proposed new salary allocation, staff researched external salary data for a comparable class from public agencies within the Greater Los Angeles area as well as in the U.S. Department of Labor, Bureau of Labor Statistics compensation database.

The salary data obtained for a comparable class from local public agencies produced an average of \$10,062.08 per month at the maximum step and a data range of \$9,040.09 to \$12,209.74 per month at the maximum step. The comparable benchmark found in the U.S. Department of Labor, Bureau of Labor Statistics compensation database yielded an interquartile data range of \$6,016.38 to \$10,787.94 per month. The external salary data obtained supports the proposed new salary setting basis since the proposed new salary schedule falls within the range of the external salary data for comparable classifications.

4. The recommended title change of the Systems and Programming Manager provides for a more accurate reflection of the level and nature of duties and responsibilities assigned to the position and is more consistent with titles used in the occupational field.

### **Status of Incumbents**

Regular incumbents whose salary is reallocated will have their salaries allocated to the new salary schedule in accordance with the provisions of Personnel Commission Rule 591, SALARY ALLOCATION AT RECLASSIFICATION OR REALLOCATION, paragraph A. This paragraph states that whenever the schedule for an entire class is changed, the step of each continuing regular incumbent in a position shall be adjusted to the numbered step in the new schedule that corresponds to his/her numbered step on the previous schedule. This affects the salary allocation of a total of twelve employees: one employee in the class of one Systems and Programming Manager, one employee in the class of Database Systems Specialist, three employees in the class of Team Leader, Applications Development and Programming, three employees in the class of Senior Applications Developer/Programmer, and four employees in the class of Applications Developer/Programmer.

**EXHIBIT A**

**Reported Monthly Salary Ranges**

Public Agency Salary Survey

**Classes Comparable to the Class of Applications Developer/Programmer**

Sort in descending order by monthly maximum salary

<b>Public Agency</b>	<b>Reported Monthly Salary Range</b>	
	<b>Minimum</b>	<b>Maximum</b>
Mira Costa CCD	8,283.50	10,101.50
Cal State LA	6,123.00	10,046.00
City of Los Angeles	6,815.50	9,963.17
Palomar College	6,584.97	9,830.99
LACOE	7,237.00	8,966.00
County of San Bernardino	6,480.93	8,919.73
Los Angeles County	6,823.36	8,709.74
County of Sacramento	6,768.58	8,635.62
Glendale CCD	6,740.20	8,604.51
Peralta CCD	7,088.07	8,564.91
UCLA	4,316.67	8,475.00
LAUSD	6,768.27	8,431.83
Cerritos College	6,919.91	8,340.65
<b>LACCD</b>	<b>6,641.40</b>	<b>8,227.52</b>
Riverside County	5,101.74	7,707.58
County of Ventura	5,162.23	7,240.22
DOL Interquartile Range (Q1 -Q3)	6,553.96	10,011.44
Public Agency Average w/o LACCD		\$8,835.83
<b>Agency Average and DOL Q3</b>		<b>\$9,423.64</b>
<b>Difference between LACCD and Survey Average</b>		<b>-\$1,196.12</b>
<b>%</b>		<b>-14.54%</b>



**SYSTEMS APPLICATIONS AND PROGRAMMING MANAGER**

**DEFINITION**

Plans, schedules, coordinates, directs, and reviews the work of ~~staff~~ project teams engaged in systems analysis, design, programming development, integration, documentation, testing and training, business data warehousing, web services, and portal design and development.

**TYPICAL DUTIES**

Directs, through unit ~~supervisors~~ team leaders, project teams engaged in analyzing, designing, implementing, modifying, and ~~maintaining~~ supporting information systems, web services, portals, and a District-wide data warehouse.

Plans, organizes, and integrates educational technology including web and media-based technologies, emerging learning technology tools related to pedagogy in instruction, and provides support for digital media and distance education initiatives.

Plans, organizes, designs, and implements strategies to deliver District-wide web services for instructional and administrative functions.

Provides technical expertise in emerging technologies and information technology industry standards and best practices in order to manage and safeguard technology functions.

Defines the scope of projects, coordinates project schedules, and monitors performance.

Prepares oral and written status reports on assigned projects.

Reviews the analysis and testing of District-wide systems and ~~programs~~ applications to ensure completeness of controls, adherence to project plans and requirements, completion of documentation, quality of output, and efficiency of systems and ~~programs~~ applications.

Ensures continuous process improvement to enhance quality, efficiency, and/or the end user support experience.

Evaluates and makes recommendations on proposals submitted by consultants, service organizations, component suppliers, and equipment manufacturers; confers with representatives of such organizations regarding research and development on new information systems.

Reviews feasibility studies conducted by the staff and evaluates recommendations regarding operating advantages and cost savings of installing proposed new systems or of converting or modifying existing systems.

Coordinates and participates in training programs for information systems employees and users.

Plans organization and staffing of assigned units and assigns projects.

Develops and revises procedures and standards for systems documentation.

Assists the Vice Chancellor/Chief Information Officer in providing liaison in information technology matters with State and Federal agencies; advises District and College administrators regarding operational problems, limitations, and potential applications of information systems.

Meets with non-technical staff to assess their computer application support requirements and recommends the appropriate technology solution(s).

Provides technical assistance in training, mentoring, and coaching professional and technical staff on complex matters related to assigned area.

Establishes and maintains effective and cooperative working relationships with administrators, staff, project consultants, and vendors.

Adapts packaged software to District requirements.

Performs related duties as assigned.

## **DISTINGUISHING CHARACTERISTICS**

An **Systems Applications and Programming Manager** is responsible for managing the work of project teams staff engaged in systems analysis, design, programming development, integration, documentation, testing and training, business data warehousing, web services, and portal design and development.

A **Vice Chancellor/Chief Information Officer** is responsible and accountable for providing vision, strategic planning, and leadership for all technology functions and operations throughout the District including, but not limited to, data centers, technical service centers, production scheduling, help desks, communication networks (voice and data), classroom support, computer program/applications development and maintenance, and computer systems operations in a manner that effectively supports the instructional, student services, and business needs and operations of the District and is consistent with industry standards and best practices.

A **Team Leader, Applications Development and Programming** is responsible for supervising the work of an assigned team of programming staff, provides liaison with operating units affected by studies, and personally performs the most difficult systems analysis, design, and programming work of the team.

## **SUPERVISION**

General supervision is received from the Vice Chancellor/Chief Information Officer. General supervision is exercised over supervisory and technical staff on a project-by-project basis.

## CLASS QUALIFICATIONS

### Knowledge of:

Information technology concepts and capabilities

Techniques of systems analysis, design, and programming

Programming languages such as ABAP, C, C++, C#, .NET, Visual Basic, Java, COBOL, ~~ACMS~~, Visual Basic for Application (VBA), PeopleCode, PL/SQL, etc.

Script languages such as Vbscript, Javascript, Jscript and PERL, PowerShell, Python, etc.

Reporting tools such as MS Access, Crystal Reports, ~~webFOCUS~~, etc and other analytics and business intelligence tools.

Database systems such as ~~Rdb~~, Oracle/Rdb, Access, SQL Server, MySQL, etc.

Enterprise Resource Planning (ERP) systems such as SAP, Peoplesoft, Oracle, etc.

Federal, State, and local laws, ordinances, codes, and regulations related to student systems information processing and web services

Foundational principles of ITIL

Capabilities of ~~mainframes~~ computer, application, database, and web servers, and other equipment

Web page design and development using tools such as SAP Portals, .ASP, Dreamweaver, etc.

Concepts and techniques of project management including project control, planning, estimating, resource management, and quality assurance

Concepts of change management and change controls at the organizational and institutional level

Principles, procedures, and methods used in data acquisition, storage, structuring, and retrieval

New developments in computer concepts, methodology, and technology

Business procedures and methods

Procedures and standards for systems documentation

Principles of organization, management, and work simplification

Principles of supervision and training

**Ability to:**

Plan, coordinate, and review the work of assigned technical units

Direct and coordinate multiple projects of a complex and technical nature concurrently

Train staff in the application of new information technology concepts

Apply new developments in computer methodology and technology and solve difficult technical problems in the development of major ~~programs~~ applications and information systems

Estimate time and manpower requirements for a variety of information systems projects

Analyze and interpret complex technical concepts and communicate them clearly both orally and in writing

Prepare effective written and oral communications, reports, and presentations

Create clear guidelines and procedures

Anticipate conditions, plan ahead, establish priorities, and meet project schedules

Review and evaluate detailed project management plans and project progress to ensure project completion within the required time and budget

Review and evaluate project deliverables

Motivate, direct, and develop others

Consistently use and promote professional standards and practices related to assignments

Maintain a focus on details, quality, and precision in the performance of duties

Actively contribute to a culture of constructive collaboration and innovation with colleagues

Build rapport with clients and maintain a professional demeanor while handling complex user issues

Maintain confidentiality of work-related information and materials

Stimulate teamwork and promote cohesiveness to achieve team and project goals

Establish and maintain effective and cooperative working relationships with administrators, staff, project consultants, and vendors

## ENTRANCE QUALIFICATIONS

### **Education and Experience:**

~~Graduation~~ A bachelor's degree from a recognized ~~four-year~~ college or university, preferably with a ~~degree~~ major in computer information systems, management information systems, computer science, computer engineering, business administration, public administration, or related field.

AND

~~Four~~ Five years of recent, full-time, paid experience in business applications analysis, design, and programming for medium or large scale multi-programmed computers, including experience with large-scale networks. Two years of the required experience must have been in a supervisory capacity. Experience with an Enterprise Resource Planning (ERP) system is desirable.

### **Special:**

A valid California Class "C" driver's license is required ~~must be obtained within 60 days of appointment.~~

Travel to locations throughout the District ~~may be~~ is required.

### **Reasonable Accommodation**

Our class specification generally describes the duties, responsibilities, and requirements characteristic of the position(s) within this job class. The duties, responsibilities, and requirements of a particular position within this class may vary from the duties of other positions within the class. In accordance with the Americans with Disabilities Act (ADA), the Los Angeles Community College District provides reasonable accommodation to qualified individuals with covered disabilities on a case-by-case basis throughout the application, examination, and hiring processes and throughout employment. If an individual is in doubt about his or her ability to perform the duties and responsibilities of a position or possession of any other requirement noted in a class specification or job announcement, he or she should always apply for a position and request reasonable accommodation at the appropriate time.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION**

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ronald Delahoussaye

**SUBJECT:** Temporary Suspension of Certain Sections of Personnel Commission Rules in Light of the Covid-19 Health Crisis (Case 3816-2)

It is recommended that the Personnel Commission maintain the temporary suspension of section B.2 of Personnel Commission Rule 642, ESTABLISHMENT AND DURATION OF ELIGIBILITY LISTS, and section I.5 of Personnel Commission Rule 671, LIMITED-TERM ASSIGNMENTS, through December 31, 2021.

**Background:** Staff is requesting an additional extension of the temporary suspension of the rules noted above through December 31, 2021, in accordance with Personnel Commission Rule 503, PERSONNEL COMMISSION RULES. The Personnel Commission approved a temporary suspension of the rules noted above on March 25, 2020, with an extension approved on September 23, 2020, which is set to expire on June 30, 2021. Since there are still restrictions imposed on the Classified Examination Unit office operations due to the COVID-19 health crisis, particularly on testing for larger groups of applicants, staff is recommending that the rule provisions outlined in Rule 642 pertaining to six-month eligibility lists, which impacts the current eligibility list for Super C, be suspended so that the life of this list can be extended until a new list is established which is anticipated by the end of this year. Additionally, staff is recommending that the restrictions on provisional assignments be eased to provide flexibility in the extension of those assignments in light of reduced examination activities as a result of the pandemic safety precautions. The applicable sections are outlined in Personnel Commission Rule 671.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT**

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ronald Delahoussaye

**SUBJECT:** Revision to Personnel Commission Rule 510, PERSONNEL DIRECTOR AND PERSONNEL COMMISSION EMPLOYEES (Final Approval) (Case 3943)

Personnel Commission Rule 510 has been reviewed as part of the Personnel Commission's continuing review and update of Personnel Commission Laws and Rules. Updates have been made to Paragraph D. to clarify the Personnel Director's role as a secretary of the Personnel Commission, which includes responsibility for preparing an annual report and an added exception in conjunction with the updates made to Personnel Commission Rule 513, HEARINGS AND INVESTIGATIONS. The Education Code references made in paragraphs D. and E. of the rule have been replaced with references to the applicable Personnel Commission Rules for clarity.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION**

510

LAW AND RULES

May 24, 2016-June 9 2021

**510 PERSONNEL DIRECTOR AND PERSONNEL COMMISSION EMPLOYEES**

**Education Code Section(s)**

~~88084. Commission's Appointment of Personnel Director and Other Employees.~~ The commission shall appoint a personnel director within 90 days after the adoption of a merit system from an eligibility list established from a competitive examination given under the auspices of the commission. The commission shall appoint all employees paid from funds budgeted for the support of the commission and shall supervise the activities of those employees that are performed as a part of the functions of the commission. These employees shall be appointed from eligibility lists established pursuant to the provisions of this article, be classified employees of the community college district and shall be accorded all the rights, benefits, and burdens of any other classified employee serving in the regular service of the district, including representation by the appropriate exclusive representative, if any.

~~88086. Duties of Personnel Director.~~ (a) The personnel director shall be responsible to the commission for carrying out all procedures in the administration of the classified personnel in conformity with this article and the rules of the commission, and shall be free of prejudice or bias in order to ensure the impartiality of the commission. He or she shall also act as secretary of the commission and shall prepare, or cause to be prepared, an annual report which shall be sent by the commission to the governing board.

(b) A personnel director shall not advise or make recommendations to the commission regarding any disciplinary action appealed to the commission under Section 88124, if the personnel director is the party who brought the action against the employee.

- A. All Personnel Commission employees shall be appointed from eligibility lists established in the same manner as for all other classified employees. An eligibility list for Personnel Director shall be established under the auspices of the Personnel Commission.
- B. All Personnel Commission employees shall be subject to supervision, performance evaluation, and disciplinary action by the Personnel Commission as to their activities that are performed as part of the functions of the Personnel Commission.
- C. Personnel Commission employees shall have the status of employees of the Los Angeles Community College District and shall have all the rights, benefits, and burdens of classified employees of the District, including representation by an exclusive representative.
- D. The Personnel Director shall act as secretary of the Personnel Commission and shall prepare, or cause to be prepared, an annual report which shall be shared by the Personnel Commission with the Board of Trustees. The Personnel Director shall have authority to receive all documents addressed to the Personnel Commission and to issue subpoenas in accordance with the provisions of Personnel Commission Rule 513, HEARINGS AND INVESTIGATIONS pursuant to Education Code Section 88130, except as it relates to investigations into allegations that may implicate the Personnel Director.



**LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION**

510

LAW AND RULES

~~May 24, 2016~~ June 9 2021

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- E. The Personnel Director shall not advise or make recommendations to the Personnel Commission regarding any disciplinary action appealed to the Personnel Commission ~~under in~~ accordance with the provisions of Personnel Commission 735, CAUSES AND PROCEDURES FOR SUSPENSION, DEMOTION, AND DISMISSAL ~~Education Code Section 88124~~, if he or she is the party who brought the action against the employee. The Personnel Director, as authorized by the Personnel Commission, may make the necessary arrangements for a hearing officer or other representative to conduct any hearing or investigation which the Personnel Commission itself is authorized to conduct.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT**

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ronald Delahoussaye

**SUBJECT:** Revision to Personnel Commission Rule 512, ORAL PRESENTATIONS TO THE PERSONNEL COMMISSION (Final Approval) (Case 3944)

The proposed amendments to Personnel Commission Rule 512 are part of the Personnel Commission's continuing review and update of Personnel Commission Laws and Rules. Government Code Section 54954.3 has been updated in accordance with legislative changes. This necessitated changes in Paragraphs B.2 and B.3 of the rule which permits non-English speakers at a Personnel Commission meeting twice the amount of time to address the Commission should they utilize a nonsimultaneous translator.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION**

512

LAWS AND RULES

May 24, 2016-June 9, 2021

**512 ORAL PRESENTATIONS TO THE PERSONNEL COMMISSION**

**Government Code Section**

**54954.3.** (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.

(3) Paragraph (2) shall not apply if the legislative body of a local agency utilizes simultaneous translation equipment in a manner that allows the legislative body of a local agency to hear the translated public testimony simultaneously.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

**A. Purpose**

The purpose of this rule is to establish guidelines which allow members of the public the right to freely express their views and discuss items within the jurisdiction of the Personnel Commission while at the same time preserving an appropriate degree of decorum and respect for all persons in attendance.

**B. Presentations at Personnel Commission Meetings**

Presentations before the Personnel Commission shall be governed by the following rules:

**LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION**

512

LAWS AND RULES

May 24, 2016-June 9, 2021

1. Any person in attendance at a regular meeting shall be provided an opportunity to address the Personnel Commission. To facilitate meeting proceedings, it is suggested that a person planning to address the Personnel Commission notify the Personnel Director or a designee, on the working day prior to the meeting, of his/her intent to address the Personnel Commission and the agenda item or subject to be addressed.
2. A speaker will be permitted up to five minutes to address each item on the Personnel Commission's Order of Business, except non-English speakers utilizing a nonsimultaneous translator will be permitted twice the amount of time. This time limit may be extended or reduced at the discretion of a majority of the Personnel Commission.
3. A speaker will be permitted up to five minutes to address non-agenda items at the conclusion of the Personnel Commission's Order of Business, except non-English speakers utilizing a nonsimultaneous translator will be permitted twice the amount of time. Non-agenda items may include any matter of interest to the public which is within the subject matter jurisdiction of the Personnel Commission. This time limit may be extended or reduced at the discretion of a majority of the Personnel Commission.
4. No member of the audience may speak without recognition of the Chair of the Personnel Commission.
5. Speakers are not to engage in extemporaneous verbal exchanges with Personnel Commission members and staff.
6. Remarks or discussion in public meetings on subjects scheduled for consideration in closed session are out of order.
7. While the right to speak includes the right to criticize the policies, procedures, programs, services, and acts/omissions of the Personnel Commission, it should not be used to disrupt public meetings by excessively loud address and boisterous conduct or to defame or slander anyone.
8. Defamatory allegations against any officer or employee of the Personnel Commission or District and public disclosures of private facts in violation of the right of privacy of any employee, regardless of whether or not the person is identified in the presentation by name or by any other reference which tends to identify the person, are out of order. Charges, complaints, or allegations against an officer or employee of the Personnel Commission shall be processed under the provisions of Personnel Commission Rule 513. Charges, complaints, or allegations against any officer or employee of the District shall be processed under appropriate Board Rules.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION**

512

LAWS AND RULES

May 24, 2016-June 9, 2021

C. Standards of Decorum

Persons engaging in any of the following conduct shall be ruled out of order.

1. Profanity, obscenity, abusive or other offensive language.
2. Physical violence and/or threats of physical violence directed towards any person or property.
3. Remarks that reflect adversely upon the political, religious, ethnic, or economic views, character, or motives of any person.

D. Withdrawal of Right to Address the Personnel Commission

Any person who engages in conduct which he/she knows or should know is in violation of any provision of this Rule may be denied the opportunity to speak to the Personnel Commission pursuant to the following procedures:

1. Notice of this rule must be communicated to the person;
2. Following such notice, any person whose conduct continues to violate any provisions of this Rule may be directed by the Chair to cease such conduct;
3. Following such direction, any person whose conduct continues to violate any provision of this Rule may be denied the opportunity to address the Personnel Commission for the remainder of the meeting.
4. Before suspending a person's right to address the Personnel Commission, the Commission shall make a finding that the person is in violation of Personnel Commission Rule 512, which the person knew or should have known, and that the conduct was intentional. Such a finding shall be made by a vote of the Personnel Commission.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT**

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ronald Delahoussaye

**SUBJECT:** Reissue Personnel Commission Rule 503, PERSONNEL COMMISSION RULES (Case 3952)

Personnel Commission Rule 503 has been reviewed as part of the Personnel Commission's continuing review and update of Personnel Commission Laws and Rules. Staff researched the rule making authority procedures of the other five merit-system based community college districts in California and from the Los Angeles Unified School District and Long Beach Unified School District. All the surveyed Districts had a provision on the authority of the Personnel Commission to establish and amend Personnel Commission rules pursuant to the Education Code under the Merit System Article. No changes have been recommended.

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

503

LAW AND RULES

~~June 21, 2016~~ June 9, 2021

503 PERSONNEL COMMISSION RULES

Education Code Section(s)

~~88080. Power of 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 advertisements 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.

~~88082. Printing and distribution of rules. 88082.~~ The rules of the commission and copies of this article shall be printed and made available to each school, office, and permanent worksite where employees report and shall be distributed to school libraries for loan to employees.

Within one year of when a district adopts the merit system, the commission shall adopt rules pursuant to Section 88080 and shall give to each new regular employee a handbook which summarizes the basic rules and working conditions for classified employees and provides information regarding access to copies of the complete rules and the merit system.

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PERSONNEL COMMISSION

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LAW AND RULES

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A. Statutory Authority for Rules

Personnel Commission Rules are established pursuant to the authority granted under Title 3 (commencing with Section 88060) of Chapter 4 of Division 7 of the Education Code, and other provisions of the Education Code applicable to community college districts that have adopted the merit system.

B. Establishment, Amendment, and Abolishment of Rules

1. The establishment, amendment, and abolishment of rules shall be placed on the Order of Business for action by the Personnel Commission. The Order of Business shall constitute “due notice” to the Board of Trustees, District administration, exclusive bargaining representative(s), and other interested parties.
2. A period of at least two weeks shall elapse between tentative approval of a new rule or tentative amendment of an existing rule and its final adoption. During this two-week period, the Personnel Commission shall accept and consider the comments and suggestions of interested parties.
3. In an emergency, final approval of the establishment or amendment of a rule may be made without the required two-week review period between tentative and final approval. Special notice of such emergency action shall be placed on the Order of Business.
4. Tentative approval may be omitted and a proposed rule amendment may be submitted for adoption without the two-week review period whenever the proposed amendment is limited to:
  - a. The addition, change, or deletion of a class title due to a classification approved or to be action approved by the Personnel Commission.
  - b. The renumbering, retitling, or consolidation of rules or rule chapters, without a change in rule wording.
  - c. The inclusion, deletion, or change in modification of State or other governmental code provisions, without a change in rule meaning or intent.
  - d. The deletion of outdated provisions that no longer have effect.
  - e. Editorial changes that do not alter the meaning or intent of the rule such as the addition, change, or deletion of organizational titles;



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grammatical corrections or improvements; or the addition, deletion or correction of format and references.

C. Interpretation and Application of Rules

1. The Personnel Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent.
2. Interpretations regarding the meaning, intent, or application of any of the rules shall be made by the Personnel Commission.
3. If the subject matter and procedures in a Personnel Commission Rule are within the scope of representation, as defined in Government Code Section 3543.2, the Rule shall be applied as follows:
  - a. If the collective bargaining agreement addresses the subject matter and establishes a procedure, the rule shall not apply to employees in the unit.
  - b. If a rule addresses a subject matter, and a collective bargaining agreement does not address the subject matter, the benefit or condition of employment shall not be available to employees represented by an exclusive bargaining agent unless that benefit or condition of employment is required by law.
  - c. If the rule prescribes a procedure and a collective bargaining agreement does not, the procedure in the rule shall apply to employees in the unit.

D. Suspension of Personnel Commission Rules

1. The Personnel Commission may suspend or amend any section or sections of the Personnel Commission Rules by a vote of two-thirds of the Personnel Commission.
2. When the Personnel Commission has suspended or amended rules, it may immediately adopt such emergency rules and amendments to existing rules it may deem necessary during the period of suspension.

E. Effective Date of Rules

1. New rules and rule amendments shall be applied prospectively and not retroactively.

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2. New rules and rule amendments that require the expenditure of District funds shall be submitted to the Board of Trustees for concurrence before they become effective.
  3. New rules and rule amendments not requiring concurrence by the Board of Trustees shall become effective upon final adoption by the Personnel Commission unless otherwise indicated.
  4. New rules and rule amendments requiring concurrence by the Board of Trustees shall become effective upon concurrence by the Board unless otherwise indicated.
- F. Judicial Review
- If judicial review or a change in law invalidates a Personnel Commission Rule, such finding or amendment shall not affect the validity of other rules. If such finding or amendment invalidates a portion of a rule, it shall not affect the validity of the remaining portion(s) of the subject rule.
- G. Distribution of Rules
1. Personnel Commission Law and Rules shall be posted on the District's website, Personnel Commission webpage. Hard copies of rules shall be provided upon request.
  2. Access to the District's website is available through public computers at various locations at each college, including libraries.
  3. Each new regular employee shall be provided a handbook which summarizes the basic rules and working conditions for classified employees and informs them of the availability of the complete sets of Law and Rules.

## LOS ANGELES COMMUNITY COLLEGE DISTRICT

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ronald Delahoussaye

**SUBJECT:** Revision to Personnel Commission Rule 519, SENIOR ADMINISTRATIVE POSITIONS AND EMPLOYEES (Tentative Approval) (Case 3951)

A review of the classes identified in paragraph C. of the rule as senior administrative positions was triggered by a recent inquiry of the Office of the General Counsel.

Education Code Section 88091 (c) defines a senior classified administrative employee as one who acts as the chief business, fiscal, facilities, or information technology adviser or administrator for the district chancellor or superintendent or a college president. Any person employed in a senior classified administrative position is afforded all of the rights, benefits, and burdens of any other classified employee serving in the regular service of the district, except that he or she shall not attain permanent status in that administrative position. With 60 days' notice, the employee can be released from the senior classified administrative position at the discretion of the District.

The District administration requested to designate a total of six executive job classes as senior administrative positions, which are currently included in this rule. One of those positions is the class of General Counsel, which was established in the classified service in October of 2015. The class was added to the group of senior administrative positions in this rule based on a request of the Board of Trustees, which the Personnel Commission concurred with at the time based on the rationale that an incumbent in the class acts as a chief adviser to the Board of Trustees, Chancellor, and college presidents on the legal aspects of the business, fiscal, facilities, and information technology functions of the District. A new Vice Chancellor, Human Resources, class was recently established in the classified service for which the District administration requested that the class not be designated as a senior administrative position due to concerns that it may create a negative impact on upcoming recruitment efforts for the new class. This created a disparity for the class of General Counsel since chief legal adviser or administrator to the Chancellor was also not specifically spelled out as one of the positions in Education Code Section 88091 (c) for which a senior administrative designation could be considered and was broadly interpreted to fall within the line function of business. Therefore, the Personnel Director requested that the class of General Counsel be removed from the classes identified in paragraph C. of Rule 519 to rectify the disparity that was created for this class when the District administration chose not have the new class of Vice Chancellor, Human Resources, be designated as a senior administrative position.

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519 SENIOR ADMINISTRATIVE POSITIONS AND EMPLOYEES

Education Code Sections

**88091. Vacancies in classified service; promotional applicants; exemptions.** (a) All vacancies in the classified service shall be filled pursuant to this article and the rules of the commission, from applicants on eligibility lists which, wherever practicable, as determined by the commission, shall be made up from promotional examinations, or appointments may be made by means of transfer, demotion, reinstatement, and reemployment in accordance with the rules of the commission. All applicants for promotional examinations shall have the required amount of service in classes designated by the commission or meet the minimum qualifications of education, training, experience, and length of service, which shall be determined by the commission to be appropriate for the class for which they have applied. Any promotional applicant who has served the required amount of time in a designated class or who meets the minimum qualifications for admission to a promotional examination shall be admitted to the examination. Applicants shall be placed on the eligibility lists in the order of their relative merit as determined by competitive examinations. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position.

(b) (1) Upon the request of a majority of the members of the governing board of a community college district, the commission may exempt two executive secretarial positions from the requirements of this section. Exemptions authorized under this subdivision shall be limited to one executive secretary position reporting directly to members of the governing board, and one executive secretary position reporting directly to the chancellor.

(2) Any person employed in an exempt executive secretarial position shall continue to be afforded all of the rights, benefits, and burdens of any other classified employee serving in the regular service of the district, except he or she shall not attain permanent status in an executive secretarial position. Positions of executive secretary shall be filled from an unranked list of eligible employees who have been found to be qualified for the positions as determined by the district chancellor or superintendent and determined by the personnel commission. Any person whose services in an executive secretarial position are discontinued for a cause other than a cause for disciplinary action specified in this code or in a rule of the commission shall have the right to return to a position in a classification he or she previously occupied or, if that classification no longer exists, in a similar classification, as determined by the commission. This subdivision shall apply only to the employees hired on or after January 1, 1988.

(c) (1) Upon the request of a majority of the members of the governing board of a community college district, the personnel commission may exempt designated senior classified administrative positions from the requirements of this section. A "senior classified administrative employee" means a classified employee who acts as the chief business, fiscal, facilities, or information technology adviser or administrator for the district chancellor or superintendent or a college president, as determined by the governing board and certified by the personnel commission.

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(2) Any person employed in an administrative position exempted under this subdivision shall continue to be afforded all of the rights, benefits, and burdens of any other classified employee serving in the regular service of the district, except that he or she shall not attain permanent status in that administrative position. A vacancy in an administrative position that is exempted under this subdivision shall be filled from an unranked list of eligible persons who have been found to be qualified for the positions as determined by the district chancellor or superintendent and the personnel commission. Any person whose services in an administrative position exempted under this subdivision are discontinued for any reason other than for cause as specified in this code or in a rule of the personnel commission shall have the right to return to a position in a classification he or she previously occupied or, if that classification no longer exists, in a similar classification, as determined by the commission.

(3) This subdivision shall apply only to employees hired on or after January 1, 2001.

(d) Nothing contained in this section shall authorize the selection of eligible candidates in circumvention of the affirmative action programs of any community college district.

**88017. Notice of Layoff Due to Expiration of Specially Funded Program or Bona Fide Reduction or Elimination of Service.** (a) When, as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of any school year, and classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of the school year shall be given written notice on or before April 29 informing them of their layoff effective at the end of the school year and of their displacement rights, if any, and reemployment rights. However, 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 their layoff.

(b) When, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than 60 days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights.

(c) (1) A classified employee may not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. This subdivision does not create a 60-day layoff notice requirement for any individual hired as a short-term employee, as defined in Section 88003, for a period not exceeding 60 days.

(2) This subdivision does not apply to the retention of a short-term employee, as defined in Section 88003, who is hired for a period not exceeding 60 days after which the short-term service may not be extended or renewed.

(d) This section does not preclude the governing board of a community college district from implementing either of the following without providing the notice required by subdivisions (a) or (b):

(1) A layoff for a lack of funds in the event of an actual and existing financial inability to pay the salaries of classified employees.

(2) A layoff for a lack of work resulting from causes not foreseeable or preventable by the governing board.

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(e) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were part of Article 3 (commencing with Section 88060) of this chapter.

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- A. A “senior classified administrative employee” is defined as a classified employee who acts as the chief business, fiscal, facilities, or information technology adviser or administrator for the District Chancellor or a College President.
- B. The Board of Trustees may, by majority vote, request that the Personnel Commission certify positions as senior classified administrative positions.
- C. The Personnel Commission has certified the following positions as senior administrative positions.
1. Chief Financial Officer/Treasurer
  - ~~2. General Counsel~~
  - ~~3.2. Vice Chancellor/Chief Facilities Executive~~
  - ~~4.3. Vice Chancellor/Chief Information Officer~~
  - ~~5.4. Vice Chancellor of Finance and Business Services~~
  - ~~6.5. Vice President, Administrative Services~~
- D. If multiple positions exist for the classes listed in paragraph C., the Personnel Commission shall evaluate each position in the applicable class in order to determine if the criteria for a senior administrative position is met.
- E. Senior classified administrative positions shall be filled from an unranked alphabetical list of persons who have been found to be qualified for the position as determined by the District Chancellor and Personnel Commission.
- F. Employees serving in a position designated as a senior classified administrative position shall be afforded all of the rights, benefits, and burdens of any other classified employee, except that he or she shall not attain permanent status in the senior administrative position.
- G. If a senior classified administrative position is abolished or the District elects not to continue the employment of a classified administrative employee, the employee shall be given written notice thereof by the District at least 60 days in advance of his/her release from employment.

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- H. A senior classified administrative employee who is released from employment for any reason other than for cause and has underlying status in the classified service may exercise bumping rights in an equal or lower class in which they hold seniority credit greater than that of the least senior incumbent in the class or may accept a transfer, a voluntary demotion or a voluntary reduction in status or assigned time as determined by the Personnel Commission. Such employee shall not have the right to return to a position in the senior administrative class, except as provided in Paragraph J., below.
- I. Any senior classified administrative employee who has resigned in good standing or been released from employment for any reason other than for cause and has completed at least 260 days in active on the job service shall be eligible for interview and selection to a position in his/her former senior classified administrative class without further examination for a period of 39 month from his/her last day of paid service in the senior administrative class.

If selected and assigned to a new senior classified administrative position, the time between the individual's resignation or release from service and his/her selection for a new senior classified administrative position, shall not be considered a break in service.

- J. The provisions of this rule shall apply only to employees hired on or after January 1, 2001 into senior classified administrative positions.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT**

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ronald Delahoussaye

**SUBJECT:** Revision to Personnel Commission Rule 550, COMPENSATION FOR INCONSISTENT DUTIES: TEMPORARY WORK OUT OF CLASSIFICATION (Tentative Approval) (Case 3938)

The proposed amendments to this rule are based on a state auditor recommendation to increase the allowable days for employees to submit his/her work out-of-class claims from 45 days to 100 days, which was the previous time line established in this rule for claims. It is anticipated that reverting back to the original submission deadline will aid in addressing the issue of claims not being forwarded from the District/College administrations to the Personnel Commission in a timely manner, which had been a finding of the auditors.



**550 COMPENSATION FOR INCONSISTENT DUTIES: TEMPORARY WORK  
OUT OF CLASSIFICATION**

**Education Code Sections**

**88009.** Governing boards shall fix and prescribe the duties to be performed by all persons in the classified service and other nonacademic positions of the community college district, except those persons employed as a part of a personnel commission staff as provided in Article 3 (commencing with Section 88060) of this chapter. This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

**88010.** Classified employees shall not be required to perform duties which are not fixed and prescribed for the position by the governing board in accordance with Section 88009, unless the duties reasonably relate to those fixed for the position by the board, for any period of time which exceeds five working days within a 15-calendar-day period except as authorized herein.

An employee may be required to perform duties inconsistent with those assigned to the position by the governing board for a period of more than five working days provided that his or her salary is adjusted upward for the entire period he or she is required to work out of classification and in amounts that will reasonably reflect the duties required to be performed outside his or her normal assigned duties.

Notwithstanding this section, a personnel commission and governing board, or a governing board in a non-merit system district, by written rule, may provide for an upward salary adjustment for any classified employee required to work out of classification for any period of time less than that required herein.

It is the intent of this section to permit community college districts to temporarily work employees outside of their normal duties but in so doing to require that some additional compensation be provided the employee during such temporary assignments.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

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LAW AND RULES

~~April 29, 2020~~ June 9, 2021

A. Definition.

1. "Temporary work out of classification" shall mean the performance of duties which are:
  - a. not fixed and prescribed for the employee's regular class,
  - b. not reasonably related to the duties of the employee's regular class,
  - c. evaluated as being at a higher level of difficulty and responsibility than those of the employee's regular class and
  - d. performed for a limited period of time for other than training or emergency assignment purposes.
2. Excluded from this definition are the following:
  - a. Assignments to perform the duties of an existing vacant position. In such instances, a limited-term assignment shall be processed in accordance with the provisions of Rule 671, LIMITED-TERM ASSIGNMENTS.
  - b. Assignments where established provisions for differential compensation exist. In such instances, the provisions of applicable Personnel Commission rules or contract provisions related to differential compensation apply.
  - c. Situations where the assigned duties of an employee have been permanently changed because of a change in organizational structure, change in technology, or the addition of what are considered to be higher-level duties. In such instance, the provisions of Rule 545, CLASSIFICATION STUDIES, apply.

B. Requirements for a Claim for Temporary Work Out of Classification:

1. The employee must be a regular status classified employee. Employees serving in a relief, substitute, provisional, or limited-term assignments are not eligible.
2. The employee must identify the specific time period on a prescribed claim form for each 15 calendar-day period during which the higher level duties were performed. If the work was performed on an intermittent basis, the employee must have performed the duties for more than five working days within each 15 calendar-day period for which a claim form is being submitted and must provide specific dates of service.
3. The employee must identify in detail the duties which are believed to be inconsistent with, or do not reasonably relate to, the duties of his/her regular class.

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April 29, 2020 June 9, 2021

4. The claim form shall be submitted ~~by the employee~~ to the Personnel Commission no later than ~~45~~ 100 calendar days after the first date of temporary work out of classification was performed. In unusual circumstances, the Personnel Commission may excuse the untimely filing of a claim when there is credible documentation and the facts establish that there was a mistake, inadvertence, surprise or excusable neglect by an employee or supervisor.

Lack of knowledge of the existence or provisions of this rule will not excuse the untimely filing of a claim form.

C. General Provisions

1. If the duties reported and certified are found to be at a higher level than the employee's regular class the Personnel Commission staff shall determine an appropriate difference in compensation. The difference in compensation shall reasonably reflect the level and nature of assigned responsibilities and percentage of time performing the assigned duties. Where the work out of classification was on an intermittent basis, the employee shall be paid on a prorated basis. In no instance shall the salary benefits to an employee be greater than the benefits provided through promotion to the higher class.
2. Compensation for temporary work out of classification shall be from the first date of work out of classification through the last day on which the higher-level duties were authorized and performed provided that the claim has been filed as provided in Paragraph B.4.
3. Personnel Commission staff's determination in each case as to temporary work out of classification and appropriate salary differentials shall be submitted to the Personnel Commission for approval and, if approved, to the Board of Trustees for authorization of payment.
4. Nothing in this rule shall be construed as permitting an employee to refuse to perform duties assigned by a duly authorized person.

## LOS ANGELES COMMUNITY COLLEGE DISTRICT

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ronald Delahoussaye

**SUBJECT:** Revision to Personnel Commission Rule 600, REJECTION OF APPLICANTS, CANDIDATES, AND ELIGIBLES (Tentative Approval) (Case 3950)

The proposed amendments to this rule are primarily triggered by a recent state auditor report that recommended that the Personnel Commission provide an additional review opportunity to applicants who were disqualified for not meeting the minimum entrance qualifications for a position. Some general updates were also made to the rule for clarity purposes. Staff researched application review practices of the other five merit-system based community college districts in California and from the Los Angeles Unified School District and Long Beach Unified School District. All the surveyed Districts offered applicants an opportunity for an additional review opportunity of their disqualified application.

The following substantive changes are being proposed to the Rule:

- Addition of a new provision F. that outlines the process for affording applicants one opportunity to submit additional information in support of their application if they were initially found disqualified for a position by an examiner. Staff estimates that this new process will add 1 to 2 weeks of additional time to an examination cycle if review requests are being submitted.
- Removal of provisions O. and Q. as a result of adding the new provision F.
- Amendment of provision N. to stipulate that an applicant, candidate, or eligible present relevant evidence in support of an appeal in closed session. The current provision afforded individuals the option of choosing between an open and closed session; however, since examination and application materials are considered confidential documents, discussion of appeal cases in open session under those conditions would be considered highly ineffective, which became apparent in a recent examination appeal case that was discussed in open session.

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LAW AND RULES

~~January 13, 2021~~ June 9, 2021

600 REJECTION OF APPLICANTS, CANDIDATES, AND ELIGIBLES

**Education Code Sections**

**88022.** No person shall be employed or retained in employment by a community college district who has been convicted of any sex offense as defined in Section 87010 or controlled substance offense as defined in Section 87011. If, however, any such conviction is reversed and the person is acquitted of the offense in a new trial or the charges against him or her are dismissed, this section does not prohibit his or her employment thereafter.

Further, the governing board of a community college district may employ a person convicted of a controlled substance offense if the governing board of the district determines, from the evidence presented, that the person has been rehabilitated for at least five years.

The governing board shall determine the type and manner of presentation of the evidence, and the determination of the governing board as to whether or not the person has been rehabilitated is final.

**88023.** No person shall be employed or retained in employment by a community college district who has been determined to be a sexual psychopath, as defined in Section 6300 of the Welfare and Institutions Code or under similar provisions of law of any other state. If, however, such a determination is reversed and the person is determined not to be a sexual psychopath in a new proceeding, or the proceeding to determine whether he or she is a sexual psychopath is dismissed, this section does not prohibit his or her employment thereafter.

**88080.** (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.** (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,

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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.

**88130.** 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.** 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.

**88136.** Any person who willfully, or through culpable negligence, violates this article is guilty of a misdemeanor. It is also unlawful for any person to do any of the following:

(a) Willfully, by himself or herself or in cooperation with another person, to defeat, deceive, or obstruct any person with respect to his or her right of examination, application, or employment under this article or commission rule.

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(b) Willfully and falsely, to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article or commission rule, or to aid in so doing, or to make any false representation concerning the same or the person examined.

(c) Willfully, to furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under this article or commission rule.

**Definitions**

- A. Applicant is defined to mean any person who submits an application to take an examination with the Los Angeles Community College District.
- B. Candidate is defined to mean any person who has taken one or more parts of an examination with the Los Angeles Community College District.
- C. Eligible is defined to mean any person whose name has been placed on an eligibility list for the Los Angeles Community College District. For the purpose of this rule, a reemployment list, as defined in Rule 659, ORDER OF PRECEDENCE IN CERTIFICATION FOR FILLING VACANCIES, shall not be considered an eligibility list. Procedures to be followed in reemployment are described in Rule 740, LAYOFF AND REEMPLOYMENT.
- D. Rejection, is defined to mean:
  - 1. refusal to accept an application or examine an applicant or candidate; or
  - 2. removal of an eligible's name from an eligibility list or substitute/relief pool list.

**Reasons for Rejection**

- E. Applicants, candidates, and eligibles may be rejected for the reasons enumerated below:
  - 1. Health conditions which would preclude an eligible from satisfactorily and safely performing the essential duties of the position classification.
  - 2. Failure to comply with the applicable provisions of Article XX, Section 3 of the Constitution of the State of California.
  - 3. Any person who violates provisions of the merit system as provided for in Education Code Section 88136.

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4. Any person who would be precluded from employment under the provisions of Education Code Sections 88022, employment after conviction of sex offense or controlled substance offense; rehabilitated controlled substance offender, and 88023, employment of sexual psychopath.
5. Making a false statement or omitting a statement as to any material fact on an application for employment or related documents.
6. Practicing any deception or fraud in connection with an examination or to secure employment.
7. Dismissal from a previous employment for cause.
8. Failure to meet District standards regarding conviction for a criminal offense.
9. Discharge other than honorable from the armed forces of the United States.
10. A record of unsatisfactory service or disciplinary action with the Los Angeles Community College District.
11. Debarment by the District or other public agency.
12. Failure to report for duty after an assignment has been offered and accepted.
13. Failure to demonstrate eligibility to work legally in the United States.
14. Failure, after due notice, to report promptly for review of any of the above bases for rejection. Such notice shall state that failure to report is a basis for rejection.
15. Failure to meet current eligibility requirements applicable to restricted positions in specially funded programs.

F. Applicants or candidates may also be rejected for failure to meet the established entrance qualifications for the class of an examination. It is the responsibility of each applicant to provide information, documentation, or evidence that they meet the minimum qualifications as specified in the job bulletin when submitting an application. An applicant or candidate who is rejected under the provisions of this paragraph shall be given one opportunity to provide supplementary information, documentation, or evidence necessary to meet the entrance qualifications. Such supplementary material must be submitted in writing to the examination unit within five calendar days after the rejection notice was sent. If it is determined by the examiner of record that such supplementary material does not satisfy the entrance qualifications, the applicant or candidate shall be notified in writing.

P.G. Eligibles may be removed from eligibility lists if it is subsequently determined that they failed to meet the established entrance qualifications for the class. Notification of rejection shall be in writing and specify the reason for the rejection. If an eligible has evidence to refute the rejection, the eligible may make a written request for review with accompanying evidence to the Personnel Director within five working days after the rejection notice was ~~mailed~~ received.



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**HF.** When there is evidence that an eligible should be rejected under one or more of the causes listed in Paragraph E., above, the ~~Division of Human Resources~~ Division may submit a written request along with documentation to the Personnel Director asking for the removal of the eligible from the eligibility list. Based on the findings of fact, the Personnel Director may remove the eligible from the applicable eligibility list and any other appropriate eligibility lists on which the eligible's name appears.

**Notification of Rejection**

**IG.** Applicants, candidates, and eligibles who are rejected for any of the reasons identified in Paragraph E. of this rule shall be notified in writing. The written notification shall state:

1a. the reason for the rejection;

2b. the length of time the individual shall be ineligible to be considered for a position in the Los Angeles Community College District except when the rejection is for an unsatisfactory health condition; and

3e. that, within five working days after the written notice was received the individual may appeal in writing to the Personnel Director.

A dated receipt that the notice of rejection has been received by the individual shall be obtained. The intent of obtaining the signature of the individual shall be considered as having been carried out if a certified letter, return receipt requested, has been mailed to the last-known address of the individual.

**Appeal Process**

**JH.** Upon appeal, if the decision of the Personnel Director does not sustain the rejection for any of the reasons identified in Paragraph E. of this rule, the applicant or candidate will be permitted to take or continue the examination or in the case of an eligible the name will be restored to all appropriate lists.

**KI.** Upon appeal, if the decision of the Personnel Director is to sustain the rejection for any of the reasons identified in Paragraph E. of this rule, the individual:

1. shall be given a written notice containing the reason or reasons for sustaining the rejection; and

2. shall be informed of the right to make a written appeal of the rejection and/or the period of disqualification to the Personnel Commission within five working days after the written notice was received in accordance with Paragraph **IG.** above.

**LJ.** An appeal submitted by an applicant, candidate, or eligible must contain specific grounds for the appeal. The following will be accepted as grounds for appeal:

1. that the rejection or the proposed removal of the name from the eligibility list is based on prohibited grounds of discrimination as defined in relevant law.

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2. that there is an abuse of discretion.
3. that the reasons given for the action are not in accordance with the facts.

MK. Upon acceptance of an appeal that meets the grounds specified in Paragraph LJ., above, the Personnel Commission shall instruct the Personnel Director to investigate the appeal and make a report to the Personnel Commission or shall schedule a hearing, if deemed necessary. The Personnel Director may order that certification from affected eligibility lists be suspended pending completion of the hearing or any other period of time that is needed to satisfy the operational needs of the District and the rights of the appellant.

NE. The applicant, candidate, or eligible shall be afforded an opportunity to present relevant evidence at the hearing in a closed session. ~~The rejected applicant, candidate, or eligible shall be afforded the right to choose a hearing that is either open to the public or closed to the public.~~

OM. A rejected applicant or candidate who has appealed the rejection in accordance with the provisions of this rule, may conditionally be permitted to take any part of the examination that is being held pending a decision.

PN. At the conclusion of the hearing or consideration of the investigation report, the applicant, candidate, or eligible shall be notified in writing of the Personnel Commission's decision. If the decision is that the applicant or candidate should be permitted to take the examination, the applicant or candidate shall be permitted to proceed with the examination as if there had not been a rejection. In the event that the decision of the Personnel Commission does not sustain removal of the eligible's name from the eligibility list, the Personnel Director shall restore the eligible's name to the list and resume certification of the eligible's name to vacant positions.

~~Q.~~ ~~Applicants or candidates may also be rejected for failure to meet the established entrance requirements for the examination. It is the responsibility of each applicant to provide information, documentation, or evidence that they meet the minimum qualifications as specified in the job announcement when submitting an application. There is no appeal process for failure to meet the minimum entrance qualifications.~~

~~Q.~~ ~~No review or appeal shall be considered under the provisions of this rule which is based on a challenge of the established entrance qualifications for a class as contained in the appropriate class description.~~