

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

513

LAW AND RULES

October 11, 1984

513 HEARINGS AND INVESTIGATIONS

Education Code Section 88130

88130. Powers of Commission in Conducting Hearings, and Inspecting Records of Governing Board. The Commission may conduct hearings, subpoena witnesses, require the production of records or information pertinent to investigation, and may administer oaths. It may, at will, inspect any records of the governing board that may be necessary to satisfy itself that the procedures prescribed by the commission have been complied with. Hearings may be held by the commission on any subject to which its authority may extend as described in this article.

Education Code Section 88131

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

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

CHANGES:

Adds topical headings to education code sections.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
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Education Code Section 88132

88132. Counsel for the Commission. The Counsel of the governing board shall aid and represent the commission in all legal matters, and if he refuses, the commission may employ its own attorney, and the reasonable cost thereof shall constitute a legal charge against the general funds of the district.

- A. The Personnel Commission may appoint a hearing officer to conduct any hearing or investigation which the Commission is authorized to conduct.
- B. In the conduct of a hearing, the hearing officer may administer oaths and may make determination of the need to subpoena witnesses who failed to attend the hearing. The Personnel Director is responsible for assisting the hearing officer in providing staff support in such areas as: establishing and maintaining a file of pertinent documents related to an employee's appeal; issuing subpoenas; and arranging for hearing facilities.
- C. The hearing officer shall render written findings, conclusions, and the recommendation(s) within 30 calendar days of the termination of a hearing. The findings, conclusions and recommendations shall be submitted to the Personnel Commission for adoption, amendment or rejection. Any rejection or amendment of the findings or recommendations of the hearing officer will be based on a review of the transcript of the hearing or investigation or upon the results of such supplementary hearing or investigation as the Personnel Commission may order.
- D. The decision adopted by the Personnel Commission will specify the corrective action, if applicable, including "back-pay" eligibility, effective date and any seniority benefits and/or burdens of a permanent employee.
- E. Following the Personnel Commission's decision to adopt, amend, or reject the hearing officer's recommendation(s), a copy of the hearing officer's report of findings and the Personnel Commission's decision will be sent to the employee or his/her designated representative, the Administration's representative, and the College President or Division Head involved.

CHANGES:

LOS ANGELES COMMUNITY COLLEGE DISTRICT
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Adds topical heading to education code section. New Paragraphs A. through E., added for purpose of specifying and clarifying the authority and time limits for submission of written findings, conclusions, and recommendations by the hearing officer.