

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION MEETING
Wednesday, April 29, 2020 – 12:30 p.m.

Via Teleconference:
<https://laccd.zoom.us/j/5603717342>
Or Dial by your location
+1 669 900 6833 US

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
Appeal – Removal from Eligibility List/Debarment
Easy ID Jon-01-1404
Pursuant to Government Code Section 54957
 - b. Conference with Legal Counsel-Anticipated Litigation
Pursuant to Government Code Section 54957(b)(1)
- IV. Report of Action taken in Closed Session
- V. Adjourn

NEXT PERSONNEL COMMISSION MEETING:

Wednesday, May 13, 2020
Closed Meeting 12:30 p.m.
Open Meeting 1:00 p.m.
Via Teleconference

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

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

To make a request for disability-related modification or accommodation, including auxiliary aids or services, please contact the Personnel Commission Office at (213) 891-2333 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, April 29, 2020 – 1:00 p.m.

Via Teleconference:
<https://laccd.zoom.us/j/5603717342>
Or Dial by your location
+1 669 900 6833 US

ORDER OF BUSINESS – OPEN MEETING

- I. Convene Regular Meeting
- II. Report of Actions Taken in Closed Session
- III. Miscellaneous Personnel Commission Activities and Announcements
 - a. Classified Employment Opportunities Bulletin
- IV. Revision to Personnel Commission Rule 545, CLASSIFICATION STUDIES (Final Approval) (Case 3827)
- V. Revision to Personnel Commission Rule 550, COMPENSATION FOR INCONSISTENT DUTIES: TEMPORARY WORK OUT OF CLASSIFICATION (Final Approval) (Case 3828)
- VI. Revision to Personnel Commission Rule 622, FIELDS OF COMPETITION (Final Approval) (Case 3829)
- VII. Revision to Personnel Commission Rule 893, PROCEDURE FOR THE ADJUSTMENT OF GRIEVANCES FOR UNREPRESENTED EMPLOYEES (Final Approval) (Case 3830)
- VIII. Revision of Personnel Commission Rule 735, CAUSES AND PROCEDURES FOR SUSPENSION, DEMOTION, AND DISMISSAL (Final Approval) (Case 3832)
- IX. Revision to Personnel Commission Rule 500, DEFINITIONS (Tentative Approval) (Case 3833)
- X. Revision to Personnel Commission Rule 740, LAYOFF AND REEMPLOYMENT (Tentative Approval) (Case 3835)
- XI. Revision to Personnel Commission Rule 763, EMPLOYMENT OF RETIRED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (Tentative Approval) (Case 3836)
- XII. Class Description Revisions for:
 - a. Assistant Auditor
 - b. Auditor

- XIII. Correspondence
- XIV. Notice of Anticipated Items: Classification Study for EN 1047924 (AFT); Revision to Personnel Commission Rule 500, (Final Approval); Revision to Personnel Commission Rule 740, (Final Approval); Revision to Personnel Commission Rule 763, (Final Approval); Revision to Personnel Commission Rule 587, (Tentative Approval); Revision to Personnel Commission Rule 891, (Tentative Approval)
- XV. Hear Non-Agenda Speakers/Open Forum
- XVI. Reconvene into Closed Session
- XVII. Reconvene into Open Session
- XVIII. Report of Actions Taken in Closed Session
- XIX. Adjourn

NEXT PERSONNEL COMMISSION MEETING:

Wednesday, May 13, 2020
Closed Meeting 12:30 p.m.
Open Meeting 1:00 p.m.
Via Teleconference
TBD

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LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ronald Delahoussaye

SUBJECT: Revision to Personnel Commission Rule 545, CLASSIFICATION STUDIES (Final Approval) (Case 3827)

This rule has been reviewed as part of the Personnel Commission's continuing review and update of Personnel Commission Laws and Rules. Minor editorial changes were made throughout the rule and paragraphs were reorganized for clarification and consistency purposes.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

545

LAW AND RULES

June 7, 2016 April 29, 2020

545 CLASSIFICATION STUDIES

Education Code Sections

88104. (a) When all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for two or more years may be reclassified with their positions by the personnel commission. When a portion of the positions within a class are reclassified to a higher class an incumbent who has a continuous employment record of two or more years in one or more of the positions being reclassified may be reclassified with his or her position as provided by personnel commission rule.

(b) The basis for reclassification of the position shall be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities. Determinations as to gradual accretion shall be on the basis of guidelines provided by personnel commission rules.

(c) An employee who has been reclassified with his or her position is ineligible for subsequent reclassification with his position for a period of at least two years from the initial action.

88104.5. No position classification or reclassification plan 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 proposed classifications or reclassifications.

88128. Any permanent classified employee of a community college district, who voluntarily resigns from his or her permanent classified position, may be reinstated or reemployed by the governing board of the district, within 39 months after the employee's last day of paid service and without further competitive examination, to a position in his or her former classification as a permanent or limited-term employee, or as a permanent or limited-term employee in a related lower class or a lower class in which the employee formerly had permanent status. If the governing board elects to reinstate or reemploy a person as a permanent employee under this section, it shall disregard the break in service of the employee and classify him or her as, and restore to the employee all of the rights, benefits and burdens of, a permanent employee in the class to which he or she is reinstated or reemployed.

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- A. A reclassification study should be requested in a timely manner whenever material and permanent changes have gradually been made to the duties and responsibilities of a regular position or group of regular positions. A sudden change in duties occasioned by reorganization or the assignment of completely new duties and responsibilities does not constitute a basis for a reclassification study. If additional duties and responsibilities have been assigned to a position on a temporary basis or in the absence of another employee, the provisions outlined in Rule 550, COMPENSATION FOR INCONSISTENT DUTIES: TEMPORARY WORK OUT OF CLASSIFICATION, and Rule 671, LIMITED-TERM ASSIGNMENTS AND APPOINTMENTS, shall apply.
- B. A reclassification study may be initiated by the District administration, an employee, an exclusive representative, or the Personnel Commission.
- C. The initiator of a request for study shall be responsible for providing a justification for the request and any additional information or documentation requested by the Personnel Commission staff in a timely manner. All reclassification study requests shall be supported by a performance evaluation completed within one year of the initiation date of the study request. If an evaluation does not exist, the study will proceed with the concurrence of the Personnel Director.
- D. When a position or a group of positions are reclassified to a class with a higher salary schedule or hourly rate, the incumbent(s) must compete in an examination process and be reachable on the eligibility list in order to be regularly appointed to the reclassified position, with the following exceptions:
1. If the reclassified employee was reachable on an appropriate eligibility list within the last two years, he/she shall be considered to have met the competitive examination requirement.
 2. When the Personnel Commission finds there has been a gradual accretion of duties over the course of two or more years of regular service in the position, incumbents shall be reclassified without the requirement of participating in a competitive examination process provided that they meet the entrance qualifications for the new class and have not failed an examination for the higher classification within the last two years.
- E. A reclassified incumbent who must qualify by competitive examination in order to be regularly appointed to his/her reclassified position shall be provided one opportunity to compete in an examination for the higher class.
- If a reclassified incumbent is unsuccessful in qualifying by competitive examination for his/her reclassified position or chooses not to participate in the required examination, the case may be referred to the Personnel Commission for determination.
- F. Gradual accretion of duties is defined as a change in a position caused by the incremental assignment of higher-level duties or responsibilities or an increase in the scope and/or complexity of work performed.

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The determination of gradual accretion of duties will be made by the Personnel Commission staff based on an analysis of data furnished and documents submitted by the employee and immediate supervisor during the course of the study and the following factors:

1. The nature and scope of changes in the duties and responsibilities.
 2. The approximate verifiable date the incumbent began to perform the higher-level duties and responsibilities.
 3. The circumstances which led to the assignment of higher-level duties and responsibilities to the position.
 4. Documented evidence of the employee's performance of the higher-level duties and responsibilities.
- G. Two or more years of regular service shall be interpreted to mean assignment for at least two complete years within the assignment basis of the position. Problems related to time in service shall be referred to the Personnel Commission for determination.
- H. The effective date of individual reclassification actions shall be the verified initiation date of the request for study by the employee or other initiator as reflected on a completed ~~the~~ Classified Staffing Request (Form C1121) or other study initiation document submitted to the Personnel Commission ~~used to initiate a study. In cases where the initiation date is in dispute, the Personnel Commission shall determine the effective date. Requests to the Personnel Commission to establish an effective date other than the verified initiation date of the study must be accompanied by credible and verifiable documentation. All parties shall have the opportunity to provide or dispute documentation related to the requested effective date.~~
- I. Time spent on any leave of absence from the position being reclassified shall not be considered a break in continuous service; however, the time spent on leave from the position shall not be used towards satisfying the two years service requirement for reclassification without competitive examination. An employee must be actively performing the duties of his/her position during the time a study is in progress.
- J. If the District elects to reinstate or reemploy a person as a permanent employee in accordance with the provisions of Education Code Section 88128, the lapse in employment shall not be considered a break in continuous service; however, the time of non-service shall not be used toward satisfying the two-year service requirement for reclassification without competitive examination.
- K. An employee who previously met the gradual accretion requirement and was reclassified without competitive examination shall be required to participate in a competitive examination process for subsequent upward reclassification(s).

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- L. The reclassification of all positions in a class shall automatically reclassify the mandatory reemployment list for the class. The appropriateness of reclassifying existing eligibility lists shall be determined by the Personnel Commission based on an analysis of examination content.
- M. Nothing in this rule shall operate to alter the authority of the Board of Trustees to fix and prescribe the duties to be performed by all employees in the classified service. This includes the ability to reassess and remove higher-level duties and responsibilities from a position at any time.

If the District determines that the duties which justify the reclassification of a position should be removed, the employee shall be paid temporary work out of classification in accordance with the provisions of Rule 550, COMPENSATION FOR INCONSISTENT DUTIES: ~~CLAIMS FOR TEMPORARY WORK OUT OF CLASSIFICATION~~, for the higher level duties and responsibilities from the verified date of initiation of the study request as documented on the Classified Staff Request (Form C1121) or other document used to initiate the study to the date that the higher-level duties and responsibilities were officially removed from the position. ~~In cases where the initiation date is in dispute, the Personnel Commission shall determine the effective date.~~

- N. In cases where the initiation date of a study is in dispute, the Personnel Commission shall determine the effective date. Requests to the Personnel Commission to establish an effective date other than the verified initiation date of the study must be accompanied by credible and verifiable documentation. All parties shall have the opportunity to provide or dispute documentation related to the requested effective date.

- N.O. The purpose of the following procedure is to educate employees regarding the classification study process and inform employees and their supervisors of their obligations in this process. This process does not preclude an employee from requesting a classification study or submitting Claims for Temporary Work Out of Classification at any time.

1. Each year in April, all regular classified employees will be informed of their right to request a classification study of their position if they believe that the ongoing duties and responsibilities of their position are not consistent with their job classification. The notification will include: basic information regarding job classification, basic information regarding the provisions of this rule, and information on how to request an informal staff review of the duties they believe may be outside of their job classification. Employees will be given one month to respond and take advantage of this process. If an employee does not request a review in a given year, it shall be presumed that the employee is working within class as of that point in time.
2. Personnel Commission staff will review all such requests and make a determination of whether or not a full classification study of a position appears warranted. When a study is in order, the employee and the employee's supervisor will be formally advised to complete and submit a Classified Staffing Request (C1121) in accordance with the provisions of

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applicable contract provisions or rules of the Personnel Commission. If the staff review finds that the employee is working within class, the employee shall be advised in writing of the staff's analysis and the procedures for requesting a complete classification study through established procedures if the employee continues to believe their duties fall outside of their job classification.

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 (Final Approval) (Case 3828)

This rule has been reviewed as part of the Personnel Commission's continuing review and update of Personnel Commission Laws and Rules as well as to address problem areas that have been encountered with the late or inappropriate submission of claims. The first problem area with the late submission of claims encompasses difficulty and/or the inability of employees to recall necessary details of work performed such as dates, description of specific tasks, time spent on tasks, and identifying work samples. A second problem area is that many claims have been submitted to the Personnel Commission in error when other methods for addressing compensation for work out of classification apply including class studies when permanent changes have been made to the assigned duties of an employee's position or a limited-term assignment used to back fill an existing vacant position. A third problem area involves the receipt of claims extremely late after the first date of work out of class performed which has hampered staff's ability to address appropriate compensation for employees quickly and efficiently, if warranted. In response to those problem areas, staff proposes changes to Paragraph B.4. to ensure a more timely and efficient processing of claims. Moreover, staff has found that other agencies have instituted similar time restrictions on the submission of claims.

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LAW AND RULES

March 24, 2015 April 29, 2020

**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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~~March 24, 2015~~ April 29, 2020

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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4. The claim form shall be submitted by the employee no later than ~~100~~ 45 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 622, FIELDS OF COMPETITION (Final Approval) (Case 3829)

This rule has been reviewed as part of the Personnel Commission's continuing review and update of Personnel Commission Laws and Rules. Paragraph I. was added to the rule to account for instances where the Personnel Commission may designate regular employees in a class as eligible to compete for a promotional opportunity in a higher-level class within the same occupational area as a matter of equity and/or the good of the service. Minor editorial changes were also made throughout the rule for consistency purposes.

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PERSONNEL COMMISSION**

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LAW AND RULES

~~December 8, 2015~~ April 29, 2020

622 FIELDS OF COMPETITION

Education Code Sections

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, demotions, promotions, 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.

88091. (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

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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.

(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.

88099. The commission shall, by rule, provide for an open competitive examination and a promotional examination to be held at the same time for the position of business manager or for any other single position class which it declares to be at or above the level of business manager. It shall require that all educational and work experience requirements be developed to fit the needs of the position in such a manner that the position will attract competent and qualified applicants from within the classified service, among academic personnel, or other persons meeting the minimum requirements established for the position.

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Such rule shall provide: (a) that all permanent employees of the district, classified and academic, who meet the established minimum qualifications, shall be eligible to compete in the examination as promotional candidates; (b) that promotional credits, including seniority credits, if any, shall be equally applicable to both classified and academic promotional candidates; (c) that eligibility lists resulting from such an open competitive and promotional examination shall be merged according to the order of the examination scores into a single eligibility list, after the scores of each candidate on the promotional list have been adjusted for promotional credits, including seniority credits, if any; and (d) that the examination for any such position shall not be construed to be an entrance level position examination.

88100. The commission may by rule provide for the competition of academic employees of the governing board in promotional examinations for positions in the classified service.

88101. The commission shall, by rule, provide for an open competitive examination and a promotional examination to be held at the same time for the positions that existed or could be created, when the positions become available for competitive examination, under the provisions of subdivisions (m), (n), and (o) of former Section 13055 as those subdivisions existed prior to their repeal by action of the 1965 General Session of the Legislature.

The rule shall provide: (a) that all permanent employees of the district, classified and academic, who meet the established minimum qualifications, shall be eligible to compete in the examination as promotional candidates; (b) that promotional credits, including seniority credits, if any, shall be equally applicable to both classified and academic promotional candidates; (c) that eligibility lists resulting from such an open competitive and promotional examination shall be merged according to the order of the examination scores into a single eligibility list, after the scores of each candidate on the promotional list have been adjusted for promotional credits, including seniority credits, if any; and (d) that the examination for any such position shall not be construed to be an entrance level position examination.

88103. When an open competitive examination and a promotional examination for a particular class are held at the same time, the commission may, prior to the examination, authorize certification for employment of candidates from the open competitive eligibility list before the promotional eligibility list has been exhausted if the candidate on the open list has a higher score before adjustment for preferential credits than the score of the highest available candidate on the promotional list after seniority credits have been added.

88111. The commission may by rule provide for the continuous examination of eligibles for classes of positions which the commission determines cannot be practicably filled by promotional examination only.

- A. The Personnel Commission shall designate the field(s) of competition for examinations for each job classification in the classified service.
- B. Whenever practicable, examinations shall be given promotionally. When practicability is in doubt, the Personnel Commission may authorize simultaneous promotional and open examinations with the understanding that no certification from an open eligibility list shall precede that from the promotional list, except in the

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- case of dual certification.
- C. The Personnel Commission may order dual certification of open competitive and promotional eligibility lists at the time it designates the field of competition, under the following conditions:
1. Simultaneous open competitive and promotional examinations are held for a class.
 2. The most recent promotional examination for the class has failed to provide an adequate number of available eligibles on a promotional list to fill regular vacancies which developed during the first year of the life of the eligibility list.
 3. When the class being examined for is a management class, or one for which unique qualifications are required and a broader field of competition is necessary to insure the appointment of the best qualified candidates available.
 4. Open and promotional examinations with an authorization for dual certification shall be given for classes identified as Administrative or Executive in Rule 596, OVERTIME, provided they are not designated as a senior administrative position.
- D. Continuous examinations on an open and promotional basis or on an open basis only may be conducted for classes specifically designated by the Personnel Commission.
- E. Examinations for senior administrative positions as outlined in Education Code 88091 shall be authorized with an open (unranked) field of competition.
- F. The field(s) of competition for a job classification shall remain in effect until changed by action of the Personnel Commission with the following exceptions:
1. When a class has been authorized for an open and promotional field of competition, the Personnel Director may suspend the authorization for the open field of competition. Such suspension shall be based on his/her determination that a promotional only field of competition can reasonably be expected to meet the need for qualified eligibles.
 2. When an examination is authorized on an open only basis and upon completion of the examination process one or more regular employees with permanent status in the District has/have passed the exam, a promotional eligibility list will be established. This provision shall not apply to eligibility lists established for the job classifications of SFP Program Director, SFP Program Specialist, SFP Program Technician, and SFP Program Office Assistant.

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- G. When the entrance qualifications are changed for a class, the field of competition for the job classification shall be reviewed and a recommendation to change the field(s) of competition made for future examination processes, if necessary.
- H. A recruitment bulletin calling for a competitive examination to fill position vacancies shall include the authorized field(s) of competition and the minimum qualifications in effect as of the opening date of filing.
- I. The Personnel Commission may permit employees who have obtained permanent status in their current class to compete in a promotional examination for a class within their occupational area as a matter of equity and/or the good of the service.

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TO: THE PERSONNEL COMMISSION

FROM: Ronald Delahoussaye

SUBJECT: Revision to Personnel Commission Rule 893, PROCEDURE FOR THE ADJUSTMENT OF GRIEVANCES FOR UNREPRESENTED EMPLOYEES (Final Approval) (Case 3830)

Personnel Commission Rule 893 has been reviewed as part of the Personnel Commission's continuing review and update of Personnel Commission Laws and Rules. Editorial changes have been made to the rule for clarity and consistency. No substantive changes have been proposed.

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893 PROCEDURE FOR THE ADJUSTMENT OF GRIEVANCES FOR UNREPRESENTED
EMPLOYEES

Education Code Sections

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.

The provisions of this rule apply to management, confidential, and other non-represented employees. Procedures for adjusting grievances of represented classified employees are contained in their respective bargaining agreements.

A. Purpose of the Adjustment Procedure

The adjustment procedure for grievances enables permanent classified employees to seek an adjustment of complaints arising out of alleged violations of established Board rules or policies, administrative procedures, working conditions, or working job-relationships, including the complaint of one employee against another employee. Because complaints should be adjusted as promptly as possible, time limits have been established to minimize delays in the various steps of the process. There is an obligation on the part of an aggrieved employee to bring forth any complaint and its pertinent facts within 30 working days of any specific or documented incident or at the earliest possible date after the recognition of a nonspecific occurrence so that efforts can be made through the adjustment procedure to resolve differences and to promote harmonious relationships.

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Matters excluded from the adjustment procedure shall be:

1. Accusatory charges relating to the moral or professional fitness of an employee. Such charges shall be filed with the Chancellor.
2. Matters specifically reserved for action or review by the Personnel Commission under Personnel Commission rules in effect at the time the events leading to the grievance occurred. Such matters shall be processed through normal channels by the Personnel Commission.
3. Complaints about the subject matter of a Board rule or policy or administrative procedure, rather than the administration of the Board rule or policy or procedure. An employee with such a complaint should direct his/her suggestions for change through administrative channels to the Board or to the appropriate administrator who established it.
4. Performance evaluations in which the employee has been rated as “meets or exceeds work performance standards” on every item. The employee may use the procedure only if one or more factors are rated as “below work performance standards.”

A grievant may obtain assistance from the Office of ~~Employer~~-Employee and Labor Relations throughout the course of the adjustment procedure described below.

B. Steps in the Adjustment Procedure

1. Informal Discussion with immediate Supervisor

Informal discussion between an employee (or group of employees) and the immediate supervisor shall take place in an effort to resolve the complaint. An attempt to conduct the conference shall be made within one working day.

The immediate supervisor’s decision and supporting reasons shall be communicated to the employee(s) within five working days following the conference.

2. Informal Review with next level Supervisor

a. If the complaint has not been resolved by the immediate supervisor, the employee may submit a written request for an informal review to the next level supervisor who has the authority to adjust the complaint or the remedy sought. The request shall be submitted within five working days after receipt of the immediate supervisor’s decision.

b. The next level supervisor shall attempt to hold a conference within one working day after receipt of the employee's request for an informal review.

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- c. The employee must be in attendance; the employee may present his/her own case or may present the complaint through a representative of his/her own choosing at the informal review and at any subsequent stage of the adjustment procedure. A classified employee of the Los Angeles Community College District may serve as a representative without prejudice or loss of salary, provided that the representative's supervisor is notified in advance.
 - d. The next level supervisor shall communicate in writing the decision and supporting reasons to the employee, the immediate supervisor, and the applicable division head or college president within five working days following the conference.
3. Formal Administrative Review
- a. If the grievant remains dissatisfied with the response to the informal review, he/she shall submit a formal written complaint within five working days after receipt of the decision to the applicable division head or college president requesting a formal administrative review. The grievant shall send a copy of the formal written complaint to the immediate supervisor and the next level supervisor of the informal review.
 - b. The written request shall include: a clear, concise statement of the complaint; the act or condition on which it is based; the remedy desired; the persons involved; and the course of action that has been followed, including the decision rendered in the informal review, the reasons why the decision is being appealed, and the name of the grievant's representative, if any.
 - c. The division head or college president shall hold a conference with all involved parties on the complaint within five working days of receipt, unless there is mutual agreement that more time shall be allowed. Time limits in all subsequent stages of the adjustment procedure may be modified by agreement of the parties involved.
 - d. The division head or college president shall submit a written response of the decision to the grievant, the grievant's immediate supervisor, and the next level supervisor within five working days following the conference. The division head or college president shall implement the decision.
4. Formal Hearing
- a. If the grievant is dissatisfied with the decision of the administrative review, he/she may file a written request for a hearing before a hearing officer to the Personnel Commission Office within five working days after receipt of the decision. A copy of the request shall be sent to the applicable division head or college president.

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- b. The Personnel Commission Office shall make arrangements for the selection of a hearing officer. The hearing officer may be selected jointly by the grievant or the grievant's representative and the applicable division head or college president. The hearing officer may or may not be a District employee. If a hearing officer is not selected jointly within five working days after the request for a hearing officer was filed, the Personnel Commission shall select the hearing officer.
 - c. All fees for the services of an outside hearing officer shall be paid from the appropriate funds of the District.
 - d. The hearing officer shall convene a hearing at the earliest practicable date after selection. The hearing officer shall set the proceedings, review the written statements submitted by the parties to the grievance, and determine who may attend the hearing. ~~The appellant grievant~~ and the applicable division or college president may request the presence of witnesses. The hearing officer shall be empowered to direct the attendance of any District employee at the hearing without loss of salary to the employee.
 - e. The hearing shall be conducted in an informal manner and attendance shall be limited to the parties of the grievance and their representatives, if any, and testifying witnesses. ~~The appellant grievant~~ and the applicable division head or college president shall each be limited to two days to present their respective positions. Additional time may be taken for further testimony as deemed necessary. The hearing shall be conducted in accordance with fundamental rules of fairness and due process.
 - f. The hearing officer shall render written findings, conclusions, and the recommendations within 10 working days of the termination of the hearing. The findings, conclusions, and recommendations shall be sent to the parties concerned and to the Chancellor or his/her designee for implementation.
5. Board of Trustees Review
- a. If the grievant or the applicable division head or college president is not satisfied with the recommendations submitted by the hearing officer, a written appeal may be made to the Board of Trustees within five working days after receipt of the finding, conclusions, and recommendations. The written appeal shall:
 - (1) Be based upon a statement of objections to the findings, conclusions, or recommendation of the hearing officer.
 - (2) Provide a detailed statement establishing the factual or other basis for such objections.
 - (3) Describe the remedy requested.

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A copy of the appeal shall be submitted to the Chancellor or his/her designee.

- b. A copy of the appeal shall be provided to the other involved party who shall be required to submit a written reply to the points made in the appeal within five working days of receipt thereof.
- c. The Board of Trustees may review the records of the hearing, including the findings, conclusions, and recommendations, or conduct its own hearing or investigation of the appeal.
- d. When the Board of Trustees has reached a decision, the Chancellor or his/her designee and individuals involved shall be notified as soon as possible. The Chancellor or his/her designee shall implement the decision.
- e. The decision of the Board of Trustees on an appeal shall constitute the final administrative remedy available to the grievant.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT
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TO: THE PERSONNEL COMMISSION

FROM: Ronald Delahoussaye

SUBJECT: Revision of Personnel Commission Rule 735, CAUSES AND PROCEDURES FOR SUSPENSION, DEMOTION, AND DISMISSAL (Final Approval) (Case 3832)

The proposed amendments to Rule 735 are part of the Personnel Commission's continuing review and update of Personnel Commission Laws and Rules. Editorial changes have been made to the rule for clarity and consistency.

The following substantive changes have been made to the rule:

- In Paragraph A.2, the definition for demotion was updated in order to be consistent with Rule 500, DEFINITIONS.
- Paragraph B. and G.4.b were updated to include all prohibited employment discriminatory practices as provided for in Government Code Section 12920.

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DISMISSAL

Education Code Sections

87010. ~~“Sex offense”~~“Sex offense,” as used in Sections 87405, 88022, and 88123, means any one or more of the offenses listed below:

(a) Any offense defined in Section 261.5, 266, 267, 285, 286, 288, ~~288a~~, or 647.6 of, or former Section ~~288a~~ or 647a of, paragraph (2) or (3) of subdivision (a) of Section 261 of, paragraph (1) or (2) of subdivision (a) of Section 262 of, or subdivision (a) or (d) of Section 647 of, the Penal Code.

(b) Any offense defined in former subdivision 5 of former Section 647 of the Penal Code repealed by Chapter 560 of the Statutes of 1961, or any offense defined in former subdivision 2 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961, if the offense defined in those sections was committed prior to September 15, 1961, to the same extent that such an offense committed prior to that date was a sex offense for the purposes of this section prior to September 15, 1961.

(c) Any offense defined in Section 314 of the Penal Code committed on or after September 15, 1961.

(d) Any offense defined in former subdivision 1 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 committed on or after September 7, 1955, and prior to September 15, 1961.

(e) Any offense involving lewd and lascivious conduct under Section 272 of the Penal Code committed on or after September 15, 1961.

(f) Any offense involving lewd and lascivious conduct under former Section 702 of the Welfare and Institutions Code repealed by Chapter 1616 of the Statutes of 1961, if the offense was committed prior to September 15, 1961, to the same extent that such an offense committed prior to that date was a sex offense for the purposes of this section prior to September 15, 1961.

(g) Any offense defined in Section 286 or former Section 288a of the Penal Code prior to the effective date of the amendment of either section enacted at the 1975-76 Regular Session of the Legislature committed prior to the effective date of the amendment.

(h) Any attempt to commit any of the above-mentioned offenses.

(i) Any offense committed or attempted in any other state that, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses.

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87011. ~~“Controlled substance offense”~~“Controlled substance offense” as used in Sections 87405, 88022, and 88123 means any one or more of the following offenses:

(a) Any offense in Sections 11350 to 11355, inclusive, 11366, 11368, 11377 to 11382, inclusive, and 11550 of the Health and Safety Code.

(b) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of the above-mentioned offenses.

(c) Any offense committed under former Sections 11500 to 11503, inclusive, 11557, 11715, and 11721 of the Health and Safety Code.

(d) Any attempt to commit any of the above-mentioned offenses.

87405. ~~Employment of persons convicted of sex offenses or controlled substance offenses~~

(a) Governing boards of community college districts shall not employ or retain in employment persons who have 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.

(b) Notwithstanding subdivision (a), no person shall be denied employment or not be retained solely on the basis that he or she has been convicted of a sex offense or a controlled substance offense if he or she has obtained or applied for a certificate of rehabilitation and pardon under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, and if his or her probation has been terminated and the information or accusation has been dismissed pursuant to Section 1203.4 of the Penal Code.

(c) Notwithstanding subdivision (a), a person may be employed or retained despite being convicted of a sex offense or a controlled substance offense if the governing board determines from the evidence presented that the person has been rehabilitated for at least five years, or has received a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, or if the accusation or information against the person has been dismissed and he or she has been released from all disabilities and penalties resulting from the offense pursuant to Section 1203.4 of the Penal Code.

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88016. ~~Notice of disciplinary action~~ A notice of disciplinary action shall contain a statement in ordinary and concise language of the specific acts and omissions upon which the disciplinary action is based, a statement of the cause for the action taken and, if it is claimed that an employee has violated a rule or regulation of the public school employer, such rule or regulation shall be set forth in said notice.

A notice of disciplinary action stating one or more causes or grounds for disciplinary action established by any rule, regulation, or statute in the language of the rule, regulation, or statute, is insufficient for any purpose.

A proceeding may be brought by, or on behalf of, the employee to restrain any further proceedings under any notice of disciplinary action violative of this provision.

This section shall apply to proceedings conducted under the provisions of Article 3 (commencing with Section 88060) of this chapter.

88022. ~~Employment after conviction of sex offense or controlled substance offense; rehabilitated controlled substance offender~~ 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. ~~Employment of sexual psychopath~~ 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.

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~~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 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.

~~88121. Demotion and removal from permanent classified service~~No person in the permanent classified service shall be demoted or removed except for reasonable cause designated by rule of the commission as detrimental to the efficiency of the service. This section shall not be construed to prevent layoffs for lack of work or lack of funds.

~~88122. Additional causes for suspension or dismissal of employees in classified service~~In addition to any causes for suspension or dismissal which are designated by rule of the commission, employees in the classified service shall be suspended and dismissed in the manner provided by law for any one or more of the following causes:

(a) Knowing membership by the employee in the Communist Party.

(b) Conduct specified in Section 1028 of the Government Code.

~~88123. Written charges for suspension, demotion, or dismissal; provisions for suspension pending determination of sex offense or narcotics offense~~For reasonable

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causes, an employee may be suspended without pay for not more than 30 days, except as provided in this section, or may be demoted or dismissed. In such case, the personnel director, shall within 10 days of the suspension, demotion, or dismissal, file written charges with the commission and give to the employee or deposit in the United States registered mail with postage prepaid, addressed to the employee at his or her last known place of address, a copy of the charges.

Whenever an employee of a community college district is charged with the commission of any sex offense, as defined in Section 87010, or any narcotics offense, as defined in Section 87011, or a violation of Sections 11357 to 11361, inclusive, 11363, 11364, or 11377 to 11382, inclusive, insofar as such sections relate to, any controlled substances in paragraph (4) or (5) of subdivision (b) of Section 11056, or any controlled substances in subdivision (d) of Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision, of the Health and Safety Code by complaint, information, or indictment filed in a court of competent jurisdiction, the governing board of the district may immediately suspend the employee for a period of time extending for not more than 10 days after the date of the entry of the court judgment. However, the suspension may be extended beyond such 10-day period in case the governing board gives notice within such 10-day period that it will dismiss the employee 30 days after the service of the notice, unless the employee demands a hearing. An employee so suspended shall continue to be paid his or her regular salary during the period of the suspension if and during such time as he or she furnishes to the district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the district the amount of salary so paid to him or her during the period of the suspension in case the employee is convicted of such charges, or the employee does not return to service after such period of suspension. If the judgment determines that the employee is not guilty of such charges, or if the complaint, information, or indictment is dismissed, the district shall reimburse the employee for the cost of the bond; or, if the employee has not elected to furnish such bond, the district shall pay to the employee his or her full compensation during the period of the suspension; provided the employee returns to service after such period of suspension.

88124. ~~Appeal by employee from suspension, demotion or dismissal~~ Any employee in the permanent classified service who has been suspended, demoted, or dismissed may appeal to the commission within 14 days after receipt of a copy of the written charges by filing a written answer to the charges. Such an appeal is not available to an employee who is not in the permanent classified service except as provided by rules of the commission. An employee in the permanent classified service who has not served the time designated by the commission as probationary for the class may be demoted to the class from which promoted without recourse to an appeal or hearing by the commission, except as otherwise provided by rules of the commission; and provided, that such demotion does not result in the separation of the employee from the permanent classified service. Nothing in this section shall operate to alter the protections guaranteed under Section 88128.

88125. ~~Investigation and hearing on appeal~~ The commission shall investigate the matter on appeal and may require further evidence from either party, and may, and upon request of an accused employee shall, order a hearing. The accused employee shall have the right to appear

in person or with counsel and to be heard in his or her own defense. The decision shall not be subject to review by the governing board.

88126. ~~Reinstatement and employee compensation; determination of terms and conditions; notification~~ If the commission sustains the employee, it may order paid all or part of his or her full compensation from the time of suspension, demotion, or dismissal, and it shall order his or her reinstatement upon terms and conditions that it deems appropriate. The commission may modify the disciplinary action, but may not make the action more stringent than that approved by the board. In addition, the commission may direct any other action that it finds necessary to effect a just settlement of the appeal, including, but not limited to, compensation for all or part of the legitimate expenses incurred in pursuit of the appeal, seniority credit for off-duty time pending reinstatement, transfer or change of location of the employee, and expunction from the employee's personnel record of disciplinary actions, cause, and charges that were not sustained by the commission. Upon receipt of the commission's written decision, the board shall comply with its provisions. When the board has fully complied with the commission's decision, it shall so notify the commission in writing.

88128. ~~Reinstatement of permanent classified employees after resignation~~ Any permanent classified employee of a community college district, who voluntarily resigns from his or her permanent classified position, may be reinstated or reemployed by the governing board of the district, within 39 months after the employee's last day of paid service and without further competitive examination, to a position in his or her former classification as a permanent or limited-term employee, or as a permanent or limited-term employee in a related lower class or a lower class in which the employee formerly had permanent status.

If the governing board elects to reinstate or reemploy a person as a permanent employee under this section, it shall disregard the break in service of the employee and classify him or her as, and restore to the employee all of the rights, benefits and burdens of, a permanent employee in the class to which he or she is reinstated or reemployed.

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

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

Government Code Section

12920. It is hereby declared as the public policy of this state that it is necessary to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

It is recognized that the practice of denying employment opportunity and discriminating in the terms of employment for these reasons foments domestic strife and unrest, deprives the state of the fullest utilization of its capacities for development and advancement, and substantially and adversely affects the interests of employees, employers, and the public in general.

Further, the practice of discrimination because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information in housing accommodations is declared to be against public policy.

It is the purpose of this part to provide effective remedies that will eliminate these discriminatory practices.

This part shall be deemed an exercise of the police power of the state for the protection of the welfare, health, and peace of the people of this state.

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A. Definitions

1. Suspension means 1) the temporary removal of an employee from his/her position for cause without pay or 2) the removal of an employee from his/her position for cause with or without pay as determined by the District pending investigation into issues and/or charges which may lead to demotion or dismissal of the employee.
2. Demotion means a change in assignment of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary rate to a lower job classification, status, assigned basis or time, as defined in Rule 500.
3. Dismissal means the release or discharge of an employee from employment for cause.

B. Nondiscrimination Policy

No employee in the Classified Service shall be suspended, demoted, dismissed or in any way discriminated against because of his/her race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, ~~(as listed in Government Code Section 12920)~~, or military and veterans status (as listed in Government Code Section 12920), or political affiliation (except as provided by Paragraph C.).

C. Causes for Discipline

Employees in the Classified Service may be suspended, demoted, or dismissed for any of the following causes.

1. Incompetence
2. Inefficiency
3. Insubordination
4. Willful misconduct or any other willful failure of good conduct tending to injure the public service
5. Inattention to or dereliction of duty
6. Willful and persistent violation of the provisions of the Education Code, public policy, or of policies, rules, regulations, or procedures adopted by the Board of Trustees or the Personnel Commission
7. Dishonesty
8. Discourteous, abusive, or threatening language or behavior directed toward any person, including sexual harassment, racial harassment, or other legally prohibited actions or behavior
9. Immoral conduct
10. Appearing for work under the influence of alcohol or controlled substance or using alcohol or a controlled substance illegally while on duty
11. Conviction of any controlled substance offense as defined in Education Code Section 87011

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12. Failure to abide by the conditions of an agreement regarding participation in an alcohol or substance abuse rehabilitation program
13. Frequent unexcused absence or tardiness
14. Abuse of leave privileges by habitual use of leave for trivial indispositions or by absence so frequent that the efficiency of the service is impaired
15. Absence without leave or abandonment of position
16. Failure to disclose material facts or the making of any false or misleading statement on any official document of the District or Personnel Commission
17. Failure to report for a health examination after reasonable notice
18. The discovery or development during an initial probationary period of any physical, emotional, and/or mental condition which precludes an employee from satisfactorily performing the essential duties of the position classification to which assigned
19. Failure to disclose material facts regarding criminal records
20. Failure to report for review of criminal records after reasonable notice
21. One or more criminal convictions which indicate that the person is a poor employment risk in the job classification he/she holds
22. Conviction of any sex offense as defined in Education Code Section 87010
23. Engagement in political activities during assigned hours of employment
24. Advocacy of overthrow of the government of the United States or the State of California by force, violence, or other unlawful means
25. Knowingly becoming or knowingly remaining a member of the Communist Party on or after November 12, 1952, as defined in Education Code Section 88122
26. Active participation by a management or confidential employee in the affairs of an employee organization which is an exclusive representative
27. Unauthorized use or abuse of District or student body property
28. Failure to successfully complete a training program or to meet a special entrance qualification that is required for a job classification

D. Notices of Unsatisfactory Service

1. A notice of unsatisfactory service shall be given to a regular employee whose service or conduct is held to be below work performance standards.
2. A notice of unsatisfactory service must be given to a permanent employee not less than 10 calendar days nor more than 90 calendar days before the effective date of demotion or dismissal, or in the case of suspension, not more than 90 calendar days before the effective date of the suspension. If the 90 calendar day time provision would result in a suspension falling during a period of time excluded from the employee's assignment basis, the effective date of the suspension may be more than 90 calendar days after the issuance of the notice, but no later than the first assigned day of the employee's assignment basis.
3. The notice of unsatisfactory service shall be in writing on the prescribed form issued by the ~~Employer~~-Employee and Labor Relations Office and shall contain a statement in ordinary and concise language of the specific acts, omissions, or reasons for which the notice is given.

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4. A notice of unsatisfactory service may be issued by anyone who exercises supervisory responsibility over the employee. All unsatisfactory notices shall be signed by the initiating supervisor and countersigned by the Cehancellor, college president, or division head. ~~In operations not designated as part of a college or division, the head of the operation shall sign or countersign the notice of unsatisfactory service.~~
5. The notice of unsatisfactory service shall be personally issued to the employee by the initiating supervisor when practicable. The employee shall be requested to sign the notice as acknowledgment of receipt. If an employee refuses to sign, the notice of unsatisfactory service shall be presented in the presence of a witness and signed by that witness. If the employee is unavailable to sign, the notice shall be sent to the ~~Employer~~-Employee and Labor Relations Office for issuance by certified mail. When personal delivery is impracticable, the intent of obtaining the signature of the employee shall be considered as having been carried out if a certified letter, with return receipt requested, has been mailed to the last-known address of the employee. A copy of the certified letter shall also be mailed via first class mail. Notification by the United States Postal Service that delivery cannot be made at the address of record shall be deemed to meet the requirements of "receipt".

E. Suspension for Specific Offenses

A regular employee charged with the commission of any sex offense as defined in Section 87010 or controlled substance offense as defined in Section 87011 of the Education Code by complaint, information, or indictment filed in a court of competent jurisdiction may be suspended as provided for in Section 88123 of the Education Code. Such a suspension will be processed as an involuntary personal leave in accordance with the provisions of this rule relative to suspensions. The employee may receive compensation as provided for in Section 88123. Such suspension shall be reviewed by the Personnel Commission every 90 calendar days. An employee who is suspended under this provision has no right to appeal the suspension to the Personnel Commission.

F. Suspension, Demotion, and Dismissal

1. An employee may be immediately suspended for not more than 30 calendar days or demoted or dismissed by the Board of Trustees for the causes identified in Paragraph C.
2. The administrative officer of the ~~Employer~~-Employee and Labor Relations Office shall, within 10 calendar days after Board of Trustees action to suspend, demote, or dismiss an employee, file a Statement of Charges with the Personnel Commission.
3. Within the same 10 calendar days, the employee shall be personally served or mailed a copy of the Statement of Charges. If mailed, the Statement of Charges shall be sent to the last-known address of the employee via United States registered mail with return receipt requested. A copy of the registered letter shall also be mailed via first class mail. Notification by the United States Postal Service that delivery cannot be made at the address of record shall be deemed to meet the requirements of "receipt".

G. Right of Appeal

1. Permanent Employee

Following public action by the Board of Trustees to suspend, demote, or dismiss a permanent employee, the Personnel Commission staff shall send the employee a copy of the Statement of Charges and notification of his/her right to appeal the decision. The employee shall have 14 calendar days from receipt to file a written appeal on the prescribed form appealing the suspension, demotion, or dismissal.

2. Employee with Probationary Status Only

An employee with probationary status only has no right of appeal to the Personnel Commission.

3. Notification Procedures

The employee notifications noted above shall be sent to the last-known address of the employee via first class and registered mail with return receipt requested. Notification by the United States Postal Service that delivery cannot be made at the address of record shall be deemed to meet the requirements of "receipt".

4. Grounds for Appeal

Appeals for suspension, demotion, or dismissal can be made only on the basis of one or more of the following grounds:

- a. That the procedures set forth in these rules have not been followed.
- b. That the suspension, demotion or removal was made because of race, religious creed, color, national origin, ancestry, ~~religion~~, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, ~~pregnancy~~, sexual orientation, ~~disability (as defined in Government Code Section 12926)~~, military and veterans status (as listed in Government Code Section 12920), or political affiliation (except as provided by Paragraph C.).
- c. That there has been abuse of discretion.
- d. That the action taken was not in accord with the facts.

5. Notification of Decision to Appeal

Upon receipt by the Personnel Commission of a timely appeal, the Personnel Director shall promptly provide written notification of the appeal to the administrative officer of the

~~Employer~~-Employee and Labor Relations Office, the Deputy Chancellor, and the General Counsel.

H. Hearing Officer

The Personnel Commission may authorize a hearing officer to conduct any hearing or investigation which the commission itself is authorized by this article to conduct. Such hearing officer is authorized to set proceedings, administer oaths, request the issuance of subpoenas, cause the depositions of witnesses to be taken, present findings and recommendations, and to perform any and all other acts in connection with such proceedings as authorized or implied by law or these rules.

I. Subpoenas

Hearing officers and parties to the appeal are to request subpoenas from the Personnel Director of the Personnel Commission in time to allow for preparation and service as indicated below. If a subpoena is limited to a notice to appear, it must be served on a party or person's attorney at least 10 calendar days before the date to appear. If books, documents, or other items are to be produced by a person, the subpoena must be served 20 calendar days in advance. The service deadlines above are based on personal service. Where service is by mail, another 5 calendar days must be added to the deadlines. Personal service of subpoenas shall be the responsibility of the requesting party.

Both parties shall respond to any request from the Personnel Director for witness lists no later than 14 calendar days prior to the initial date of the hearing.

J. Hearing Procedures

The Personnel Commission shall make every effort to begin the hearing no later than 60 calendar days from the day the appeal is received. The parties shall be notified of the hearing date(s) and location as soon as they are established. Continuances will be discouraged.

1. The parties shall be notified that all hearings shall be public unless the appellant requests a closed hearing.
2. Hearing proceedings shall be electronically recorded unless a court reporter is present. If a request for a transcript of the electronically recorded proceedings is granted, the cost of the transcription shall be shared by the District and appellant. If a request to have the proceedings recorded and transcribed by a court reporter is granted, the cost of this service shall be shared by the District and appellant.

K. Hearing Proceedings and Rules of Evidence

1. The hearing shall be confined to issues contained in the Statement of Charges issued by the Board of Trustees.

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2. The Board's representative shall first present evidence and witnesses in support of the Statement of Charges. An equal opportunity will then be afforded the appealing employee to present his/her responses to the Statement of Charges.
3. The hearing shall not be bound by technical rules of evidence. Informality in any proceeding or in the manner of taking testimony shall not invalidate any order, decision, rule, or regulation made, approved, or confirmed by the Personnel Commission.

L. Failure to Appear at Hearing

1. Failure of the District to appear at the hearing shall be deemed a withdrawal of the District's disciplinary case. Failure of the employee to appear at the hearing shall be deemed a withdrawal of the employee's appeal. Upon showing of good cause by either party, the Personnel Commission may reinstate the appeal and conduct a hearing.
2. The Personnel Commission may assess the defaulting party for the cost of the hearing.

M. Decision

1. The findings of fact, conclusions, and recommendations of the hearing officer shall first be provided to the Personnel Commission and no other party. Every effort shall be made by the hearing officer to submit his/her report to the Personnel Commission no later than 30 calendar days from the last date of hearing proceedings. The Personnel Commission shall within a reasonable period of time set a date to consider their decision on the appeal. Copies of the hearing officer's report shall be provided to the parties in the appeal no later than 14 calendar days prior to the established date.
2. If either party to the appeal believes that there has been abuse of discretion on the part of the hearing officer, he/she must submit a written statement to the Personnel Commission with a copy to the opposing representative detailing the abuse and the remedy sought no later than 7 calendar days before the date set for consideration of the decision on the appeal.
3. The Personnel Commission may accept, reject, or amend any of the findings or recommendations presented to them by the Hearing Officer. Any rejection or amendment of findings or recommendations shall be based either on a review of the transcript of the hearing or upon the results of such supplementary hearing or investigation as the commission may order. The Personnel Commission may modify the disciplinary action taken against the employee but may not make the action more stringent than that approved by the Board of Trustees.
4. The decision of the Personnel Commission shall be provided in written form to the Board of Trustees and appellant. Copies shall also be sent to the administrative officer of the ~~Employer~~-Employee and Labor Relations Office, Deputy Chancellor, and General Counsel. The decision of the Personnel Commission shall be binding upon the Board of Trustees. The Board of Trustees shall notify the Commission in writing when it has fully complied with the decision of the Personnel Commission.

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5. If the Personnel Commission sustains the employee, it may order payment of all or part of the appellant's full compensation from the time of suspension, demotion, or dismissal. In addition, the Personnel Commission may direct other action as it finds necessary to effect a just settlement of the appeal including, but not limited to, compensation for all or part of the legitimate expenses incurred in pursuit of the appeal, seniority credit for off-duty time pending reinstatement, transfer or change of location, and expunction from the employee's personnel record of disciplinary actions, causes, and charges which were not sustained by the Personnel Commission.

N. **Administrative Review Procedures for Permanent Employees Demoted during Probationary Period**

1. A permanent employee who is being demoted during a probationary period may request an administrative review by the Personnel Director or his/her designee within 14 calendar days after receiving written notification of not being granted permanency in the class.
2. The purpose of the administrative review will be to determine whether there were reasonable grounds for not granting permanency in the job classification based on the administrative record already in existence. Reasonable grounds means a set of facts or circumstances which would satisfy an ordinary cautious and prudent person. The review shall not be required to follow the procedures for appeals and hearings set forth elsewhere in these rules.
3. The Personnel Director shall notify the Vice Chancellor, Human Resources and employee in writing of his/her findings.
4. If the Personnel Director or designee finds indications of arbitrary or discriminatory action, he/she shall report the findings to the Personnel Commission. The Personnel Commission may order a formal hearing. The decision of the Personnel Commission is binding on the Board of Trustees.

LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ronald Delahoussaye

SUBJECT: Revision to Personnel Commission Rule 500, DEFINITIONS (Tentative Approval)
(Case 3833)

Personnel Commission Rule 500 has been reviewed in conjunction with Rule 735, CAUSES AND PROCEDURES FOR SUSPENSION, DEMOTION, AND DISMISSAL and Rule 740, LAYOFF AND REEMPLOYMENT. The definitions for suspension and layoff have been updated for consistency purposes. No other changes are being proposed.

500 DEFINITIONS

Unless otherwise required by context and/or prevailing law, terms used in these rules are understood to have the following meanings:

ACADEMIC SERVICE: All positions in the District's service for which minimum qualifications have been established by the board of governors pursuant to Education Code Section 87356. Also referenced as certificated.

ACCELERATED HIRING RATE: An initial hiring rate at other than the beginning step of the schedule for the class, which rate must be specifically authorized by the Personnel Commission for the particular class. Such rates are based upon anticipated or actual recruitment difficulties. See also Shortened Range.

ACCRETION OF DUTIES: The gradual change in a position caused by the incremental assignment of higher-level duties or greater responsibilities; or a gradual increase in the scope and/or complexity of assigned work performed.

ADJUSTMENT PROCEDURE: Provisions for the hearing and adjustment of employee grievances.

ADMINISTRATIVE CLASS: One or more positions in the District with primary duties and responsibilities for the management of an organizational unit at the branch level or its equivalent. Individuals in positions designated as an administrative class direct, the activities of the unit through subordinate supervisors, establish policies regarding the operation of the unit, and review recommendations and decisions of subordinates.

ADVANCED APPOINTMENT: An appointment from an eligibility list, which is scheduled to expire, to a position which is known to become vacant within 90 calendar days after the scheduled expiration of the eligibility list. (Rule 635, APPOINTMENTS FROM ELIGIBILITY LISTS)

ALLOCATION: The assignment of a class to a salary schedule or rate.

ANNIVERSARY DATE: The date upon which an employee is granted salary step advancement earned by completion of a required period of service. This is the first day of the pay period that follows completion of the required period of service.

APPEAL: A written protest by an employee regarding an actual or potentially detrimental administrative action against him/her.

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APPLICANT: A person who has filed an application to take a merit system examination.

APPOINTMENT: The official act of the appointing power in approving the employment of a person in a specific position.

ARMED FORCES: For the purposes of military leave of absence, the United States Air Force, Army, Navy, Marine Corps, Coast Guard, Revenue Marine Service, Army Nurse Corps, and Navy Nurse Corps, and service as a Nurse in the American Red Cross during World War I. For the purposes of veterans credit, the United States Air Force, Army, Navy, Marine Corps, and Coast Guard.

ASSAULT AND BATTERY LEAVE OF ABSENCE: A type of industrial accident leave granted for absence because of an injury resulting from an assault and/or battery that was incurred while performing assigned duties.

ASSIGNMENT: The placement of an appointee in a position; also, the position in which an appointee is placed.

ASSIGNMENT BASIS: The portion of the year for which employment is authorized for a specific position or class.

AUTHORIZED SUPERVISOR: An employee of the District who has been authorized on either a special or continuing basis to assign duties and responsibilities to one or more employees. An authorized supervisor need not be a "supervisory employee" as that term is set out in Section 3540.1(m) of the Educational Employment Relations Act and defined in these rules.

BEREAVEMENT LEAVE: Paid leave of limited duration granted to an employee upon the death of a relative or certain close friends.

BREAK IN SERVICE: Interruption of an individual's employment relationship with the District. The Break in Service may be cancelled by subsequent reemployment or reinstatement within 39 months.

BUMPING RIGHTS: The right of an employee, under certain conditions, to displace an employee with less seniority in a class.

CANDIDATE: A person who has taken one or more portions of a merit system examination.

CASUAL ABSENCE: Informal absence without loss of pay of one day or less which may be granted, under specified conditions, to employees by division heads or their designated representative.

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CAUSE: Any violation by an employee of law or rule which forms the basis for formal action (suspension, demotion or dismissal) when taken for the good of the District or in District's best interest. Cause as defined in Education Code 88001: "Cause relating to disciplinary actions against classified employees means those grounds for discipline, or offenses, enumerated in the law or set forth in Paragraph C. of Rule 735, CAUSES AND PROCEDURES FOR SUSPENSION, DEMOTION, AND DISMISSAL.

CERTIFICATION: The submission of the names of eligibles who may be legally appointed from an eligibility list or from some other source of eligibility to the appointing power who will select an eligible.

CHANGE OF OFFICE LOCATION: The reassignment of an employee from one position to another position in the same class between different administrative units at the same location.

CHANGE OF SERVICE ASSIGNMENT: An employee change from the academic to the classified service of the District, or vice versa.

CHANGE TO A RELATED CLASS: The reassignment of an employee without examination from one job classification to a related job classification with the same salary or with a maximum base salary rate not more than three percent higher.

CLASS: A group of positions placed, with sufficient similarity as to kind of work, level of difficulty, and degree of responsibility that the following criteria can be applied: (1) the same descriptive title can be used; (2) the same levels of education and experience, knowledge, skill, and other pertinent qualifications are required; (3) the same tests of fitness may be used to choose qualified employees; and (4) the same salary range can be applied equitably.

CLASS DESCRIPTION: A description, approved by the Personnel Commission, of the nature and level of duties of the positions in a class.

CLASSIFICATION: The act of placing a position in a class (see also Classify).

CLASSIFIED SERVICE: All positions and employees in the District's service except those specifically excluded from the classified service by the Education Code. Classified employees are governed by the merit system provisions of the Education Code.

CLASSIFY: The allocation of positions to appropriate classes, arranging classes into occupational hierarchies, determining reasonable relationships within occupational hierarchies and preparing written specifications.

COMMISSION: The three-member Personnel Commission established pursuant to the merit system provisions of the Education Code (see also Personnel Commission).

COMMUNITY REPRESENTATIVE: A person employed in an advisory or consulting capacity up to 90 working days in a fiscal year; such persons are excluded from the classified service.

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CONCURRENT ASSIGNMENT: The short-term assignment of two regular incumbents to the same position at the same time, for the purpose of giving a successor an opportunity to obtain on-the-job orientation from an incumbent who is leaving.

CONDITIONAL EMPLOYEE: A provisional employee who does not meet the entrance qualifications for the class and who will probably be ineligible to compete in the merit system examination for that class.

CONFIDENTIAL: An employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions (Government Code § 3540.1(c)).

CONTINUOUS EXAMINATION: A procedure authorized by the Personnel Commission for the frequent testing of applicants.

DAY: The period of time between any midnight and the midnight following. Unless otherwise specified, the "day" in a rule shall mean a calendar day.

DEBARMENT: The act of denying the opportunity to participate in the agency's selection process.

DEMOTION: A change in assignment of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary rate. Demotions are two types, voluntary and involuntary; a definition of each type is contained in this rule.

DIFFERENTIAL: Salary allowance in addition to the basic rate or schedule based upon additional skills, responsibilities, or night work. Also, the size of the interval between salary schedules or rates of related classes.

DISCHARGE or DISMISSAL: Separation from service for cause in accordance with Personnel Commission Rules. Requires action by the Board of Trustees.

DISTRICT: The Los Angeles Community College District.

DUAL CERTIFICATION: A procedure authorized by the Personnel Commission under specific conditions which provides for simultaneous certification from an open eligibility list and a promotional eligibility list according to examination scores.

DUE PROCESS: The opportunity to be advised of charges against one, and the opportunity to be heard regarding the charges prior to any final action on the charges in accordance with applicable State law and Board Rules.

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DUTIES STATEMENT: A listing of the specific duties assigned to an individual position. Also known as position description or job description.

ELIGIBLE: A person whose name appears on a merit system eligibility list.

ELIGIBILITY LIST: A rank order list of the names of persons who have qualified in all parts of a merit system examination.

EMERGENCY APPOINTMENT: A provisional appointment for a period not to exceed 15 working days to prevent the stoppage of public business when an emergency arises and there is insufficient time to canvass eligibility lists.

EMPLOYEE: A person who is legally an incumbent of a position or who is on an authorized leave of absence.

EMPLOYMENT LIST: A list of names from which certification may be made pursuant to the authority set out in Education Code Sections 88080, 88081, and 88091. Includes eligibility lists, reemployment lists, substitute/relief lists, and lists of persons who wish to transfer, change location, demote, be reinstated after layoff, resignation or retirement, or be restored after voluntary demotion or reduction to limited-term or part-time status.

ENTRANCE QUALIFICATIONS: Mandatory and desirable qualifications for a class established for those who wish to compete in merit system examinations.

EXAMINATION: The process of testing and evaluating the fitness and qualifications of applicants.

EXECUTIVE CLASS: A position in the District with primary duties and responsibilities for the management of an organizational unit above the branch level. Individuals in positions designated as an executive class are regularly involved in making recommendations affecting District-wide operations or personnel, or regularly making policy presentations to the Board of Trustees.

EXHAUSTED LIST: A list of eligibles from which it is not possible to fill a regular full-time or part-time vacancy. A list may be exhausted for a part-time position vacancy, yet remain in effect for full-time position vacancies, or vice versa.

EXPIRED LIST: A list which is two years old; a list which is one or more years old when a new list has been established; or a six month list that has exceeded six months.

FIELD OF COMPETITION: Those categories of persons (either from within or outside the District) identified by the Personnel Commission as possessing the necessary qualifications to participate in a merit system examination.

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FISCAL YEAR: July 1 to June 30.

FULL-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is equal to or greater than 87 1/2 percent of the normally assigned time of the majority of employees in the classified service.

GOVERNING BOARD: The Board of Trustees of the Los Angeles Community College District.

GRADUAL ACCRETION: Incremental assignment of higher-level duties or responsibilities or an increase in the scope and/or complexity of work performed.

GRIEVANCE: The procedure through which a permanent employee can seek an adjustment of a complaint concerning alleged violations of rules, policies, procedures, or conditions of employment, not including appeals of disciplinary actions or requests for classification study or salary review.

HEARING: Formal review in the presence of the parties involved, of evidence in connection with an action affecting an employee, concerning issue(s) which the employee has filed an appeal.

HEARING OFFICER: A qualified person employed by the Personnel Commission to hear and make recommendations on appeals from disciplinary actions for non-medical reasons.

ILLNESS: Any deviation from a normal, healthy state which makes it disadvantageous to the Los Angeles Community College District and/or detrimental to the employee to be at work and shall include emergency medical, dental, optical, and prosthetic work.

ILLNESS LEAVE: Paid or unpaid leave given to an employee because of personal illness or injury. May also be used for specified personal emergencies of limited duration.

INCUMBENT: An employee assigned to a position and currently serving in or on leave from that position.

INDUSTRIAL ACCIDENT or INDUSTRIAL ILLNESS LEAVE: Absence because of injury or illness which arose out of and in the course of employment with the District.

INFORMAL LEAVE: A leave of less than 20 days which may be granted by a Division Head.

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INTERVIEW: Part of the selection process, usually the final portion of an examination, for the purpose of evaluating education, experience and personal qualifications of the candidates. Also known as oral interview. Also the meeting between an eligible and an appointing power in order to discuss appointment to a specific vacancy.

INVESTIGATION: A fact finding procedure related to an appeal or complaint. An investigation is less formal than a hearing.

INVOLUNTARY DEMOTION: A type of disciplinary action, initiated by the Administration, which results in the reduction of an employee from a higher class to a class that is allocated to a lower maximum salary rate.

JURY DUTY LEAVE: A paid leave given in response to a subpoena for jury service to an employee for a maximum of two weeks within any two consecutive fiscal years, in accordance with regulations established by the Chancellor.

LAYOFF: Separation from a permanent position because of lack of work or lack of funds, or because the position has been abolished or reclassified, or because an employee has exhausted all leave privileges after illness or accident; a change in a regular employee's position which results in an involuntary reduction in hours or basis or assignment to a lower job classification.

LEAD ASSIGNMENT (INTERMITTENT): An assignment given to an employee who temporarily provides lead responsibilities over a group of three or more other employees. Excludes employees whose positions normally include lead responsibilities.

LEAVE OF ABSENCE: An approved absence from duty, with or without pay, for a prescribed period of time from a class, but not necessarily from a specific position within the class.

LIMITED-TERM: A term used in the Education Code to designate employment for periods not to exceed six months, or employment not to exceed the authorized absence of a permanent employee.

LIMITED-TERM EMPLOYEE: An employee who is serving in a provisional appointment, or as a substitute for a regular employee, or in a position established for a limited time period of six months or less.

LOYALTY OATH: A statement required of each new employee concerning his/her support of the United States and California Constitutions; required by State law and local Board Rule.

MEDICAL CONSULTANT: A District approved medical professional approved to review and determine, based on District health policies and standards, the medical status of an appellant in appeal of medial disqualifications of employees or eligibles.

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MERGING: The act of combining two or more eligibility lists for the same class, established not more than one year apart, in order of the scores of eligibles. Each individual eligibility list within a merged list expires one year after its promulgation. In some cases, a list will expire six months after its promulgation.

MERIT SYSTEM: A personnel system in which comparative merit and fitness govern each individual's selection and progress in the service.

MILITARY LEAVE: Authorized absence to engage in ordered military duty.

MOST APPROPRIATE ELIGIBILITY LIST: Designation of an eligibility list for an equal or higher class in making appointments in another class.

MULTIPLE ASSIGNMENT: A limited-term classified assignment in addition to a regular classified assignment.

NEPOTISM: Assignment of close relatives in a supervisor-subordinate relationship in the same office.

NOTICE OF UNSATISFACTORY SERVICE: A form prescribed by the Division of Human Resources to document and to inform an employee of his/her unsatisfactory service.

OCCUPATIONAL GROUP: Classes that are similar in type of duties and responsibilities or related by other criteria, as determined by the Personnel Commission.

OPEN ELIGIBILITY LIST: An eligibility list resulting from a competitive examination in which all candidates who met the entrance qualifications were allowed to compete.

OPEN EXAMINATION: An examination which is not restricted to persons who are current permanent employees of the district; i.e., may be taken by any person otherwise qualified.

OVERTIME: Authorized time worked by an employee in excess of 40 hours in one workweek or in excess of the employee's established workday schedule.

PART-TIME POSITION: A position for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87 1/2 percent of the normally assigned time of the majority of employees in the classified service. Within the District this is 87.5% of 1 full-time equivalent classified position.

PAY PERIOD: The total workdays or work hours during a calendar month. There are 12 pay periods each year.

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PERFORMANCE EVALUATION: An evaluation of the work performed by an employee.

PERMANENT EMPLOYEE: An employee who has completed a period of 130 days of paid regular service in a class in the classified service (260 days required for executive and administrative classes). An employee must complete a probationary period in a class in order to attain permanent status in the classified service.

PERMANENT POSITION: A position established for a continuing and indefinite or unlimited period of time or for a fixed period in excess of typically six months.

PERSONAL NECESSITY LEAVE: Leave which may be taken for reasons of personal necessity as specified in the Education Code and Personnel Commission Rules. Such leave is charged to the employee's illness leave and is limited to six days a school year.

PERSONNEL COMMISSION: Three members appointed in accordance with Education Code provisions and responsible for maintenance of the merit system for classified employees.

POSITION: A group of duties and responsibilities assigned by competent authority requiring the full or part-time employment of one person.

PRE-REQUISITES: Items such as meals, uniforms, and monetary awards provided to employees without charge and which are considered a part of employee's compensation.

PRIORITY SHIFT TRANSFER: The transfer of an employee from one shift to another shift for which he/she would be entitled to a shift differential or an increase in a shift differential.

PRIVILEGE: A benefit that is discretionary (may or may not be granted), in contrast to a right, which must be granted.

PROBATIONARY PERIOD: A trial period of 130 days (or 260 days for employees in executive or administrative classes) of paid service following appointment to a permanent position.

PROFESSIONAL EXPERT: A person employed in a professional capacity for a specific limited-term project; such persons are excluded from the classified service.

PROMOTION: A change in the assignment of an employee from a position in one class to a position in another class with a higher maximum salary rate.

PROMOTIONAL APPLICANT: As defined in Rule 621, SENIORITY CREDIT ON PROMOTIONAL EXAMINATIONS, a promotional applicant is any person who has successfully completed an initial probationary period prior to the opening date of filing for a promotional examination, has regular status in the District, and meets the qualification requirements for the class.

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PROVISIONAL APPOINTMENT: A temporary appointment to a permanent or limited-term position made in the absence of a sufficient number of available eligibles.

PROMOTIONAL ELIGIBILITY LIST: An eligibility list resulting from a competitive examination in which only employees with permanent status in the Los Angeles Community College District were allowed to compete.

PROVISIONAL EMPLOYEE: A person employed under a provisional appointment.

RANK (Rule of Three Ranks): A position on an eligibility list for a class for the purpose of certification, wherein the eligible's final scores on the examination, after the addition of veteran's preference points and promotional credits as applicable, have been rounded to the nearest whole percent and all eligibles with the same score are accorded the same position on the list.

RATING-IN: A pre-employment process whereby a hiring authority may request that a new hire be placed on a salary step other than the lowest step in the established salary schedule of the class. Rating-in may be used in executive, administrative, supervisory, or highly specialized information technology job classifications, and in other professional job classifications at the journey level when there is a limited number of eligibles.

READY AND WILLING: The willingness and ability of an eligible to report for an employment selection interview within the prescribed time limits; or the willingness and ability of a selected eligible to report to duty within prescribed time limits as prescribed in Personnel Commission Rule 635, APPOINTMENTS FROM ELIGIBILITY LISTS.

REALLOCATION: Movement of an entire class from one salary schedule or hourly rate to another salary schedule or hourly rate.

REASSIGNMENT: The assignment of an employee from one organizational unit to another organizational unit in the same class at the same location.

RECLASSIFICATION: The removal of a position or positions from one class and placement into another class typically caused by a change in duties or organizational needs.

REEMPLOYMENT: Exercise of the right to return to duty of an employee who has been laid off. Also applies to employees who return to duty for a limited period after retirement.

REEMPLOYMENT LIST: A list of employees, arranged in order of employment rights, who have been laid off from permanent positions due to lack of work, lack of funds, abolishment or reclassification of position, exhaustion of illness or industrial accident leave, or other reason specified in these rules, and are eligible for reemployment in their former class for a period of 39 months. The period of reemployment may be extended an additional 24 months in certain cases where reduction in class or time was accepted in lieu of layoff.

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REGULAR APPOINTMENT: An appointment made from an eligibility list to fill a continuing full-time or part-time position vacancy.

REGULAR POSITION: A continuing position established and authorized within budget allocation.

REGULAR STATUS: Probationary or permanent status in the classified service.

REINSTATEMENT: Exercise of the privilege of reappointment after layoff or resignation, within 39 months after the last day of paid service, to a position in one of the employee's former classes or in a related lower class. Also refers to a return to work after appeal from disciplinary action when so ordered by the Personnel Commission, or the return of a retiree to active service.

REJECTION: The refusal to accept an application or examine an applicant, candidate, or eligible, or the removal of an eligible's name from an eligibility or substitute and relief list.

RELIEF EMPLOYEE: A person hired to fill a relief position.

RELIEF POSITION: A limited-term position of not more than six month's duration which augments the number of positions in a given organizational unit.

RESIGNATION: A voluntary statement, preferably in writing, in which an employee indicates that he/she wishes to terminate one or all of his/her assignments.

RESPONSIBILITY DIFFERENTIAL: A salary allowance paid to management employees with temporary responsibility for supervising a function or activity at more than one college location.

RESTRICTED: Positions whose incumbents have mental, physical, or developmental disabilities or must be from low income groups, from designated impoverished areas, or who meet other criteria established by the granting agency and the District and who are not entitled to employment permanency.

RETURN TO FORMER CLASS: A reappointment of an employee to his/her former regular class.

RIGHT: A benefit which is bestowed by law or rule and which must be granted.

RULE OF THREE RANKS: The scope of choice available to an appointing power in making a selection from an eligibility list; refers to selection from the eligibles having the first three ranks on the list who are ready and willing to be appointed to a specific position.

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SALARY RANGE: A series of salary steps that comprise a schedule of rates of pay for a class.

SALARY RATE: A specific amount of money paid for a specific period of service; i.e., dollars per hour, pay period, or month.

SALARY STEP: One of the salary rates within the established salary range or schedule of rates of a class.

SALARY SURVEY: The collection of current wage and salary data for the purpose of determining the prevailing wage for certain types of work in private industry or other public agencies. Also, the report of such data.

SALARY YEAR: Consists of 12 consecutive months per year.

SCHOOL YEAR: Same as fiscal year (July 1 to June 30).

SELECTIVE CERTIFICATION: The submission of the names of eligibles who possess one or more special occupational requirements that may be legally appointed from an eligibility list to the appointing power who will select an eligible.

SENIOR CLASSIFIED ADMINISTRATIVE EMPLOYEE: A classified employee who acts as the chief business, fiscal, facilities, or information technology advisor or administrator for the District Chancellor or a College President. Employees do not obtain permanent status in these types of positions.

SENIORITY: Credits secured by length of service to which certain rights are attached. Different formulas are used in calculating seniority credit for employees taking promotional examinations and for the purpose of determining the order of layoff.

SEPARATION: The ending of all status as an employee.

SERIES: A number of groups of classes closely related in an occupational hierarchy and arranged on a list in order to indicate occupational levels in each group.

SHIFT DIFFERENTIAL: Additional pay for night work.

SHORTENED RANGE: A salary schedule consisting of less than the usual five steps, based upon a narrow range of prevailing community rates for that occupation.

SPECIAL EXAMINATION ADMINISTRATION: An individual examination granted to an applicant or candidate due to a special circumstance as defined in Rule 616, SPECIAL EXAMINATION ADMINISTRATIONS.

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SPECIAL LIMITED-TERM ASSIGNMENT: An assignment to a regular position vacancy which will facilitate an impending reclassification, reorganization, layoff, reduction in hours or resolution of an employee appeal.

STARRED RATE: A rate above the established rate or range of salary of a class, paid only to specified employees upon authorization by the Personnel Commission, in accordance with Rule 591, SALARY ALLOCATION AT RECLASSIFICATION OR REALLOCATION.

STATUS: Character of employment in the classified service or in a class, with the following categories:

Regular: Based upon appointment of a fully qualified person to a position of more than six months' duration. Subcategories are probationary and permanent.

Limited-Term: See definition of "limited-term" and "limited-term employees".

STEP ADVANCEMENT: Movement to a higher step on the salary schedule for a class as a result of having served the required number of days in paid status.

SUBSTITUTE ASSIGNMENT: An assignment to a regular position which provides temporary employee service in the absence of the regular incumbent.

SUBSTITUTE EMPLOYEE: An employee temporarily occupying a regular position during the absence of the incumbent.

SUPERVISORY CLASS: As set out in Section 3540.1(m) of the Educational Employment Relations Act, "Supervisory employee' means any employee, regardless of job description, having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work and direct them, or to adjust their grievances, or effectively recommend action, if, in connection with the foregoing functions, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

SUSPENSION: The temporary removal of an employee from a position for cause without pay or the removal of an employee from a position for cause with or without pay as determined by the District pending investigation into issues and/or charges which may lead to demotion or dismissal of the employee.

TEMPORARY: Employment on basis other than permanent or probationary; i.e., in a limited-term status. Also used to denote a provisional employee.

TEMPORARY MILITARY LEAVE: Ordered military leave of not more than 180 calendar days, including travel time.

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TERMINATION: The ending of an incumbent's assignment in a specific class without ending his/her continuing status in another class.

TRANSFER: The assignment of an employee from one location to another location in the same job classification within the District.

UNCLASSIFIED SERVICE: Community representatives employed in advisory or consulting capacities of limited duration, full-time students employed part-time, part-time students employed part time in a college work-study program or in a work experience education program, apprentices, and professional experts employed on a temporary basis for a specific project.

UNSATISFACTORY SERVICE: The performance of assigned duties and responsibilities in a manner which is detrimental to the good of the service or the failure to perform assigned duties adequately; the performance of actions detrimental to the good of the service while on duty.

VETERANS' CREDIT: Five additional points added (or ten points for veterans with service-incurred disabilities) to a passing score in open examinations for a veteran of the armed forces of the United States who rendered service during time of war or national emergency as defined in Rule 618, VETERAN'S CREDIT.

VOLUNTARY DEMOTION: An action, pursuant to the employee's request, which may be in lieu of layoff or reclassification and which results in a change in the assignment of the employee from a position in one class to a position in another class that is allocated to a lower maximum salary rate.

WAIVER: The voluntary relinquishment by an eligible of a right to be considered for appointment from an employment list in one or more positions, locations, or for a specific or unlimited period of time.

WORKDAY: That part of a 24-hour period during which an employee is scheduled to work in accordance with his/her specific assignment. Synonymous with working day.

WORK OUT OF CLASSIFICATION: The performance of assigned duties which are not fixed and prescribed for the class and are evaluated as being at a higher level of difficulty and responsibility than those of the employee's regular class. (See Rule 550, TEMPORARY WORK OUT OF CLASSIFICATION)

WORKING DAY: Any day for which an individual employee received compensation, regardless of the number of hours in a day for which compensation is received, with the following two exceptions:

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1. A workshift that begins in one day and ends in the succeeding day shall be considered one working day.
2. Working hours for which only overtime compensation is received shall not be considered a working day.

Consecutive working days are defined as days that follow one another in uninterrupted succession in a designated work week.

WORKWEEK: The part of a seven-day period during which an employee is scheduled to work in accordance with his/her specific assignments. Forty hours, usually served in five consecutive days within a seven-day cycle, is the typical workweek for the majority of the District's classified employees.

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TO: THE PERSONNEL COMMISSION

FROM: Ronald Delahoussaye

SUBJECT: Revision of Personnel Commission Rule 740, LAYOFF AND REEMPLOYMENT (Tentative Approval) (Case 3835)

The proposed amendments to Rule 740 are part of the Personnel Commission's continuing review and update of Personnel Commission Laws and Rules. Editorial changes have been made to the rule for clarity and consistency.

The following substantive changes have been made to the rule:

- Paragraph A. was added to include definitions for layoff and reemployment.
- Paragraph B.1.b was updated to clarify that paid overtime hours are not included in the calculation of an employee's credit of service.
- Paragraph B.5 was added to address the special conditions an employee must meet in order to accumulate seniority credit in a "restricted" position.
- Paragraph D.1 was updated to clarify preference in filling vacancies.
- Paragraph D.2 includes an additional provision for when an employee is qualified to be considered for reemployment after the 39-month reemployment has ended.
- Paragraph D.8 was added to address an employee's rights when he/she is reemployed in a new position but does not successfully complete the probationary period.

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Education Code Sections

~~88080. Power of Personnel Commission to Prescribe and Amend 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. Subject of Rules.—(a) The rules shall provide for the procedures to be followed by the governing board as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article.

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

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88117. ~~Reemployment and Promotional Examination Preference of Persons Laid off; Voluntary Demotions or Reduction in Time.~~ (a) A person laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months as follows:

- (1) The person's reemployment shall take preference over new applicants.
- (2) The persons shall have the right to participate in promotional examinations within the district during the period of 39 months.
- (3) If the person is reemployed in a new position and fails to complete the probationary period in the new position, he or she shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment.

(b) An employee who takes a voluntary demotion or a voluntary reduction in assigned time in lieu of layoff or to remain in his or her present position rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months, provided that the same tests of fitness under which the employee qualified for appointment to the class still apply. The personnel commission shall make the determination of the specific period of eligibility for reemployment on a class-by-class basis.

(c) An employee who takes a voluntary demotion or a voluntary reduction in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in his or her former class or to a position with increased assigned time as vacancies become available, and without limitation of time, but if there is a valid reemployment list the employee shall be ranked on that list in accordance with his or her proper seniority.

88127. ~~Order of Layoff and Reemployment; Length of Service.~~ Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Reemployment shall be in the reverse order of layoff.

For purposes of this section, for service commencing or continuing after July 1, 1971, "length of service" means all hours in paid status, whether during the school year, a holiday, recess, or any period that a school is in session or closed, but does not include any hours compensated solely on an overtime

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basis as provided for in Section 88027. Nothing in this section shall preclude the governing board of a community college district from entering into an agreement with the exclusive representative of the classified employees that defines "length of service" to mean the hire date.

If a governing board enters into an agreement with the exclusive representative of classified employees that defines "length of service" to mean the hire date, the governing board may define "length of service" to mean the hire date for a classification of employee not represented by any exclusive bargaining unit.

Nothing in this section shall preclude the granting of "length of service" credit for time spent on unpaid illness leave, or unpaid industrial accident leave. In addition, for military leave of absence, "length of service" credit shall be granted pursuant to Section 88116.

"Hours in paid status" shall not be interpreted to mean any service performed prior to entering into a probationary or permanent status in the classified service of the district except service in restricted positions as provided in this chapter.

88005. ~~Positions Under Various Acts not Requiring Certification Qualifications; Classification.~~—(a) Nonacademic positions created by a governing board of a school district under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965, or Section 11300 or Section 13650 of the Welfare and Institutions Code, any future federal or state legislative enactment, or any other special funding, and which are not a part of the regular school program shall, nevertheless, be a part of the classified service as established by Section 88003 or Section 88076 of this code.

Persons employed in such positions shall be classified employees and shall enjoy all the rights, burdens and benefits accorded other classified employees. Their selection and retention shall be made on the same basis as that of persons selected for positions that are a part of the regular school program.

(b) Notwithstanding the provisions of subdivision (a), if specially funded positions are restricted to employment of persons in low-income groups, from designated impoverished areas and other criteria which restricts the privilege of all citizens to compete for employment in such positions, all such positions shall, in addition to the regular class title, be classified as "restricted." Their selection and retention shall be made on the same basis as that of persons selected and retained in positions that are a part of the regular school program,

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except that persons employed in the following categories of restricted positions shall not be subject to the provisions of Section 88091 or 88092:

- (1) The position of instructional aide, as defined in Section 88243.
 - (2) Any other position involving personal contacts with students or parents that is established to assist school-staff personnel responsible for school-community relations; educational support services for such areas as counseling, library or health; or the correction or prevention of behavioral problems.
Persons employed in positions properly classified as “restricted” shall be classified employees for all purposes except:
 - (A) They shall not be accorded employment permanency under Section 88013 or Section 88120 of the Education Code, whichever is applicable.
 - (B) They shall not acquire seniority credits for the purposes of Sections 88117 and 88127 of the Education Code or, in a district not having the merit (civil service) system, for the purposes of layoff for lack of work or lack of funds as may be established by rule of the governing board.
 - (C) The provisions of Sections 88106 and 88108 shall not apply to “restricted” employees.
 - (D) They shall not be eligible for promotion into the regular classified service or, in districts that have adopted the merit system, shall not be subject to the provisions of Section 88061, until they have complied with the provisions of subdivision (c).
- (c) At any time, after completion of six months of satisfactory service, a person serving in a “restricted” position shall be given the opportunity to take such qualifying examinations as are required for all other persons serving in the same class in the regular classified service. If the person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, he or she shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. His or her service in the regular classified service shall be counted from the original date of employment in the “restricted” position and shall continue even though he or she continues to serve in a “restricted” position.
- (d) 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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(e) It is the intent of the Legislature in enacting this section to clearly set forth that positions normally a part of the classified service are included therein regardless of the source of income to sustain the positions and to effectively implement specially funded programs intended to provide job opportunities for untrained and impoverished persons but to do so in a manner that will not be disruptive nor detrimental to the normal employment procedures relating to classified school service.

88015. ~~Layoff; Reinstatement from Service Retirement.~~—Notwithstanding any other provision of law, any person who was subject to being, or was in fact, laid off for lack of work or lack of funds and who elected service retirement from the Public Employees' Retirement System shall be placed on an appropriate reemployment list. The district shall notify the Board of Administration of the Public Employees' Retirement System of the fact that retirement was due to layoff for lack of work or of funds. If the person is subsequently subject to reemployment and accepts, in writing, the appropriate vacant position, the district shall maintain the vacancy until the Board of Administration of the Public Employees' Retirement System has properly processed his or her request for reinstatement from retirement.

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).

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.

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(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 subdivision (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.

(e) 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.

A. Definitions

Layoff means 1) separation from a permanent position because of lack of work or lack of funds, or because the position has been abolished or reclassified or 2) a change in a regular employee's position which results in an involuntary reduction in hours or basis or assignment to a lower job classification.

Reemployment means the return to duty of a former regular employee who has been laid off.

BA. Computing Seniority

Seniority for the purpose of establishing retention lists shall be computed as follows:

1. Credit of service:

a. Prior to July 1, 1971, credit shall include regular assigned time in the class, or in a higher class. A higher class shall be defined as a class having a higher maximum salary

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- rate. Credit for service in a higher class shall be granted only for the period of time during which the maximum salary was higher than that of the class of which seniority is being computed.
- b. On or after July 1, 1971, credit shall include all hours of paid status in the class or in a higher class as defined in a. above, except for any hours paid on an overtime basis.
2. Credit for leave:
- a. Prior to July 1, 1971, time on informal leave and on the following leaves of absence shall be counted towards seniority: military leave, Red Cross leave, Merchant Marine leave, Peace Corps leave, illness leave, leave to accept work with the Los Angeles Community College District, leaves resulting from an industrial accident or industrial illness as provided in Rule 804, LEAVES RESULTING FROM INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS, retraining and study leave, and leave prior to layoff as provided in Rule 741, LEAVE OF ABSENCE PRIOR TO LAYOFF. Time on leaves of absence for other purposes shall not be credited towards seniority for purposes of layoff.
- b. On or after July 1, 1971, length of service credit shall be granted only for the following types of unpaid leave: military leave of absence, unpaid illness leave, unpaid leave of absence prior to layoff, or unpaid industrial accident leave.
- c. On or after July 1, 1971, length of service credit shall be granted for leave to accept other work with the Los Angeles Community College District only to regular employees in the classified service who are assigned to positions requiring certification qualifications. Such credit will be limited to a period not to exceed 39 months. All seniority and permanency rights shall be secured to such employees for 39 months and their return shall be treated as if there had not been an interruption in their classified service.
3. Laid-off employees do not accumulate seniority credit while on reemployment lists.
4. Time served prior to a break in service shall not be counted toward seniority, except if an employee is reinstated, reemployed in regular status, or appointed to a regular position from an open or promotional eligibility list within 39 months after layoff while his/her name is on a reemployment list.
5. Employees employed in a “restricted” position as defined in Education Code 88005 shall not accumulate seniority credit unless, after completion of six months of satisfactory service, the employee successfully competes in a qualifying examination and ranks on the eligibility list.

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Seniority credit shall then be counted from the employee's date of hire in the "restricted" position.

65. The Division of Human Resources shall refer to the Personnel Director problems involving reclassification actions which have not indicated seniority status. Appeals from the Director's findings may be made to the Personnel Commission. Problems of a policy-making or precedent-setting nature shall be referred to the Personnel Commission for determination.

When reclassification results either in the merger of two or more classes or the separation of a class into two or more classes, seniority rights of regular employees who are reclassified with their positions and whose former class or classes have been abolished; or separated shall be computed from the date of their earliest entrance into regular service in such classes. When an incumbent is not reclassified with his/her position but is reassigned to the reclassified position in accordance with Personnel Commission rules, the employee's seniority credit in the new class may, to the extent determined by the Personnel Commission, include his/her service in the position prior to the reclassification action. The Personnel Commission will base its decision on the amount of seniority credit to be granted ~~on the~~ based on following factors including but not limited to among others:

- a. The date of any change of the class specification for the employee's former and/or new class.
- b. The date of any change in the classification plan.
- c. The date of any significant change in assigned duties and/or responsibilities as evidenced by ~~80.4 forms, memoranda, or a formal~~ request for reclassification.
- d. The date of introduction of any new forms, equipment, procedures, or other conditions affecting the position.
- e. Any date which will serve to establish the approximate date the employee first started performing the duties and/or responsibilities which provided the basis for reclassification of his/her position.

7f. ~~When a~~An employee ~~changes transferred~~ from one class to another, except as outlined under the provisions of Paragraph A.65., above, he/she shall not be credited in the new class with seniority accumulated in the class from which he/she moved ~~transferred~~.

8g. When employees have equal seniority on a retention list for a class, the employee with the greatest amount of seniority credit in classes in the same occupational grouping as listed in the Class Titles and Salary Schedules booklet shall be retained. If a tie remains, the employee with the greatest amount of paid service in regular status in the class of the retention list shall be

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retained. If a tie remains, the employee who scored highest in the non-interview portion of the examination for the class shall be retained. If a tie remains, the employee who filed his/her application earliest shall be retained.

CB. Bumping Rights

Regular employees who are to be laid off or who are to suffer a non-voluntary reduction in assigned time may exercise bumping rights in any equal or lower class in which they hold seniority credit greater than that of an incumbent. The employee to be bumped shall be the one with the least seniority in the class.

Bumping rights are based solely on length of service which is defined in Education Code Section 88127 as hours in paid status. A regular employee who is to be laid off shall exercise bumping rights in those classes in which he/she has rendered paid service in regular status. The order of bumping shall be in descending salary order unless the employee voluntarily agrees to accept assignment to be in a lower class.

If a situation occurs in which an employee could bump into two or more classes at the same level the bumping shall first occur to the class in which the employee had the greatest amount of paid service.

DC. Employee Rights and Privileges

1. ~~The reemployment list for a class shall be used before any other means of filling vacancies for that class.~~ An employee who is laid off and placed on a reemployment list shall have preference over a new candidate when vacancies are to be filled.
2. An employee who has been laid off from a class, or who is subject to layoff reclassification, or change of location action, may accept a transfer, a voluntary demotion, or a voluntary reduction in status or assigned time in lieu of a layoff reclassification, change of location, or layoff from the District, and shall be granted the same rights as persons laid off. If at the end of the 39-month reemployment period the employee has not been reemployed in his/her former class, he/she may be considered for reinstatement to his/her former class within an additional period of up to 24 months ~~on subject to approval by the Personnel Commission,~~ provided that the same tests of fitness under which the employee qualified for appointment to the class still apply.
3. An employee who is laid off and exercises his/her bumping rights to a lower class in which he/she had prior regular status or an employee who has taken a voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall, at the option of the employee, have the right to return to any vacant position or a position with increased assigned time in his/her former class provided that there has been no break in regular service with the District. There is no limitation of time for an employee to exercise his/her option as described above. An

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extension of time beyond 39 months shall not be granted to any current or former employee who has a break in regular service from the initial date of the proposed layoff.

4. An employee on a reemployment list may decline three offers of reemployment in his/her former class and status. After the third refusal, no additional offers need be made and the employee shall be considered unavailable until he/she indicates otherwise as provided in Rule 664, WITHHOLDING NAMES FROM ELIGIBILITY LISTS OR FROM CERTIFICATION.
5. Refusal of an offer of limited-term employment shall not affect the standing of any employee on a reemployment list as provided in Rule 664, WITHHOLDING NAMES FROM ELIGIBILITY LISTS OR FROM CERTIFICATION.
6. If an employee is on an eligibility list and is laid off, he/she shall retain his/her place on the eligibility list for the life of that list.
7. ~~An e~~Employees on a reemployment lists shall be eligible to compete in promotional examinations for which they qualify. If the first day of paid service following appointment from a promotional eligibility list is within 39 months after layoff, the employee shall be paid whichever is the lower rate based on:
 - a. The step of the schedule for the class of appointment which next exceeds the step or flat hourly rate attained in the highest class for which there is a reemployment list on which his/her name appears, or;
 - b. The fifth step of the class of appointment.

The provisions of this Paragraph shall not apply to an employee who, after having been laid off or demoted in lieu of layoff, has received an intervening regular appointment which would entitle him/her to a higher step than prescribed above.

8. If an employee is reemployed in a new position but does not successfully complete his/her probationary period in the new position, he/she shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the start date of reemployment.
98. The salary rights of employees on reemployment lists are described in Paragraph ~~J~~I. of Rule 582, ALLOCATION TO APPROPRIATE SALARY STEP.
109. Laid-off employees shall hold reemployment rights for a period not to exceed 39 months.

ED. Certification from a Reemployment List

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1. Persons shall be certified from reemployment lists in the order of seniority in the class, provided that the eligible is willing and able to report for duty on the effective date of the appointment or within 14 days after the offer of reemployment has been made, whichever is later. In cases of limited-term appointments, the eligible must be willing and able to report for duty on the effective date of the appointment or he/she will be considered unavailable for the appointment.
2. A name may be removed from a reemployment list only for the following causes:
 - a. Conviction of crime or crimes which would be sufficient to support dismissal of a permanent employee.
 - b. Conduct which would cause dismissal under the provisions of Section 88122 of the Education Code.
 - c. Making a false statement or omitting a statement as to any material fact on an application form or health history form.
 - d. Dismissal for cause from District employment subsequent to layoff.

Written notice of removal and reason therefore shall be provided to the employee. He/she shall be afforded and notified of appeal rights identical to those provided in Rule 600, REJECTION OF APPLICANTS, CANDIDATES, AND ELIGIBLES.

3. A person whose name appears on a reemployment list may be given a medical examination prior to certification. Subject to the conditions described below, he/she may be considered unable to report for duty and may be passed over in order of certification until he/she meets the prescribed standards.
 - a. The standards applied in the medical examination shall be no more stringent than those which would be applied to a continuing employee to determine fitness for duty.
 - b. No person shall be withheld from reemployment because of a health or medical condition which existed prior to layoff because of a normal progressive deterioration of such medical or physical condition. Such a person may be placed on illness leave or appropriate leave after reemployment, if necessary, provided that he/she is willing and able to report for duty as indicated in D.1., above. While on such leave he/she shall receive seniority credit for the purpose of retention in case of future layoff.
4. A person whose name appears on a reemployment list may be considered unable to report for duty and may be passed over in the order of certification if he/she cannot meet the legal requirements to perform the prescribed duties of the class of reemployment.

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FE. Effect of Reclassification of Position upon Incumbent

If an incumbent cannot be placed following the reclassification of his/her position, he/she shall be laid off and given reemployment rights in the class from which reclassified.

GF. Layoff of Probationary Promoted Employee

If placement of a demoted employee cannot be effected following the demotion of the probationer from a promotional position under provision of Rule 762, EMPLOYMENT AFTER DEMOTION OF PROBATIONER FROM PROMOTIONAL POSITION, the employee shall be laid off and shall be given reemployment rights in the class from which he/she was most recently promoted.

HG. Notification of Layoff

1. Classified Employees

Regular classified employees that are to be laid off shall be given a written notice of layoff and informed of their displacement rights, if any, and reemployment rights at least 60 days prior to the effective date of the layoff.

2. SFP Employees

Regular SFP employees that are to be laid off shall be given a written notice of layoff and informed of their displacement rights, if any, and reemployment rights, on or before April 29 if the layoff is to be effective at the end of the fiscal year. If the layoff is to be effective on a date other than the end of the fiscal year, the notice shall be given at least 60 days prior to the effective date of the layoff.

IH. Limited-Term Employees

1. A classified employee may not be laid off if a limited-term employee is retained to render a service that the classified employee is qualified to render.

2. Limited-term employees are not subject to the 60-day layoff notice requirement.

LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ronald Delahoussaye

SUBJECT: Revision to Personnel Commission Rule 763, EMPLOYMENT OF RETIRED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (Tentative Approval) (Case 3836)

Personnel Commission Rule 763 has been reviewed as part of the Personnel Commission's continuing review and update of Personnel Commission Laws and Rules. Government Code Sections 7522.56 and 7522.57 were updated and Government Code Section 21228 was replaced with 21232 in accordance with legislative updates.

The following substantive changes have been made to the rule:

- Paragraph B. has been updated to provide provisions on how retired persons who are being employed by the District should be compensated.
- Paragraph F. includes an additional provision for employment of a person retired for disability that has not reached the mandatory age for retirement.

763 EMPLOYMENT OF RETIRED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Education Code Section

88034. Notwithstanding the provisions of subdivision (c) of Section 88033, a retired classified school employee may be employed by a community college district, but only in accordance with the provisions of Article 5 (commencing with Section 21150) of Chapter 8 of Part 3 of Division 5 of Title 2 of the Government Code.

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.

Government Code Section

~~**21228.** A person retired for disability who has not attained the mandatory age for retirement applicable to persons in the employment in which he or she will be employed, and whom the board finds not disabled for that employment, may be employed by any employer without reinstatement from retirement in a position other than that from which he or she retired or a position in the same member classification. His or her disability retirement pension shall be reduced during that employment to an amount that, when added to the compensation received, shall equal the maximum compensation earnable by a person holding the position that he or she held at the time of his or her retirement. Any employment shall terminate upon his or her attainment of the mandatory retirement age for persons in that employment. A person employed under this section shall not be concurrently employed under Section 21224, 21225, 21226, 21227, or 21229, or subdivision (h) of Section 21221.~~

21229. (a) A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system upon appointment by a school employer or by the Trustees of the California State University either during an emergency to prevent stoppage of public business or because the retired person has specialized skills needed in performing work of limited duration. These appointments shall not exceed a combined total of 960 hours for all employers each fiscal year. The compensation for the appointment shall not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule divided by 173.333 to equal an hourly rate. A retired person appointed pursuant to this section shall not receive any benefits,

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incentives, compensation in lieu of benefits, or other forms of compensation in addition to the hourly rate. A retired annuitant appointed pursuant to this section shall not work more than 960 hours each fiscal year regardless of whether he or she works for one or more employers.

(b) (1) This section shall not apply to a retired person otherwise eligible to serve without reinstatement from retirement, if during the 12-month period prior to an appointment described in this section, that retired person receives unemployment insurance compensation arising out of prior employment subject to this section with the same employer.

(2) A retired person who accepts an appointment after receiving unemployment insurance compensation as described in this subdivision shall terminate that employment on the last day of the current pay period and shall not be eligible for reappointment subject to this section for a period of 12 months following the last day of employment. The retired person shall not be subject to Section 21202 or subdivision (b) of Section 21220.

21232. On and after January 1, 2013, a person who has retired for disability and has not attained the mandatory age for retirement for persons in the employment in which he or she will be employed, and whom the board finds is not disabled for that employment, may be so employed by any employer without reinstatement from retirement if the position is not the position from which this person retired or a position in the same member classification. The person's disability retirement pension shall be reduced during this employment to an amount that, when added to the compensation received, equals the maximum compensation earnable by a person holding the position that he or she held at the time of retirement. This employment shall terminate upon the person's attainment of the mandatory retirement age for persons in that employment. A person employed under this section shall not be concurrently employed under this article.

7522.56 (a) This section shall apply to any person who is receiving a pension benefit from a public retirement system and shall supersede any other provision in conflict with this section.

(b) A retired person shall not serve, be employed by, or be employed through a contract directly by, a public employer in the same public retirement system from which the retiree receives the benefit without reinstatement from retirement, except as permitted by this section.

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(c) A person who retires from a public employer may serve without reinstatement from retirement or loss or interruption of benefits provided by the retirement system upon appointment by the appointing power of a public employer either during an emergency to prevent stoppage of public business or because the retired person has skills needed to perform work of limited duration.

(d) Appointments of the person authorized under this section shall not exceed a total for all employers in that public retirement system of 960 hours or other equivalent limit, in a calendar or fiscal year, depending on the administrator of the system. The rate of pay for the employment shall not be less than the minimum, nor exceed the maximum, paid by the employer to other employees performing comparable duties, divided by 173.333 to equal an hourly rate. A retired person whose employment without reinstatement is authorized by this section shall acquire no service credit or retirement rights under this section with respect to the employment unless he or she reinstates from retirement.

(e) (1) Notwithstanding subdivision (c), any retired person shall not be eligible to serve or be employed by a public employer if, during the 12-month period prior to an appointment described in this section, the retired person received any unemployment insurance compensation arising out of prior employment subject to this section with a public employer. A retiree shall certify in writing to the employer upon accepting an offer of employment that he or she is in compliance with this requirement.

(2) A retired person who accepts an appointment after receiving unemployment insurance compensation as described in this subdivision shall terminate that employment on the last day of the current pay period and shall not be eligible for reappointment subject to this section for a period of 12 months following the last day of employment.

(f) A retired person shall not be eligible to be employed pursuant to this section for a period of 180 days following the date of retirement unless he or she meets one of the following conditions:

(1) The employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed and the appointment has been approved by the governing body of the employer in a public meeting. The appointment may not be placed on a consent calendar.

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(2) (A) Except as otherwise provided in this paragraph, for state employees,
~~t~~The state employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed state employment position before 180 days ~~have~~ passed and the appointment has been approved by the Department of Human Resources. The department may establish a process to delegate appointing authority to individual state agencies, but shall audit the process to determine if abuses of the system occur. If necessary, the department may assume an agency's appointing authority for retired workers and may charge the department an appropriate amount for administering that authority.

(B) For legislative employees, the Senate Committee on Rules or the Assembly Rules Committee certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed and approves the appointment in a public meeting. The appointment may not be placed on a consent calendar.

(C) For employees of the California State University, the Trustees of the California State University certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed and approves the appointment in a public meeting. The appointment may not be placed on a consent calendar.

(3) The retiree is eligible to participate in the Faculty Early Retirement Program pursuant to a collective bargaining agreement with the California State University that existed prior to January 1, 2013, or has been included in subsequent agreements.

(4) The retiree is a public safety officer or firefighter hired to perform a function or functions regularly performed by a public safety officer or firefighter.

(g) A retired person who accepted a retirement incentive upon retirement shall not be eligible to be employed pursuant to this section for a period of 180 days following the date of retirement and subdivision (f) shall not apply.

(h) This section shall not apply to a person who is retired from the State Teachers' Retirement System, and who is subject to Section 24214, 24214.5, or 26812 of the Education Code.

(i) This section shall not apply to (1) a subordinate judicial officer whose position, upon retirement, is converted to a judgeship pursuant to Section 69615, and he or she returns to work in the converted position, and the

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employer is a trial court, or (2) a retiree ~~who takes office as a judge of a court of record pursuant to Article VI of the California Constitution or a retiree of the Judges' Retirement System I or the Judges' Retirement System II who is assigned-appointed to serve in a court pursuant to Section 68543.5 as a retired judge.~~

7522.57 (a) This section shall apply to any retired person who is receiving a pension benefit from a public retirement system and is first appointed on or after January 1, 2013, to a salaried position on a state board or commission. This section shall supersede any other provision in conflict with this section.

(b) A person who is retired from a public retirement system may serve without reinstatement from retirement or loss or interruption of benefits provided that appointment is to a part-time state board or commission. A retired person whose employment without reinstatement is authorized by this subdivision shall acquire no benefits, service credit, or retirement rights with respect to the employment. Unless otherwise defined in statute, for the purpose of this section, a part-time appointment shall mean an appointment with a salary of no more than \$60,000 annually, which shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.

(c) A person who is retired from the Public Employees' Retirement System shall not serve on a full-time basis on a state board or commission without reinstatement unless that person serves as a nonsalaried member of the board or commission and receives only per diem authorized to all members of the board or commission. A person who serves as a nonsalaried member of a board or commission shall not earn any service credit or benefits in the Public Employees' Retirement System or make contributions with respect to the service performed.

(d) A person retired from a public retirement system other than the Public Employees' Retirement System who is appointed on a full-time basis to a state board or commission shall choose one of the following options:

(1) The person may serve as a nonsalaried member of the board or commission and continue to receive his or her retirement allowance, in addition to any per diem authorized to all members of the board or commission. The person shall not earn service credit or benefits in the Public Employees' Retirement System and shall not make contributions with respect to the service performed.

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(2) (A†) The person may suspend his or her retirement allowance or allowances and instate as a new member of the Public Employees' Retirement System for the service performed on the board or commission. The pensionable compensation earned pursuant to this paragraph shall not be eligible for reciprocity with any other retirement system or plan.

(B‡) Upon retiring for service after serving on the board or commission, the appointee shall be entitled to reinstatement of any suspended benefits, including employer provided retiree health benefits, that he or she was entitled to at the time of being appointed to the board or commission.

(e) Notwithstanding subdivisions (c) and (d), a person who retires from a public employer may serve without reinstatement from retirement or loss or interruption of benefits provided by the retirement system upon appointment to a full-time state board pursuant to Section 5075 of the Penal Code or Section 1718 of the Welfare and Institutions Code.

A. Any employee who retired as a member of the Public Employees' Retirement System (PERS) may be employed in accordance with Government Code Sections 21229, 7522.56, and 7522.57 provided that:

1. The assignment of the retired person is approved and certified as to need by the requesting division head or college president who requests the assignment.

For the purpose of this rule, need shall be defined as either an emergency situation which would prevent the college or division from conducting necessary classroom education or providing vital services necessary to the educational process or the retired employee possesses specialized knowledges, skills, and abilities essential to the performance of work of a limited duration.

2. Requests for the employment of a retiree shall be submitted on PC Form 763 to the Personnel Director for final approval.
3. The retired person certifies that he/she understands that employment is limited to a maximum of 120 full-time working days or 960 hours in a fiscal year with the District and any other employer subject to the provisions of Government Code Sections 21229, 7522.56, and 7522.57 and that employment is discretionary with the authority who makes the assignment.
4. The assignment does not commence within 180 days of the retired person's date of retirement unless one of the following conditions is met:

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- a. The District certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days has passed, and the appointment has been approved by the District's governing body in a public meeting.
- b. The retiree was already employed as a retired annuitant prior to January 1, 2013.

A retired person who accepts a retirement incentive upon retirement shall not be eligible for employment within the 180-day waiting period without exception.

B. Retired persons who are employed by the District shall be compensated as follows:

1. A retired person who is employed in the class from which he or she last held permanent status shall be placed on:

- a. The flat rate of the class, if applicable, or
- b. The step of the schedule attained at the time of retirement, or
- c. The hiring step for the class, whichever is higher.

2. A retired person who is employed in a class lower than from which he or she last held permanent status shall be placed on:

- a. The flat rate of the class, if applicable, or
- b. The step of the schedule that provides a rate equal to or next below the rate he or she would be entitled to if reinstated in the former class, or
- c. The hiring step for the class, whichever is higher.

~~in accordance with the salary placement provisions of Rule 582, ALLOCATION TO APPROPRIATE SALARY STEP.~~ Overtime work shall be compensated in accordance with the provisions of Rule 596, OVERTIME.

- C. Retired persons assigned for limited periods shall be paid holiday benefits in accordance with the provisions of Paragraph A.2. of Rule 816, HOLIDAYS.
- D. Retired persons assigned under the provisions of this rule shall not be granted leaves, other than a paid industrial accident leave as provided in Paragraph B. of Rule 804, LEAVE RESULTING FROM INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS.
- E. A retired person shall not be eligible for employment with the District if any unemployment insurance compensation arising out of prior employment with a public employer was received by the retired

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person during the previous 12-month period. If a retired person accepts an appointment after receiving unemployment insurance compensation, that employment must be terminated by the last day of the current pay period, and the retiree will not be eligible for reappointment thereafter for 12 months.

- F. A person retired for disability who has not attained the mandatory age for retirement applicable to persons in the position in which he or she will be employed, and whom the District finds not disabled for that employment, may be employed without reinstatement from retirement in a position other than the classification from which he or she retired. The employment shall end upon the person meeting the mandatory retirement age for persons in the employed position.

ASSISTANT AUDITOR

DEFINITION

Performs a variety of professional-level auditing work of moderate complexity related to operations, management controls, policies, practices, performance, and financial records.

TYPICAL DUTIES

Conducts a variety of professional-level auditing duties of moderate complexity related to operations, management controls, policies, practices, performance, and financial records at locations throughout the District.

Assists in evaluating District operations in terms of their adherence to prescribed policies and applicable laws and regulations, operational efficiency, economical use of property and personnel, effective control over expenditures, receipts, revenues and assets, proper accounting for financial transactions, production and reporting of accurate, reliable, timely, and useful financial data.

Examines assigned records to determine the accuracy of presentation of facts, propriety and legality of transactions, and compliance with established policies and procedures.

Effectively Fully utilizes the capabilities and functions of standard and specialized office software applications such as data management, spreadsheet, presentation, word processing, ~~and graphics,~~ and communications in completing assigned projects.

Gathers and compiles comprehensive information about the organization or function to be audited.

Documents completed audit work in a clear and organized manner to facilitate review by management staff.

Assists in conducting special investigations at locations throughout the District to resolve discrepancies discovered by audits.

Prepares reports, presentations, and ~~correspondence~~ other communications containing descriptive, analytical, and evaluative content related to assigned auditing work.

Performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

An **Assistant Auditor** performs professional-level auditing work of moderate complexity related to operations, management controls, policies, practices, performance, and financial records.

An **Auditor** conducts complex internal operational, performance, compliance, and financial audits for the District.

A **Senior Auditor** acts as a lead over a small audit team and plans and conducts complex and difficult internal operational, compliance, performance, and financial audits for the District.

SUPERVISION

Immediate supervision is received from higher level auditing staff. Work direction may be provided by an Auditor.

CLASS QUALIFICATIONS

Knowledge of:

Principles, theories, and practices of auditing, accounting and internal controls

Current trends and developments in auditing, accounting and internal controls

Laws and rules concerning governmental auditing, accounting and internal controls

Principles of management and organization

Capabilities of computer systems, software, and hardware used in auditing

Computer software such as word-processing, spreadsheet, database management, and desktop publishing

Methods and techniques of research and management analysis

~~Principles of customer service and public relations~~

Ability to:

Understand, interpret, and apply laws, rules, regulations, policies and procedures related to governmental auditing

Gather pertinent facts and data, make thorough analyses, and arrive at sound conclusions

Effectively utilize computer equipment, office software, and management information systems ~~computer equipment~~ in the performance of duties

Make accurate observations and obtain objective information

Work effectively and cooperatively with District administrators ~~officials and employees of the District~~

Communicate ~~effectively~~ clearly and concisely, both orally and in writing

~~Prepare clear and concise~~ and present reports in tabular, written graphic, and oral form

Make routine presentations in a group setting

Plan and organize work to meet deadlines

Travel to various locations to conduct audits

Learn and effectively utilized specialized computer software related to assigned function

Learn accounting policies, procedures, and requirements of the District

Learn quickly the specialized procedures and functions of various operating units of the District

ENTRANCE QUALIFICATIONS

Education and Experience:

A. A master's degree from a recognized college or university with a major in accounting, finance, business administration, economics, or a ~~closely~~-related field.

OR

B. A bachelor's degree from a recognized college or university, preferably with a major in accounting, finance, business administration, economics or a ~~closely~~-related field **OR** a valid license to practice as a Certified Public Accountant in California **AND** one year of full-time, paid, professional-level experience in auditing with an internal or commercial auditing department or firm, or in accounting. Experience with a public agency is desirable.

Special:

A valid Class "C" California driver's license is required.

Travel to locations throughout the District 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.

AUDITOR

DEFINITION

Conducts complex audits of operations, management controls, policies, practices, performance, and financial records for the District.

TYPICAL DUTIES

Conducts and reports on complex internal operational, performance, compliance, and financial audits at locations throughout the District by systematically examining and appraising matters of financial implication for the purpose of evaluating internal controls and assuring compliance with principles of sound management, applicable accounting procedures, and laws and regulations.

Obtains comprehensive information about the organization or function to be audited, determines objectives of the audit, devises the auditing procedures to be used to identify all relevant audit issues (including the assessment of “risk”), and selects the areas of examination.

Evaluates District operations in terms of their adherence to prescribed policies and applicable laws and regulations, operational efficiency, economical use of property and personnel, effective control over expenditures, receipts, revenues and assets, proper accounting for financial transactions, production and reporting of accurate, reliable, timely, and useful financial data.

Examines records to determine the accuracy of presentation of facts, propriety and legality of transactions, and compliance with established policies and procedures.

Performs special investigations at locations throughout the District to resolve discrepancies discovered by audits.

Conducts special awareness training for District employees based on discrepancies discovered during audits.

Participates in investigations involving fraudulent activities, fraud control, vulnerability assessments, internal controls, inspections, and operational surveys and reports on findings.

Communicates audit related issues, including audit status, findings, conclusions, and significant problems to management staff as the audit field work progresses.

Effectively ~~Fully~~ utilizes the capabilities and functions of standard and specialized office software applications such as data management, spreadsheet, presentation, word processing, and graphics in completing assigned projects.

Prepares audit reports identifying and describing faulty practices and procedures and improper transactions and makes recommendations for improvement based on audit findings.

Documents completed audit work in a clear and organized manner to facilitate review by management staff.

Performs follow up reviews as necessary to assure corrective actions have been implemented.

May provide work direction to lower-level auditing staff.

Performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

An **Auditor** conducts complex internal operational, performance, compliance, and financial audits for the District.

A **Senior Auditor** acts as a lead over a small audit team and plans and conducts complex and difficult internal operational, compliance, performance, and financial audits for the District.

A **Director of Internal Audit** is responsible for directing the activities of the District's auditing and special investigation functions.

SUPERVISION

General supervision is received from the Director of Internal Audit. Work direction is received from higher level auditing staff. Work direction may be provided to lower-level professional, technical, and clerical employees staff.

CLASS QUALIFICATIONS

Knowledge of:

Principles, theories, and practices of auditing, accounting and internal controls

Current trends and developments in auditing, accounting and internal controls

Laws, rules, regulations, policies, practices, procedures and precedents pertinent to governmental auditing, accounting and internal controls

Accounting systems

Principles of management and organization

Methods and techniques of research and management analysis

Capabilities of computer systems, software, and hardware used in auditing

Principles of training

Computer software such as word-processing, spreadsheet, database management, and desktop publishing

Ability to:

Apply the theories and techniques of professional auditing to auditing problems

Identify pertinent details, assemble and analyze facts, and draw conclusions

Identify and analyze present and potential problems and evaluate alternate solutions

Interpret and apply laws, rules, regulations, policies and procedures related to governmental auditing

Effectively utilize computer equipment, ~~and software,~~ and management information systems in the performance of duties

~~Communicate effectively in writing and orally~~

Present complex technical audit related information and issues in understandable terms, both orally and in writing

Organize and prioritize work to meet schedules and deadlines

Prepare clear and conclusive oral and written reports

Make effective presentations in a group setting

Work effectively and cooperatively with District administrators ~~officials and employees of the District and representatives of government agencies and private organizations~~

Travel to various locations to conduct audits

Learn accounting policies, procedures, and requirements of the District

Learn quickly the specialized procedures and functions of various operating units of the District

ENTRANCE QUALIFICATIONS

Education and Experience:

A. A master's degree from a recognized college or university with a major in accounting, business administration, economics, finance, or a related field AND one year of full-time, paid, professional-level experience in auditing with an internal or commercial auditing department or firm. A valid professional designation such as Certified Internal Auditor (CIA) or Certified Information Systems Auditor (CISA) is desirable.

OR

AUDITOR

4/29/20
6/9/15

B. A bachelor's degree from a recognized college or university, preferably with a major in accounting, business administration, economics, finance, or a ~~closely~~-related field **OR** a valid license to practice as a Certified Public Accountant in California AND three years of full-time, paid, professional-level experience in auditing with an internal or commercial auditing department or firm. A valid professional designation such as Certified Internal Auditor (CIA) or Certified Information Systems Auditor (CISA) is desirable.

Experience:

~~Two years of full-time paid professional audit experience with an internal or commercial auditing department or firm.~~

Special:

A valid Class "C" California driver's license is required.

Travel to locations throughout the District 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.