

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

**664 WITHHOLDING NAMES FROM ELIGIBILITY LISTS OR FROM
CERTIFICATION**

Education Code Section (s)

88080. (a) The commission shall prescribe, amend, and interpret, subject to this article, such rules as may be necessary to ensure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation, as defined in Section 3543.2 of the Government Code, and is included in a negotiated agreement between the governing board and that unit. The rules shall be binding upon the governing board, but shall not restrict the authority of the governing board provided pursuant to other sections of this code.

(b) No rule or amendment which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the commission until the exclusive bargaining representative and the community college employer of the classified employees who would be affected have been given reasonable notice of the proposal.

88081. (a) The rules shall provide for the procedures to be followed by the governing board as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article.

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

A. Withholding Names from an Eligibility List

1. The Personnel Commission may withhold the name of a candidate who achieved a passing score in an examination from an eligibility list, pending final determination that the candidate meets the examination and/or employment requirements.
2. Notification to the candidate of the withholding action will take place at the same time eligibles are being notified of their respective ranks on the eligibility list.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION**

664

LAW AND RULES

March 16, 2022

- B. Withholding Certification of Eligibles
1. The Personnel Commission may withhold certification of a name from an eligibility list for appointment, pending an investigation of the necessity for removal of the name from the eligibility list for the reasons set forth in Rule 600, REJECTION OF APPLICANTS, CANDIDATES, AND ELIGIBLES.
 2. Except when an appeal is to be heard by the Personnel Commission, no name shall be tentatively withheld from certification for more than 30 calendar days without an explanation in writing to the eligible, with a copy provided to the Personnel Commission. In no case shall an eligible's name be withheld from certification longer than necessary to clear up matters in doubt. The reason for any action under this rule which results in a person not being certified when his/her place on the eligibility list has been reached will be clearly set forth in the eligibility list records.
- C. Availability of Eligibles
1. An eligible on a reemployment list or eligibility list may refuse two offers of interview (or regular full-time appointment if no interview is to be held) within the limits of the eligibles's availability as to location, shift, basis, time, and status and retain active status on such list. After the third refusal of offers, no more offers need be made. All offers and refusals may be recorded by the Personnel Commission and made a part of the eligibility list record.
 2. After failure to respond within a reasonable amount of time to a written communication involving a possible regular appointment, an eligible may be passed over until they have submitted an acceptable explanation of failure to respond.
 3. No act or omission with respect to an offer of limited-term employment will adversely affect the right of any person on a reemployment list or an eligibility list to certification for a regular position.
 4. Employees with limited-term status only may decline offered assignments and may absent themselves from duty without losing their rights to future assignments when the declination or absence is the result of illness, as certified by a licensed physician. It shall be within the discretion of the Personnel Commission to permit such employees for reasons stated other than illness to decline not more than three consecutive offers of assignments, absent themselves from duty, or waive certification.