

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

**781 ABSENCE IN RESPONSE TO A COURT SUBPOENA**

**Education Code Section(s)**

**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, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, lay-offs, 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.

**87035.** (a) The governing board of a community college district may grant leaves of absence to employees to appear as a witness in court other than as a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee.

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LAW AND RULES

July 6, 2022

(b) The governing board of a community college district may grant leaves of absence to employees, in academic positions regularly called for jury duty in the manner provided for by law.

(c) The governing board may grant such leaves of absence with pay up to the amount of the difference between the employee's regular earnings and any amount he or she receives for jury or witness fees.

A. A regular classified employee shall be granted a paid leave of absence to respond to a subpoena duly served from a court or grand jury for appearance within the State, provided that:

1. The employee is not a litigant in the case.
2. Written verification of the dates of actual service as a witness is obtained from the court and presented to the District's Payroll Unit.

B. Employees who receive a witness fee shall remit to the District's Payroll Unit an amount equal to the compensation received. Reimbursement for mileage, if any, may be retained by the employee.

Employees who are not entitled to paid leave in response to a court subpoena are entitled to keep the total amount of compensation for service as a witness and mileage.

C. A regular employee shall notify their immediate supervisor as soon as possible after receipt of a subpoena. With allowance for reasonable travel time, the employee shall report to work during the balance of their normal working hours when their presence is not required in court or before a grand jury. If the employee's regular assignment is to other than the day shift, the employee shall report to work between the hours of 8 a.m. and 5 p.m. when their presence is not required pursuant to the subpoena.

D. Paid leave for answering a federal subpoena or other duly authorized subpoena to appear outside the State of California is subject to approval by the Board of Trustees.