

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

LAW AND RULES

503
November 20, 1997

503 PERSONNEL COMMISSION RULES

Education Code Section 88080

88080. Power of personnel commission to prescribe, amend and interpret rules.

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

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

Education Code Section 88081

88081. Subjects of rules.

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

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

Education Code Section 88082

88082. Printing and distribution of rules.

The rules of the commission and copies of this article shall be printed and made available to each school office and permanent worksite where employees report and shall be distributed to school libraries for loan to employees.

Within one year of when a district adopts the merit system, the commission shall adopt rules pursuant to Section 88080 and shall give to each new regular employee a handbook which summarizes the basic rules and working conditions for classified employees and provides information regarding access to copies of the complete rules and the merit system.

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A. Statutory Authority for Rules

Personnel Commission Rules are established pursuant to the authority granted under Title 3 (commencing with Section 88060) of Chapter 4 of Division 7 of the Education Code, and other provisions of the Education Code applicable to community college districts that have adopted the merit system.

B. Establishment, Amendment, and Abolishment of Rules

1. The establishment, amendment, and abolishment of rules shall be placed on the Order of Business for action by the Personnel Commission. The Order of Business shall constitute “due notice” to the Board of Trustees, District administration, exclusive bargaining representative(s), and other interested parties in compliance with Education Code Section 88080 (b).
2. A period of at least two weeks shall elapse between tentative approval of a new rule or tentative amendment of an existing rule and its final adoption. During this two week period, the Personnel Commission shall accept and consider the comments and suggestions of interested parties.
3. In an emergency, final approval of the establishment or amendment of a rule may be made without the waiting period required in Paragraph B.2., above. Special notice of such emergency action shall be placed on the Order of Business.
4. Tentative approval may be omitted and a proposed rule amendment may be submitted for adoption without the two-week waiting period required in Paragraph A.2., above, whenever the proposed amendment is limited to:
 1. The addition, change, or deletion of a class title due to a classification approved or to be action approved by the Personnel Commission.
 2. The renumbering, retitling, or consolidation of rules or rule chapters, without a change in rule wording.
 3. The inclusion, deletion, or change in modification of State or other governmental code provisions, without a change in rule meaning or intent.
 4. The deletion of outdated provisions that no longer have effect.
 5. Editorial changes that do not alter the meaning or intent of the rule such as the addition, change, or deletion of organizational titles; grammatical corrections or improvements; or the addition, deletion or correction of format and references.

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6. Rules of the Personnel Commission requiring the expenditure of District funds shall be submitted to the Board of Trustees for concurrence before they become effective.

C. Interpretation and Application of Rules

1. The Personnel Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent.
2. Interpretations regarding the meaning, intent, or application of any of the rules shall be made by the Personnel Commission.
3. If the subject matter and procedures in a Personnel Commission Rule are within the scope of representation, as defined in Government Code Section 3543.2, the Rule shall be applied as follows:
 - a. If the collective bargaining agreement deals with the subject matter and establishes a procedure, the rule shall not apply to employees in the unit.
 - b. If a rule addresses a subject matter, and a collective bargaining agreement does not address the subject matter, the benefit or condition of employment shall not be available to employees represented by an exclusive bargaining agent unless that benefit or condition of employment is required by law.
 - c. If the rule prescribes a procedure and a collective bargaining agreement does not, the procedure in the rule shall apply to employees in the unit.

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D. Suspension of Personnel Commission Rules

1. The Personnel Commission may suspend or amend any section or sections of the Personnel Commission Rules by a vote of two-thirds of the Personnel Commission.
2. When the Personnel Commission has suspended or amended rules under the provisions of Paragraph D.1., above, it may immediately adopt such emergency rules and amendments to existing rules it may deem necessary during the period of suspension.

E. Effective Date of Rules

1. New rules and rule amendments shall be applied prospectively and not retroactively.
2. New rules and rule amendments not requiring concurrence by the Board of Trustees shall become effective upon final adoption by the Personnel Commission unless otherwise indicated.
3. New rules and rule amendments requiring concurrence by the Board of Trustees shall become effective upon concurrence by the Board unless otherwise indicated.

F. Judicial Review

If judicial review or a change in law invalidates a Personnel Commission Rule, such finding or amendment shall not affect the validity of the remaining rules. If such finding or amendment invalidates a portion of a rule, it shall not affect the validity of the remaining portion(s) of the subject rule.

G. Distribution of Rules

1. Personnel Commission Law and Rules shall be distributed to each location in the District. A distribution list is available in the Personnel Commission staff office.
2. At least one loan copy of Personnel Commission Rules shall be maintained in the library at each college, and in the Personnel Commission staff office.
3. The Human Resources Department shall provide each new regular employee a handbook which summarizes the basic rules and working conditions for classified employees and informs them of the availability of the complete sets of Law and Rules.