

**LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION**

513 HEARINGS AND INVESTIGATIONS

Education Code Section(s)

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.

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

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

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

(c) If the legal or the commission finds that a conflict exists, or if the legal counsel otherwise refuses to aid or represent the commission in a legal matter, the commission may employ its own attorney, and the reasonable cost of the attorney

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shall constitute a legal charge against the general funds of the community college district.

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

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or upon the results of such supplementary hearing or investigation as the Personnel Commission may order.

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