

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION MEETING
Wednesday, May 13, 2020 – 2:00 p.m.

Via Teleconference:
<https://laccd.zoom.us/j/92268968110>
Or Dial by your location
+1 669 900 6833 US
Meeting ID: 922 6896 8110

ORDER OF BUSINESS-CLOSED SESSION MEETING

- I. Roll Call
- II. Requests to Address the Personnel Commission on Closed Session Matters
- III. Convene in Closed Session
 - a. To Discuss Public Employment
Pursuant to Government Code Section 54957
 - b. Conference with Legal Counsel-Anticipated Litigation
Pursuant to Government Code Section 54957(b)(1)
- IV. Report of Action taken in Closed Session
- V. Adjourn

NEXT PERSONNEL COMMISSION MEETING:

Wednesday, May 27, 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.

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PERSONNEL COMMISSION MEETING
Wednesday, May 13, 2020 – 2:30 p.m.

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ORDER OF BUSINESS – OPEN MEETING

- I. Convene Regular Meeting
- II. Report of Actions Taken in Closed Session
- III. Swearing-In of Diva Sanchez Trevino as Personnel Commissioner
- IV. Miscellaneous Personnel Commission Activities and Announcements
 - a. Classified Employment Opportunities Bulletin
 - b. Strictly Classified Employee Bulletin
- V. Receive Schedule of Personnel Commission Meetings for July – December 2020
- VI. 2019 Legislative Report Summary (Case 3839)
- VII. Classification Study: Financial Aid Technician, EN 1047924, Central Financial Aid Unit, Educational Services Center (Case 3834)
- VIII. Revision to Personnel Commission Rule 500, DEFINITIONS (Final Approval) (Case 3833)
- IX. Revision to Personnel Commission Rule 740, LAYOFF AND REEMPLOYMENT (Final Approval) (Case 3835)
- X. Revision to Personnel Commission Rule 763, EMPLOYMENT OF RETIRED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (Tentative Approval) (Case 3836)
- XI. Revision to Personnel Commission Rule 587, SALARY DIFFERENTIAL FOR INTERMITTENT LEAD ASSIGNMENTS (Tentative Approval) (Case 3837)
- XII. Class Description Revisions for:
 - a. Performing Arts Technician
- XIII. Correspondence
- XIV. Notice of Anticipated Items: Revision to Personnel Commission Rule 587, (Final Approval); Revision to Personnel Commission Rule 763 (Final Approval); Revision to Personnel

Commission Rule 600 (Tentative Approval); Revision to Personnel Commission Rule 836 (Tentative Approval); Class Description Revisions for: Accounting Assistant (AFT), Accounting Technician (AFT), Senior Accounting Technician (AFT), Supervising Accounting Technician (Local 721), Sign Language Interpreter Specialist I/II (AFT), Senior Sign Language Interpreter Specialist (AFT), Personnel Assistant (AFT), Special Services Assistant (AFT), Instructional Assistant, Administration of Justice (AFT)

- 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 27, 2020
Closed Meeting 12:30 p.m.
Open Meeting 1:00 p.m.
Via Teleconference
TBD

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PERSONNEL COMMISSION

Schedule of Meetings - July - December 2020

July				
Wednesday	8	Closed	12:30p.m.	
		Open	1:00p.m.	
Wednesday	22	Closed	12:30p.m.	DISTRICT
		Open	1:00p.m.	

August				
Wednesday	5	Closed	12:30p.m.	
		Open	1:00p.m.	
Wednesday	19	Closed	12:30p.m.	DISTRICT
		Open	1:00p.m.	

September				
Wednesday	2	Closed	12:30p.m.	
		Open	1:00p.m.	
Wednesday	23	Closed	12:30p.m.	TBD
		Open	1:00p.m.	

October				
Wednesday	7	Closed	12:30p.m.	
		Open	1:00p.m.	
Wednesday	21	Closed	12:30p.m.	TBD
		Open	1:00p.m.	

November				
Wednesday	11	Closed	12:30p.m.	
		Open	1:00p.m.	
Wednesday	25	Closed	12:30p.m.	TBD
		Open	1:00p.m.	

December				
Wednesday	9	Closed	12:30p.m.	
		Open	1:00p.m.	
Wednesday	23	Closed	12:30p.m.	DISTRICT
		Open	1:00p.m.	

LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ron Delahoussaye

SUBJECT: 2019 Legislative Report Summary (Case 3839)

The 2019 California legislative session has come to a close. The Legislature was in session from January 7 through September 13, 2019. 1,042 pieces of legislation were presented to the Governor for signature or veto by October 13, 2019.

Chaptered

After a bill has been signed by the Governor, the Secretary of State assigns the bill a “Chapter Number” such as “Chapter 123, Statutes of 2019,” which is subsequently used to refer to the measure rather than the bill number.

Bill Number (Author)	Subject	Disposition
AB 5 (Gonzalez)	Requires an employer to consider a person as an employee rather than an independent contractor unless the employer can show the worker meets a three-factor test.	Chapter 296, Statutes of 2019
AB 9 (Reyes)	Extends the filing period with the Department of Fair Employment and Housing for complaints of unlawful employment practices from one to three years but prohibits the revival of lapsed claims.	Chapter 709, Statutes of 2019
AB 51 (Gonzalez)	Prohibits an employer from requiring an employee to waive any right, forum, or procedure for a violation of any provision of the California Fair Employment and Housing Act or the Labor Code as a condition or employment, continued employment, or the receipt of any employment-related benefit. This bill also prohibits an employer from threatening, retaliating, or discriminating against an employee for refusing to consent to such a waiver.	Chapter 711, Statutes of 2019
AB 71 (Melendez)	Requires an employer to determine whether a person is an employee or an independent contractor based on a specific multifactor test.	Failed Passage
AB 171 (Gonzalez)	Extends to victims of sexual harassment the same anti-discriminatory/retaliation protections in the workplace as victims of domestic violence, sexual assault, or stalking. This bill also creates a rebuttable presumption of unlawful retaliation if an employer takes adverse	Vetoed

Bill Number (Author)	Subject	Disposition
	action against an employee within 90 days of learning the employee's status as a victim of domestic violence, sexual assault, sexual harassment, or stalking.	
AB 177 (Low)	Makes the day on which a statewide general election is held, the Tuesday after the first Monday in November in an even-numbered year, a state holiday. This bill would also require community colleges to be closed on this day and for regular classified service employees to receive a paid holiday.	Failed Passage
AB 249 (Choi)	Prohibits a public employer from deterring or discouraging an employee or an applicant from opting out of becoming or remaining a member of an employee organization. Also prohibits a public employer from taking adverse action against an employee or an applicant who opts out of becoming or remaining a member of an employee organization, including, but not limited to, reducing an employee's current level of pay or benefits.	Failed Passage
AB 314 (Bonta)	Repeals, recasts, and establishes uniform and minimum requirements on release time rights for public employee representatives.	Vetoed
AB 372 (Voepel)	Authorizes state agencies to adopt an Infant at Work Pilot Program, which allows an employee who is a new caregiver or parent to bring his/her new infant into the workplace.	Vetoed
AB 403 (Kalra)	Extends the statute of limitations for complaints alleging workplace retaliation from six months to two years and authorizes the payment of attorney's fees to employees who successfully sue for retaliation based on whistleblowing.	Vetoed
AB 500 (Gonzalez)	Requires that school districts, charter schools, and community colleges provide at least six weeks of full pay for pregnancy-related leave of absence taken by certificated, academic, and classified employees.	Vetoed
AB 555 (Gonzalez)	Expands the state's paid sick leave program to provide an employee with no less than 40 hours or five days of sick leave by the 200 th calendar day of employment.	Failed Passage
AB 589 (Gonzalez)	Makes it unlawful for an employer to knowingly destroy, conceal, remove, confiscate, or possess an employee's immigration-related documents in the course of committing human trafficking or a coercive labor practice. This bill also requires employers to provide employees with a "Worker's Bill of Rights"	Vetoed

Bill Number (Author)	Subject	Disposition
AB 628 (Bonta)	document in multiple languages, setting forth labor laws and protections against human trafficking. Allows victims of sexual harassment to take time off from work to obtain relief to ensure their health and safety in the same manner that existing law allows victims of domestic violence, sexual assault, and stalking to take time off from work and extends job-protected leave to immediate family members of victims.	Failed Passage
AB 672 (Cervantes)	Prohibits a person who retires from a public retirement system for disability from working in another position that has the same duties or activities of the position from which the person received disability retirement unless the person reinstates from retirement.	Chapter 98, Statutes of 2019
AB 673 (Carrillo)	Allows a worker to pursue a statutory penalty owed to them for late wage payment through an administrative process with the Labor Commissioner known as a Berman Hearing.	Chapter 716, Statutes of 2019
AB 700 (Friedman)	Specifies that certain types of records relating to researchers at public colleges and universities or their research are not subject to public disclosure under the California Public Records Act.	Failed Passage
AB 758 (Carrillo)	Amends the definition of “sex” in the Equal Pay Act (EPA) to include gender identity and gender expression. This bill also provides that an administrative action alleging retaliation under EPA must commence no later than one year after the retaliation occurs.	Failed Passage
AB 866 (Petrie-Norris)	Allows for reduced worktime for a full-time position in the civil service, including, but not limited to, job sharing by two or more employees for a position, in accordance with the Reduced Worktime Act. This bill would also require that an applicant have the option to indicate interest in a reduced worktime schedule.	Failed Passage
AB 882 (McCarty)	Provides that individuals with a physical or mental disability covered by the Fair Employment and Housing Act include a person who has completed, or is in the process of completing, a rehabilitation program to end illegal drug use, or who is erroneously regarded as engaging in illegal drug use.	Failed Passage
AB 1033 (Cooper)	Requires a state employer to provide an applicant with documents explaining the benefits of the position and of state employment before offering employment to an applicant.	Chapter 447, Statutes of 2019

Bill Number (Author)	Subject	Disposition
AB 1184 (Gloria)	Requires a public agency, for the purposes of the California Public Records Act, to retain and preserve for at least two years every public record that is transmitted by electronic mail, unless a longer retention period is required by other statutes, regulations, or acts.	Vetoed
AB 1241 (Quirk-Silva)	Requires a private entity to comply with requirements for disclosure and maintenance of personal information if it contracts with a public agency and owns or licenses an electronic database that contains the personal information of individuals for the purpose of hiring and training.	Failed Passage
AB 1478 (Carrillo)	Allows a worker to bring a private right of action against an employer for unlawful discrimination or retaliation following an employee exercising his/her right to time off for specified reasons protected under the law, including domestic violence, sexual assault, or stalking.	Vetoed
AB 1554 (Gonzalez)	Requires an employer to notify an employee who participates in a flexible spending account of any deadline to withdraw funds before the end of the plan year.	Chapter 195, Statutes of 2019
AB 1592 (Bonta)	Establishes the California Board of Athletic Training and prohibits a person from practicing as an athletic trainer without being licensed by the board.	Failed Passage
AB 1645 (Blanca Rubio)	Requires the California Community Colleges and the California State University, and requests the University of California, to designate a Dreamer Resource Liaison on each of their respective campuses. This bill also encourages these institutions to establish Dream Resource Centers on each of their respective campuses.	Chapter 788, Statutes of 2019
AB 1804 (Committee on Labor and Employment)	Allows employers to report a serious occupational injury, illness, or death through an online mechanism established by the Division of Occupational Safety and Health while retaining the option to report by telephone.	Chapter 199, Statutes of 2019
AB 1805 (Committee on Labor and Employment)	Recasts the definition of “serious injury or illness” and “serious exposure” to bring the language in line with federal Occupational Safety and Health Administration standards, such as including “an amputation” or “the loss of an eye” for “serious injury or illness.”	Chapter 200, Statutes of 2019
AB 1819 (Committee on Judiciary)	Establishes that a requester who inspects a disclosable record on the premises of an agency has the right to use the requester’s own equipment on those premises at no	Chapter 695, Statutes of 2019

Bill Number (Author)	Subject	Disposition
	charge when photographing or otherwise making a copy of the record, as long as the method of duplication does not make physical contact with and would not damage the record.	
SB 83 (Committee on Budget and Fiscal Review)	Extends the duration of Paid Family Leave wage replacement benefits from 6 to 8 weeks for workers taking time off work to care for a seriously ill family member or to bond with a minor child within one year of birth or placement. This provision is one of many in this Labor and Employment Trailer bill.	Chapter 24, Statutes of 2019
SB 135 (Jackson)	Makes several changes to the Paid Family Leave Program and the California Family Rights Act (CFRA) such as reducing the employee threshold for the CFRA from 50 or more employees down to 5 or more and expanding the reasons for which CFRA leave can be taken.	Failed Passage
SB 142 (Wiener)	Expands worker protections for lactation accommodation requests, such as requiring an employer to provide a lactation room/location, other than a bathroom, that meets specified requirements.	Chapter 720, Statutes of 2019
SB 188 (Mitchell)	Amends the definition of “race”, for purposes of the anti-discrimination provisions of the Education Code and the Fair Employment and Housing Act, to include traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.	Chapter 58, Statutes of 2019
SB 238 (Grove)	Requires that an employer determine if a worker is an employee under the Industrial Welfare Commission wage orders by conducting a six-factor analysis to determine whether the worker is economically dependent on the hiring entity.	Failed Passage
SB 688 (Monning)	Expands the Labor Commissioner’s citation authority for an employer’s failure to pay minimum wages to include an employer’s failure to pay contract wages.	Chapter 723, Statutes of 2019
SB 778 (Committee on Labor, Public Employment and Retirement)	Extends the deadline for specified employers to provide sexual harassment prevention training and education to January 1, 2021, clarifies when such training and education must be provided to new employees, and outlines when refresher training must be provided.	Chapter 215, Statutes of 2019

LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ronald Delahoussaye

SUBJECT: Classification Study: Financial Aid Technician, EN 1047924, Central Financial Aid Unit, Educational Services Center (Case 3834)

Recommendation:

It is recommended that the Personnel Commission find that the position of Financial Aid Technician occupied by A. Garamova, EN 1047924, in the Central Financial Aid Unit at the Educational Services Center, is PROPERLY classified.

Bases of Recommendation:

1. The request to study the employee's position was received on January 24, 2020 by the Personnel Commission. It was initiated by the submission of the incumbent's annual performance evaluation, dated August 7, 2019, in accordance with the provisions of Rule 702, PERFORMANCE EVALUATION FOR PROBATIONARY AND PERMANENT CLASSIFIED EMPLOYEES, Paragraph D., of the agreement between the Los Angeles Community College District and AFT College Staff Guild. The performance evaluation was accompanied by a description of the employee's duties. The employee and her supervisor requested that staff review her position to assess if the duties assigned fall outside the scope of her current classification based on her duties related to assisting in the computerized financial aid disbursement process for the colleges. The Administration was informed about this request.
2. The employee's position is located in the in the Central Financial Aid Unit at the Educational Services Center. The department is responsible for the centralized administration of financial aid for the District; acting as liaison between college Financial Aid, District IT, and District Accounting departments; and is responsible for District compliance with state and federal rules and regulations in the disbursement of \$250 million of federal and state financial aid to 100,000 students annually within the District.

Staff audited the position and found that the employee's primary duties are related to the Federal Pell Grant disbursement process and consist of the following:

- Performs routine daily and weekly operations and data maintenance functions related to the District's PeopleSoft Student Information System (SIS) necessary for processing financial aid for students. This function includes the scheduling, maintenance, and running of sequential batch process jobs in PeopleSoft to produce mass packaging of Federal Pell Grant awards. This function accounts for approximately 40% of incumbent's time.
- Verifies the accuracy of financial aid data and batch results to ensure compliance with federal and state regulations as they pertain to financial aid programs. This function accounts for approximately 25% of the incumbent's time.
- Interfaces with District information technology staff on PeopleSoft Student Information System (SIS) issues and problems to be resolved and validates new or modified changes. This function accounts for approximately 20% of the incumbent's time.

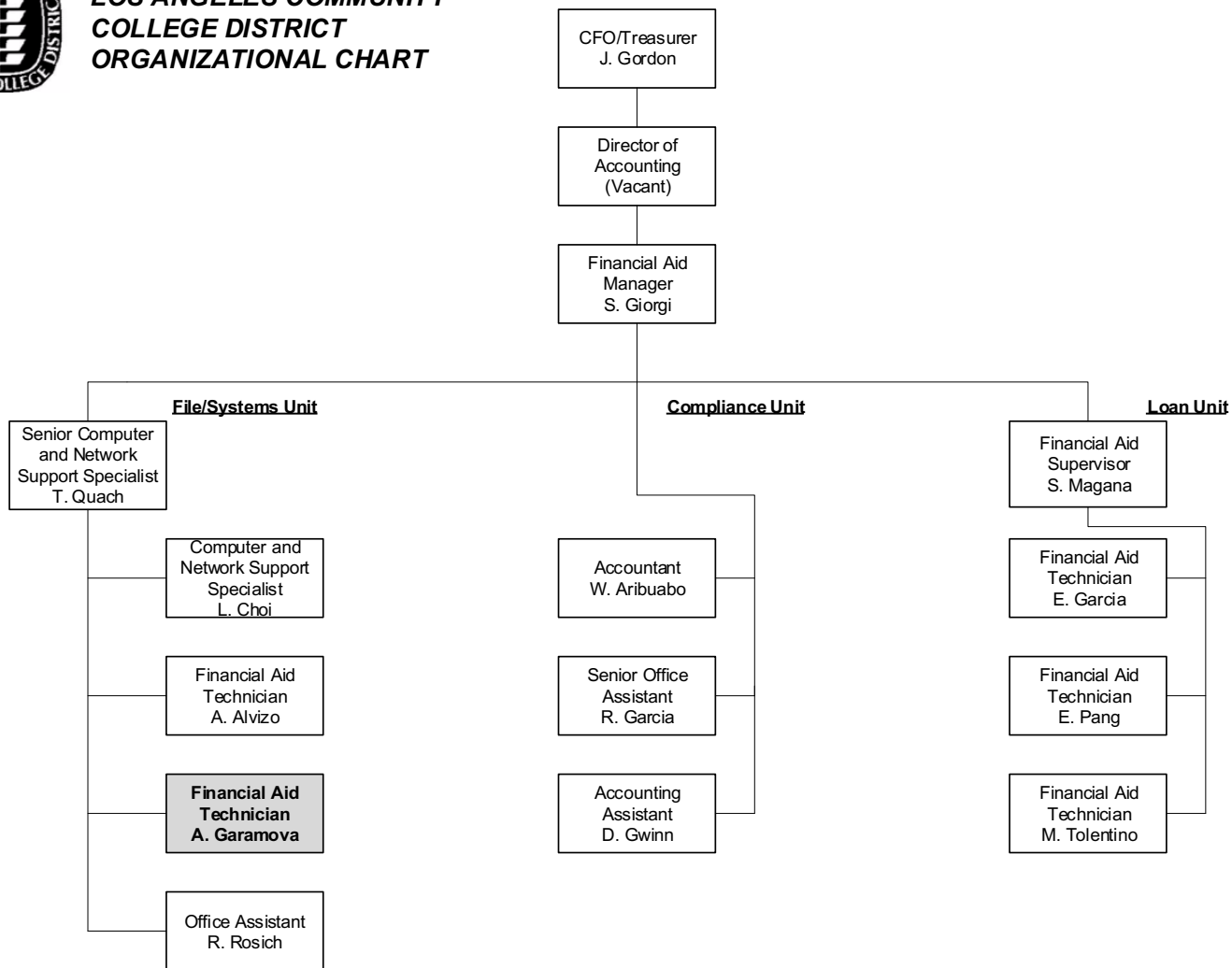
- Provides guidance and trains financial aid staff at the colleges on the use of PeopleSoft as it pertains to the financial aid disbursement process including any business process changes. This function and the remaining functions listed below account for approximately 15% of the incumbent's time.
 - Writes operating instructions and other training materials for financial aid staff related to the financial aid disbursement process.
 - Transmits student data to the online U.S Department of Education Common Origination and Disbursement (COD) to process Pell Grants and run subsequent processes to import the data to PeopleSoft.
3. The classification concept for the employee's current class of Financial Aid Technician is based on overseeing and participating in one or more of the functional phases of awarding scholarships, loans, and grants at a college or has full responsibility for one major financial aid program at a college or the Central Financial Aid Unit of the District Office while performing tasks on several software programs. Staff also reviewed the class concept of Data Management Support Assistant for comparison purposes. The classification concept for Data Management Support Assistant is based on providing clerical/technical assistance in data management and reporting related to the implementation, maintenance, and effective utilization of multiple specialized or advanced computer applications used to support operations of a major organizational unit at a college or the District Office such as application for admission, electronic transcript, degree audit systems, and managed calling systems. Staff found that the duties assigned to the employee overlap with typical duties of both her current classification of Financial Aid Technician since she primarily participates in the disbursement function of the Federal Pell Grant financial aid program in the Central Financial Aid Unit as well as the lower-level class of Data Management Support Assistant since she performs routine daily operations and data maintenance functions related to the District's PeopleSoft Student Information System (SIS) necessary for processing financial aid for students. After a thorough analysis of the employee's assigned duties, staff determined that the majority of her duties assigned most appropriately fall within the scope of responsibilities of her current class of Financial Aid Technician because of her responsibility in processing the District-wide disbursement of funds for the major financial aid Federal Pell Grant program.



OFFICE OF ACCOUNTING AND DISBURSEMENTS

-Central Financial Aid Unit-

LOS ANGELES COMMUNITY COLLEGE DISTRICT
ORGANIZATIONAL CHART



LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ronald Delahoussaye

SUBJECT: Revision to Personnel Commission Rule 500, DEFINITIONS (Final 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.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

500

LAW AND RULES

~~January 30, 2019~~ May 13, 2020

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.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

500

LAW AND RULES

~~January 30, 2019~~ May 13, 2020

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.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

500

LAW AND RULES

~~January 30, 2019~~ May 13, 2020

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.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

500

LAW AND RULES

~~January 30, 2019~~ May 13, 2020

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 (Final 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 eEmployees 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. 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.

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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, Government Code Section 21228 was replaced with 21232, and Government Code Section 21233 was added to the rule 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.
- Paragraph G. was added to explain restrictions on employment applicable to a person who retired on disability if he/she does not reinstate from retirement.
- Paragraph H. was added to provide for situations, such as the current COVID-19 pandemic, where the Governor may issue an executive order to suspend certain provisions of the Government Code applicable to this rule.

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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.

21233. (a) A person who has retired for disability shall not be employed, pursuant to this article or Section 7522.56, by any employer without reinstatement from retirement if the position is either of the following:

(1) The position from which the person retired.

(2) A position that includes duties or activities that the person was previously restricted from performing at the time of their retirement.

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(b) If a person who has retired for disability is employed by an employer without reinstatement pursuant to this article or Section 7522.56, the employer shall provide the board, in a form and manner determined by the board, the nature of the employment and the duties and activities of the position for which the person retired for disability will be employed.

(c) This section shall not apply to a person employed by an employer pursuant to Section 21232.

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.

(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.

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(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.

(2) (A) Except as otherwise provided in this paragraph, for state employees, 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

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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 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~~ For 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.

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(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.

(2) (A*i*) 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*ii*) 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.

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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:
 - 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

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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 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.

G. A person retired for disability shall not be employed without reinstatement from retirement if the position in which he or she would be employed is either of the following:

1. The position from which the person retired.

2. A position that includes duties that the person was previously restricted from performing at the time of retirement.

This provision does not apply to persons employed in a manner as described under paragraph F.

H. Provisions of this rule outlined in paragraph A.3. and A.4. may be suspended under certain conditions by a Governor's executive order.

LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ronald Delahoussaye

SUBJECT: Revision to Personnel Commission Rule 587, SALARY DIFFERENTIAL FOR INTERMITTENT LEAD ASSIGNMENTS (Tentative Approval) (Case 3837)

The proposed amendment is part of an ongoing project to review and update rules. In the past, paragraph B. was needed to facilitate the monitoring of intermittent lead assignments to ensure that employees do not exceed lead assignment duration limits. Programming has recently been secured within in the District's payroll system that prohibits time reporting exceeding those duration limits so the monthly reporting referenced in paragraph B. is no longer needed. Paragraph G. was also added to reflect that collective bargaining units may have negotiated different lead assignment duration limits.

587 SALARY DIFFERENTIAL FOR INTERMITTENT LEAD ASSIGNMENTS

Education Code Section

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.

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- A. An intermittent lead assignment is an assignment given to an employee who temporarily provides lead responsibilities to a group of three or more employees. An employee may not receive the additional compensation provided below for lead responsibilities if the employee leads only employees in those classes for which the employee's class normally has lead responsibility. Intermittent lead assignments for any one employee shall not exceed 90 working days in duration within a fiscal year.
- ~~B.~~ ~~The Payroll Branch shall send a report to the Personnel Director each calendar month summarizing all intermittent lead assignments by class, name of incumbent, and number of hours paid as a lead.~~
- ~~C.~~B. An employee who exercises intermittent lead responsibilities shall receive 2.75% above his/her regular rate of pay for any day he/she meets the requirement of a lead for four hours or more, in addition to his/her regular wages.
- ~~D.~~C. An employee will be designated by the division head or college president to exercise intermittent lead responsibilities; therefore, no assignment order will be required. Whenever practicable, leaders shall be selected from the appropriate eligibility list which shall be determined on the basis of the next higher level class of supervision.
- ~~E.~~D. Excluded from this rule are assignments to perform duties of an existing vacant position or of an absent employee. In such instances, a limited-term assignment shall be processed in accordance with the provisions of Rule 671, LIMITED TERM ASSIGNMENTS.
- ~~F.~~E. If it is determined that there is an ongoing need for a lead assignment and a new job classification is necessary, the Personnel Director shall recommend the appropriate classification and salary allocation to the Personnel Commission for approval.
- ~~G.~~F. Intermittent lead assignments shall not affect salary step advancement, promotion, or classification status nor be applicable to any paid absences.
- G. This rule shall have no force and effect upon employees of any collective bargaining unit to the extent that the provisions of this rule are negotiable.

PERFORMING ARTS TECHNICIAN

DEFINITION

Coordinates and performs technical work required in the maintenance of a theater, concert hall, or TV and film stage and production areas and assists instructors in conducting technical production classes for theater, TV, film, and broadcast productions/operations or music and dance concerts.

TYPICAL DUTIES

Coordinates and performs technical work involving design and construction of stage sets, props, special effects, the recording of sound effects, hanging lighting equipment, and/or a variety of other technical aspects related to theater, TV, film, and broadcast productions/operations or music and dance concerts.

Operates and maintains equipment such as sound and lighting equipment and software, computer equipment, power tools, painting equipment and other equipment used in theater, TV, film, and broadcast productions/operations or music and dance concerts.

Instructs students individually in the proper methods of theater or TV and film lighting, rigging, sound effects, set construction, stage management, and painting of stage scenery, props, and backdrops.

Monitors and provides training to students in the use of tools and equipment used in theater or TV and film productions/operations or music and dance concerts.

Assists in making estimates of stage-setting and performance costs, stage-setting time needed, and lighting and scenery required.

Maintains inventory records of supplies and generates orders for materials and equipment.

Issues supplies, materials, and tools to students.

Ensures proper maintenance and safety of scene shop, stage, equipment storage, and audience areas.

May direct stage crews during rehearsals and performances.

May plan work schedules for rehearsals and performances.

Performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

A **Performing Arts Technician** coordinates and performs technical work required in the maintenance of a theater, concert hall, or TV and film stage and production areas; assists instructors in conducting technical production classes for theater, TV, film, and broadcast performances or music or dance concerts.

SUPERVISION

General supervision is received from an academic or classified supervisor. Provides work direction in the construction and use of stage equipment to student employees.

CLASS QUALIFICATIONS

Knowledge of:

Technical direction, set design and construction, prop design and construction, lighting, projections, sound, rigging, scenic painting, and special effects related to theater, TV, film and broadcast productions/operations or music and dance concerts

Principles and methods of stage and prop management

Proper use and care of power and hand tools used in stagecraft

Color harmony and set-building materials

Stage set design, floor plans, elevations, and construction

Operation and maintenance of contemporary sound consoles, speakers, amplifiers, and related equipment

Operation and maintenance of contemporary lighting consoles and related equipment

Pertinent fire regulations and other safety codes and procedures

Acoustics and sound control

Inventory methods and practices

Capabilities ~~and features~~ of computer systems, software, and hardware used in the assigned area

Ability to:

Construct, erect, and place various types of stage scenery, backdrops, and props for theater, TV, film and broadcast productions/operations or music and dance concerts

Organize scene shop and coordinate all aspects of construction

Generate theatrical blueprints for stagecraft assignments

Follow layouts and plans for set design and construction

Hang and focus lights according to a lighting plot

Rig standard theatrical elements used in stage productions/operations

Mix and apply scenic paints

Use tools and equipment common to ~~assigned area stagecraft work~~

Program lighting consoles

Work with contemporary lighting instruments

Generate an audio design in a digital format

Train and provide work direction to others in activities related to theater, TV, film and broadcast productions/operations or music and dance concerts

Secure and store supplies

Keep detailed and precise records

Give clear and concise instructions

Work effectively and cooperatively with instructors, staff, students, and the public

Deal effectively with proper authorities concerning fire and safety regulations

Effectively utilize computer hardware and software in the performance of duties

Learn general and specialized software applications

ENTRANCE QUALIFICATIONS

Education and Experience:

A. A bachelor's degree ~~Graduation~~ from a recognized ~~four-year~~ college or university with a major in theater arts, cinema or television, fine arts, music or a ~~closely-related~~ field which included coursework in technical theater, cinema or television production, or music technology.

OR

B. An associate's degree or its equivalent from a recognized college or university with a major in ~~the field of~~ theater arts, cinema or television, ~~or~~ music, or a related field **AND** two years of full-time paid stagecraft or film set experience in two or more of the following areas: prop design, prop construction, ~~stage-set design, stage-set construction~~, painting, rigging, lighting, sound, and operation and use of stage equipment.

OR

- C. Graduation from high school or its equivalent **AND** four years of full-time paid stagecraft or film set experience in two or more of the following areas: prop design, prop construction, ~~stage~~-set design, ~~stage~~ set construction, painting, rigging, lighting, sound, and operation and use of stage equipment.

OR

- D. Any equivalent combination of A., B., and C. above.

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.