

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

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LAW AND RULES

June 15, 2022

745 VOLUNTARY DEMOTION OR REDUCTION IN ASSIGNED TIME

Education Code Sections

88080. (a) The commission shall prescribe, 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, 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.

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88091. 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

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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. (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.

- A. A voluntary demotion is an action initiated by a regular employee in the classified service which results in an assignment to a class with a lower maximum base salary rate than the employee's prior regular class. A voluntary reduction in assigned time is an action initiated by a regular employee which reduces their assignment hours or basis.
- B. A permanent employee who has taken a voluntary demotion may be considered for assignment without participating in a competitive examination process to a vacancy in any class to which they were regularly appointed. The employee may also be considered for appointment in any class which is not higher than a class in which they had acquired probationary or permanent status. The following conditions shall be considered:
1. If the requested class is within the same occupational grouping of classes as the class upon which eligibility for the requested class is based, the employee shall be found eligible for assignment to the requested class.

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2. If the requested class is one in which the employee has not served and is not within the same occupational grouping of classes as the class upon which eligibility for the requested class is based, a comparison of the classes must indicate:

- a. Similarity of duties.
- b. Similarity of entrance and class qualifications.
- c. Similarity of occupational field.
- d. Similarity of examination content.

3. If the requested class is a related class on the same or a lower salary level to the one in which the employee has formerly served in regular status and upon which eligibility for assignment is based, comparison of the employee's former class and the requested class must indicate:

- a. Completion of probationary period in the former class.
- b. Conditions a. through d. under 2. above.
- c. Relatedness and recency of experience in former class to the requested class.

C. The extent to which the criteria of similarity must be met varies. In general, more latitude may be allowed:

1. as the employee's length of service with the District increases.
2. when the request is based on layoff, reclassification, or reasons of health.
3. when there is no eligibility list for the requested class.
4. when the receiving division or college is in support of this request.
5. when the employee meets the minimum entrance qualifications for the requested class.

If the employee's name appears on a current eligibility list or a list which previously established eligibility for the requested class within the last two years, the criteria in B.2. or 3. above may be waived.

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- D. To request a voluntary demotion, reduction in time, or return to former class, an employee must complete and submit an in-service transaction request. The request shall be processed by the Personnel Commission Office. After receipt of the request, the Personnel Commission Office shall provide a timely written notification of the disposition of the request to the employee and the applicable division head or college president.
- E. An employee who has probationary status only and takes a voluntary demotion may request to have their name restored to the eligibility list from which they were appointed prior to the voluntary demotion provided that the list is still active. Such a request shall be submitted on a prescribed form to the Personnel Commission Office.
- F. Requests for voluntary demotions or reduction in time shall be valid for a two-year period from the date of the acknowledgment notice. It is the responsibility of the employee to submit a new request at the expiration of the two-year period. Requests for a return to former class shall be valid for 39 months from the date the employee ended their latest assignment in the former class.
- G. The benefits of this rule shall not be available to any employee who was unsuccessful in any examination given within the last six months for the requested class.
- H. Voluntary demotion, reduction in time, or return to former class in-service transaction requests shall be maintained by the Personnel Commission Office. The names of employees with approved requests shall be certified to the appointing authority along with names on the applicable eligibility list and/or other employment lists, to any vacancy in the class. The appointing authority does not have an obligation to prefer a voluntary demotion, a reduction in time, or a return to former class request to other means of filling a vacancy.
- I. Employees who have accepted a voluntary demotion in lieu of layoff do not forfeit their reemployment rights.
- J. The provisions of this rule shall not apply in cases where demotion was the result of a disciplinary action.
- K. If service requirements were met in the former class for a salary-step advancement, but not previously credited in such a class, salary step advancement shall be allowed in making the assignment.