

**LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION**

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**Education Code Section 88104**

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

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

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

**Education Code Section 88104.5**

**88104.5. Notice of proposed classifications or reclassifications.** No position classification or reclassification plan which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the commission until the exclusive bargaining representative and the community college employer of the classified employees who would be affected have been given reasonable notice of the proposed classifications or reclassifications.

- A. A reclassification study should be requested whenever material and permanent changes have been made to the duties and responsibilities of a position or group of positions. If additional duties and responsibilities have been assigned to a position on a temporary basis or in the absence of another employee, the provisions outlined in Rule 550, COMPENSATION FOR INCONSISTENT DUTIES: TEMPORARY WORK OUT OF CLASSIFICATION, and Rule 671, LIMITED TERM EMPLOYEES, shall apply.
- B. A reclassification study may be initiated by the District administration, an employee, an exclusive representative or the Personnel Commission.

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- C. The initiator of a request for study shall be responsible for providing a justification for the request and any additional information or documentation requested by the Personnel Commission staff in a timely manner. All reclassification study requests should be supported by a performance evaluation which has been completed within one year of the initiation date of the study request. If an evaluation does not exist the study will proceed.
- D. When all of the positions in a class are reclassified to a class with a higher salary schedule or hourly rate and the Personnel Commission finds there has been a gradual accretion of duties, incumbents shall be reclassified without the requirement of participating in a competitive examination process if they presently have regular employment status in the class, two or more years of regular service in the class, and meet the entrance qualifications for the new class.
- E. When a portion of the positions within a class is reclassified to a job classification with a higher salary schedule or hourly rate and the Personnel Commission finds there has been a gradual accretion of duties, incumbents shall be reclassified without the requirement of participating in a competitive examination process if they presently have regular employment status in the class, two or more years of regular service in the class or position, whichever is applicable, and meet the entrance qualifications for the new class.
- F. When a position is reclassified to a class with a higher salary schedule or hourly rate without a finding of gradual accretion of duties, the incumbent must compete in an examination process and be reachable on the eligibility list in order to be regularly assigned to the reclassified position. An employee shall be considered to have met this examination requirement if the employee was reachable on an appropriate eligibility list with the last two years.
- G. A reclassified incumbent who must qualify by competitive examination in order to be regularly assigned to his/her reclassified position, shall be provided one opportunity to compete in an examination for the higher class. If a reclassified incumbent is unsuccessful in qualifying for his/her reclassified position, the case shall be referred to the Personnel Commission for determination.
- H. Gradual accretion of duties is defined as change in a position caused by the incremental assignment of higher-level duties or responsibilities, or an increase in the scope and/or complexity of work performed and not a sudden change occasioned by reorganization or the assignment of completely new duties and responsibilities.

**CHANGES:**

Paragraph C. was added.

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The determination of gradual accretion of duties will be made by the Personnel Commission based on an analysis of data furnished by the District and the following factors:

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

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Paragraph J. was amended to eliminate the 100 day rule provision.

- M. An employee who has been reclassified without competitive examination shall be ineligible for subsequent upward reclassification with his/her position for two years from the date of Personnel Commission approval of the initial reclassification action.
- N. The reclassification of all positions in a class shall automatically reclassify the mandatory reemployment list for the class. The appropriateness of reclassifying existing eligibility lists shall be determined by the Personnel Commission based on an analysis of examination content.
- O. Nothing in this rule shall operate to alter the authority of the Board of Trustees to fix and prescribe the duties to be performed by all employees in the classified service. This includes the ability to reassess and remove higher-level duties and responsibilities from a position at any time.

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

- P. The purpose of the following procedure is to educate employees regarding the classification study process and inform employees and their supervisors of their obligations in this process. This process does not preclude an employee from requesting a classification study or submitting Claims for Temporary Work Out of Classification at any time.
  - 1. Each year in April, all regular classified employees will be informed of their right to request a classification study of their position if they believe that the ongoing duties and responsibilities of their position are not consistent with their job classification. The notification will include: basic information regarding job classification, basic information regarding the provisions of this rule, and information on how to request an informal staff review of the duties they believe may be outside of their job classification. Employees will be given one month to respond and take advantage of this process. If an employee does not request a review in a given year, it shall be presumed that the employee is working within class as of that point in time. The Personnel Commission shall reserve the right to establish the effective date of a reclassification action involving unusual circumstances.

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Paragraph P.1 was added.

2. Personnel Commission staff will review all such requests and make a determination of whether or not a full classification study of a position appears warranted. When a study is in order, the employee and the employee's supervisor will be formally advised to complete and submit a Classified Staffing Request (C1121) in accordance with the provisions of applicable contract provisions or rules of the Personnel Commission. If the staff review finds that the employee is working within class, the employee shall be advised in writing of the staff's analysis and the procedures for requesting a complete classification study through established procedures if the employee continues to believe their duties fall outside of their job classification.

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**CHANGES:**

Paragraph P.2 was added.

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