

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION MEETING
Wednesday, January 29, 2020 – 12:30 p.m.
Educational Services Center
4th Floor Conference Room
770 Wilshire Boulevard, Los Angeles, California

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. 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, February 12, 2020

Closed Meeting 12:30 p.m.

Open Meeting 1:00 p.m.

Educational Services Center

4th Floor Conference Room

770 Wilshire Boulevard, Los Angeles, California

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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LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION MEETING
Wednesday, January 29, 2020 – 12:30 p.m.
Educational Services Center
4th Floor Conference Room
770 Wilshire Boulevard, Los Angeles, California

ORDER OF BUSINESS – OPEN SESSION MEETING

Amended

- I. Convene Regular Meeting
- II. Report of Actions Taken in Closed Session
- III. Miscellaneous Personnel Commission Activities and Announcements
 - a. Classified Employment Opportunities Bulletin
- IV. Resolution in Recognition of Personnel Director Karen J. Martin
- V. Classification Study for EN 802675, Admissions & Records Office Supervisor, Admissions & Records, Los Angeles Harbor College (Case 3802)
- VI. Establishment of New Job Classification of Child Development Center Assistant (Infant Care) (Case 3808)
 - a. Approve the Establishment of the New Classification of Child Development Center Assistant (Infant Care)
 - b. Approve the Salary Allocation for the New Classification of Child Development Center Assistant (Infant Care)
 - c. Approve the Class Description for the New Classification of Child Development Center Assistant (Infant Care)
 - d. Approve the Examination Authorization for the New Classification of Child Development Center Assistant (Infant Care), with an Open Only Field of Competition
- VII. Establishment of a New Classification of Compliance Investigator (Case 3732-2)
 - a. Approve the Establishment of the New Classification of Compliance Investigator
 - b. Approve the Salary Allocation for the New Classification of Compliance Investigator
 - c. Approve the Class Description for the New Classification of Compliance Investigator
 - d. Approve the Examination Authorization for the New Classification of Compliance Investigator, with an Open and Promotional (Dual Certification) Field of Competition
- VIII. Request to Name Incumbents in the Class of Manager, College Information Systems, as Eligible to Compete in the Current Examination for Regional Manager, College Technology Services (Case 3807)

- IX. Revision to Personnel Commission Rule 720, NEPOTISM (Final Approval) (Case 3806)
- X. Revision of Personnel Commission Rule 703, EMPLOYEE INFORMATION AND RECORDS (Final Approval) (Case 3805)
- XI. Correspondence
- XII. Notice of Anticipated Items: Claims for Temporary Work Out of Classification for EN 1047735 (AFT); Classification Study for EN 790632 (AFT)
- XIII. Hear Non-Agenda Speakers/Open Forum
- XIV. Reconvene into Closed Session
- XV. Reconvene into Open Session
- XVI. Report of Actions Taken in Closed Session
- XVII. Adjourn

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**LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION**

RESOLUTION:

IN RECOGNITION OF PERSONNEL DIRECTOR KAREN J. MARTIN

- WHEREAS,** Karen J. Martin has spent 49 years as a dedicated classified employee of the Personnel Commission of the Los Angeles Community College District, and
- WHEREAS,** Ms. Martin advanced her career in the classified service from a rank and file employee to Personnel Director, and
- WHEREAS,** During her 25 year tenure as Personnel Director, Ms. Martin has been instrumental in implementing changes and improvements in Personnel Commission operations which advanced the principles of the merit system, incorporated sound business practices, innovative systems technologies, and the interests of the District and classified employees, and
- WHEREAS,** Under the leadership of Ms. Martin the entire salary and classification structure of the classified service was reviewed and appropriately aligned based on sound compensation data and classification principles, and
- WHEREAS,** Under the leadership of Ms. Martin inequities related to career and degree salary differentials and salary schedules for unrepresented employees were identified and corrected, and
- WHEREAS,** Under the leadership of Ms. Martin transitional assignment strategies and a new classification and salary structure were implemented in response to the implementation of AB2160, which resulted in the hiring of 100+ new classified employees whose work previously fell within the unclassified service, and
- WHEREAS,** Under the leadership of Ms. Martin successful recruitments for key District executive positions such as Vice Chancellor of Finance and Resource Development, Vice Chancellor/CIO, Chief Facilities Executive, and General Counsel have been conducted, and
- WHEREAS,** Ms. Martin has been instrumental in the enhancement of the Personnel Commission website which includes the launch of an online job applicant center, the publishing of an employee handbook, career ladder guide, employee and supervisor informational bulletins, and process and flow chart information, and
- WHEREAS,** Ms. Martin has consistently throughout her career with the District provided professional expertise and assistance to District executives, administrators, labor unions, and classified employees in everything from the resolution of day-to-day employment issues to the design and implementation of major District reorganizations and business initiatives,
Now, Therefore, Be It
- RESOLVED** That the Personnel Commission of the Los Angeles Community College District does hereby honor Karen J. Martin as Personnel Director Emeritus and wish her the very best in her retirement.

January 29, 2020

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LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ute Severa

SUBJECT: Classification Study: Admissions and Records Office Supervisor, EN 802675, Admissions and Records, Los Angeles Harbor College (Case 3802)

Recommendation:

It is recommended that the Personnel Commission approve the following reclassification action:

From:
Admissions & Records Office Supervisor
(\$4,911.82 to \$6,084.90/month)

To:
Registrar
(\$8,286.80 to \$10,265.89/month)

Location:
Admissions and Records
Los Angeles Harbor College

Incumbent:
R. Guerrero (EN 802675)

Effective Date: January 29, 2020

Bases of Recommendation:

1. The study for this position was initiated by the employee who requested that her position be upgraded to Registrar because she had assumed higher-level duties involving the oversight of the college's admission and records operations. The college administration was in support of this request.
2. Staff audited the position and found that the employee performs the following duties:
 - Develops and administers operational procedures of the Admissions & Records office, such as procedures for the enrollment and tracking of K-12 students and online processing of noncredit applications
 - Responds to and adjudicates non-routine cases, such as residency appeals using nonstandard identification documents and student appeals over loss of enrollment priority
 - Consults with information technology personnel to define information systems requirements and needs and coordinates the implementation and utilization of computer systems of an admissions and records office
 - Interprets complex policies, rules and regulations, and operational procedures for the Acting Dean of Student Services and the Vice President, Student Services

- Plans, develops, and manages the annual budget, staffing, and facilities needs for the admissions and records office
 - Consults with faculty and department chairs on course scheduling and attendance matters, such as the creation and dissemination of faculty procedures for positive enrollment and attendance records
 - Represents the college to outside organizations, such as the California Association of Community College Registrars and Admissions Officers
 - Participates in planning and coordination of student services activities and programs by attending and voting in campus committees, such as the Budget, Curriculum, Student Success, and Student Services Cluster Committees
3. The classification concept of the incumbent's current class of Admissions & Records Office Supervisor is based on responsibilities that involve planning, scheduling, supervising and participating in the work of an admissions and records office. The classification concept of the next higher supervisory class in the admissions occupational group, the class of Senior Admissions and Records Supervisor, requires an incumbent to plan, schedule, and supervise the specialized clerical and technical work of an admissions and records office to resolve the most complex and difficult technical problems of the office. Finally, the classification concept of the employee's requested class of Registrar requires an incumbent to provide administrative direction over an admissions and records office and to develop and implement related policies, rules, and procedures. After a thorough analysis of the duties assigned to the employee's position, staff found that the employee's assigned duties fall within the class of Registrar because she plans, directs, and administers the operations of the college's admissions and records office, and is also responsible for developing and implementing office policies and rules mandated by federal, state, District and institutional guidelines.

STATUS OF INCUMBENT

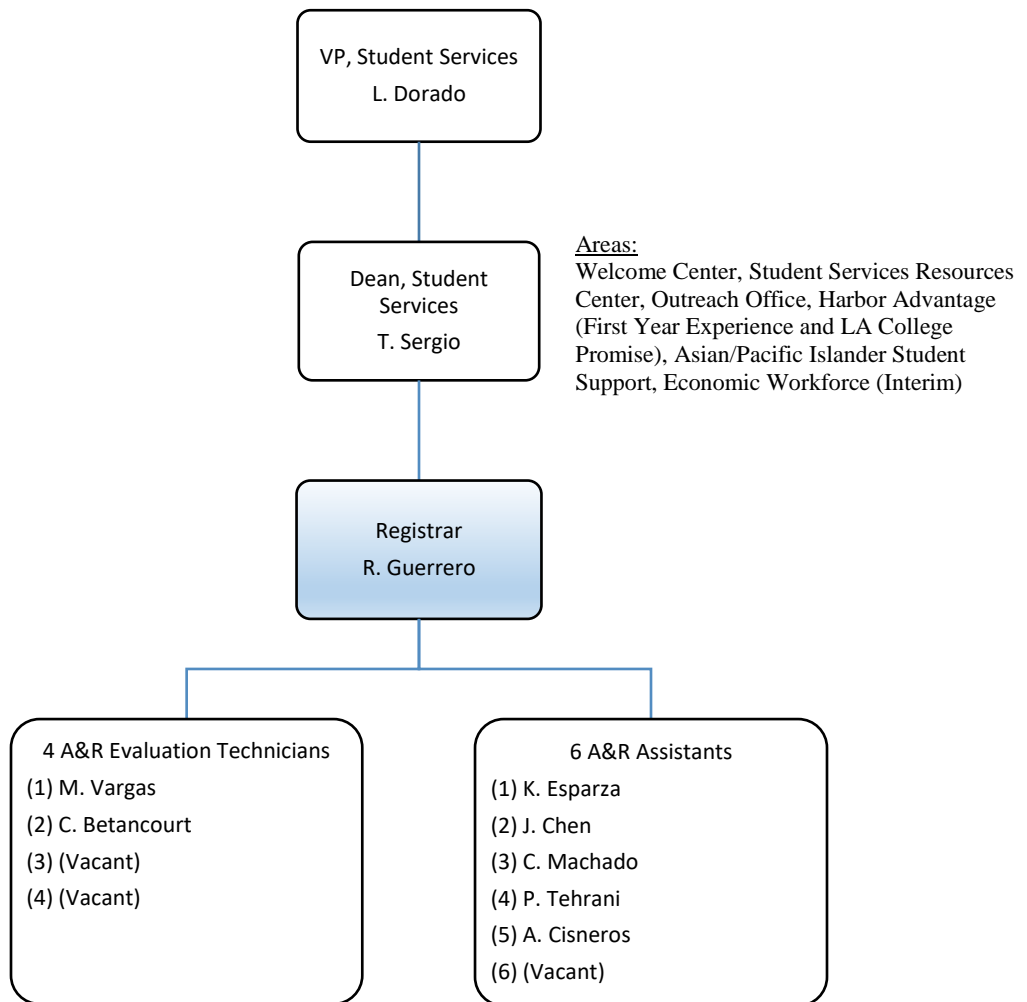
In accordance with the provisions of Personnel Commission Rule 545, CLASSIFICATION STUDIES, R. Guerrero (EN 802675) may be appointed to her reclassified position without participating in an examination process.

Date of Last Performance Evaluation: 2/21/2019
Job Duty Statement Review was not marked.



**LOS ANGELES COMMUNITY COLLEGE DISTRICT
ORGANIZATIONAL CHART**

Los Angeles Harbor College – Admissions and Records



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LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ute Severa

SUBJECT: Establishment of a New Classification of Compliance Investigator (Case 3732-2)

Recommendation:

It is recommended that the Personnel Commission establish a new class of Compliance Investigator; that the new class be placed in the Personnel Group, Administration Series; that the new class description be adopted; that the new class be allocated to Salary Schedule 6689.24; that the salary setting basis for the new class be based on a direct alignment with the class of Personnel Analyst; and that the examination authorization for the new class be Open and Promotional (Dual Certification).

New Class of Compliance Investigator:

Salary Schedule 6689.24

Step 1	Step 2	Step 3	Step 4	Step 5	
\$6,689.24	\$7,057.15	\$7,445.30	\$7,854.79	\$8,286.80	Monthly
\$80,270.88	\$84,685.80	\$89,343.60	\$94,257.48	\$99,441.60	Annually

Bases of Recommendation:

1. A comprehensive review of compliance related positions was requested by the General Counsel. Based on the staffing needs expressed by the initiator, the establishment of the new classes of Senior Compliance Investigator and ADA Compliance Officer moved forward in July/August of 2019. As a result of a recent settlement, the General Counsel requested that the existing class of Compliance Officer be retained in the staffing structure of the Office of Diversity, Equity, and Inclusion (ODEI), which was approved by the Board of Trustees. It was agreed that the class remains in existence for the current incumbents for the duration of their employment with the District and that the incumbents retain their reporting relationship to the Director of Diversity, Equity, and Inclusion. The need for a new professional-level position of Compliance Investigator remained for ODEI, whose incumbents will report to a Senior Compliance Investigator.
2. An incumbent in the new class of Compliance Investigator investigates, analyzes, reports, and resolves complaints, grievances, and appeals and assists in the development and implementation of training programs to increase awareness in one or more areas such as equal employment opportunity, sexual harassment, gender equity, civil rights, and accessibility for individuals with disabilities enforcement and related policies, procedures, and practices of the District.

3. The recommended salary for the new class is based on internal and external salary considerations. The new class was considered closely aligned with the District’s professional-level staff positions such as Personnel Analyst and Employee and Labor Relations Specialist, which are placed on the following salary schedule:

Step 1	Step 2	Step 3	Step 4	Step 5	
\$6,689.24	\$7,057.15	\$7,445.30	\$7,854.79	\$8,286.80	Monthly
\$80,270.88	\$84,685.80	\$89,343.60	\$94,257.48	\$99,441.60	Annually

External data was gathered from the U.S. Department of Labor, Bureau of Labor Statistics, OES survey Los Angeles-Long Beach-Anaheim, for Compliance Officers (sample size of 14,260 employees), which produced the following results (adjusted by applicable Employment Cost Index):

Q1	Median	Average	Q3	
\$5,208.29	\$6,974.46	\$7,040.85	\$8,334.62	Monthly
\$62,499.47	\$83,693.52	\$84,490.21	\$100,015.49	Annually

As the final salary setting basis, staff recommended direct alignment with the class of Personnel Analyst, which represents the primary key class for professional-level staff positions in personnel, finance, and research and produced a salary schedule that also falls within the range of salary data for the analogous class identified in the U.S. Department of Labor, Bureau of Labor Statistics, OES survey data base.

4. The recommended title for the new class of Compliance Investigator is descriptive of the level of duties that are assigned to this position.

COMPLIANCE INVESTIGATOR

DEFINITION

Investigates, analyzes, reports, and resolves complaints, grievances, and appeals and assists in the development and implementation of training programs to increase awareness in one or more areas such as equal employment opportunity, sexual harassment, gender equity, civil rights, and accessibility for individuals with disabilities enforcement and related policies, procedures, and practices of the District.

TYPICAL DUTIES

Advises administrators, faculty, staff, students, applicants, and the public of their rights, privileges, and of procedures for filing complaints, grievances, and appeals.

Investigates and analyzes complaints of alleged violations of civil rights, discrimination, gender equity, sexual harassment, accessibility for individuals with disabilities and other related policies at locations throughout the District; prepares reports and issues communications detailing findings, conclusions, and recommendations.

Confers with concerned parties in an effort to resolve relevant concerns and complaints at the earliest possible point in the process.

Assists in the development of procedures, practices, and systems to promote diversity, equity, and inclusion and to assure compliance with applicable diversity, civil rights, equal employment opportunity, gender equity, and related laws, regulations, policies, guidelines, and agreements.

Collects, compiles, analyzes, interprets, and presents information and statistical data related to assigned responsibilities.

Assists in identifying underrepresented and underserved populations throughout the District and provides guidance in the recruitment of administrators, faculty, staff, and students to meet location diversity goals and objectives.

Assists in the development and implementation of training and development activities for administrators, faculty, staff, and students to increase awareness and sensitivity to diversity, civil rights, gender equity, accessibility for individuals with disabilities, equal employment opportunity policies and related matters.

Establishes and maintains effective working relationships with administrators, faculty, staff, and students and with representatives of federal, state, and local agencies, commissions, and committees.

Analyzes the possible effects of proposed legislation and regulations related to compliance and makes recommendations based on findings.

Effectively utilizes the capabilities and functions of standard office software applications such as data management, spreadsheet, presentation, and word processing in completing assigned projects.

Prepares a variety of descriptive and evaluative reports and correspondence, including workforce and applicant pool analyses for EEO and diversity monitoring and reporting purposes.

Attends and participates in committees to provide subject matter advice and guidance related to assigned responsibilities.

Performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

A **Compliance Investigator** applies a thorough knowledge of federal, state, and local laws, regulations, and guidelines in the investigation, analysis, and resolution of grievances, appeals, and complaints related to one or more of the following areas: civil rights, gender equity, sexual harassment, equal employment opportunity, and accessibility for individuals with disabilities enforcement and related policies, procedures, and practices of the District.

A **Senior Compliance Investigator** plans, organizes, and supervises the day-to-day activities of a small unit engaged in investigating, analyzing, and resolving complaints, grievances, of alleged violations of civil rights, discrimination, gender equity, sexual harassment, and accessibility for individuals with disabilities and other related policies at locations throughout the District; personally performs the more complex investigation of complaints in accordance with applicable laws and regulations.

SUPERVISION

General supervision is received from a Senior Compliance Investigator. Functional supervision may be exercised over clerical employees.

CLASS QUALIFICATIONS

Knowledge of:

Federal, state and local laws, regulations, and guidelines related to civil rights enforcement including but not limited to equal employment opportunity, sexual harassment, gender equity, and the Americans with Disabilities Act

Employment policies, procedures, and practices of the District

District Board Rules and administrative policies related to equal employment opportunity, sexual harassment, discrimination, gender equity, and accessibility for individuals with disabilities

Collective bargaining agreements of the District

Fact finding and investigative methods and procedures

Principles and techniques of training

Principles and techniques of counseling, guidance, and conflict resolution

Principles of and techniques used to promote human and inter-group relations

Research, analytical, and statistical methods used in assigned area

Organization, functions, and key staff of the District

Characteristics and working conditions of all job classifications used in the District

Organization and management of records

Capabilities of computer systems, software, and hardware

Ability to:

Perform complex professional work related to areas such as equal employment opportunity, discrimination, gender equity, sexual harassment, accessibility for individuals with disabilities, and other related matters

Compile data and analyze situations; translate findings into clear, concise reports and recommendations; meet important deadlines

Analyze training needs and recommends appropriate training activities pertinent to assigned area

Interpret and apply applicable laws, regulations, policies, and precedents pertinent to assigned area

Work effectively and tactfully with individuals from diverse ethnic, social, and economic backgrounds

Maintain effective working relationships with District administrators, staff, employee representatives, students, and regulatory agency representatives

Develop innovative, workable solutions to complex and sensitive problems

Work independently on complex assignments

Prepare effective and comprehensive oral and written communications, reports, and presentations

Effectively utilize computer equipment, software, and hardware in the performance of duties

Travel to various locations to conduct investigations and training

Learn specialized computer applications

ENTRANCE QUALIFICATIONS

Education and Experience:

A. A bachelor's degree from a recognized college or university, preferably with a major in public administration, human resource management, law, business administration, educational administration, or a related field **AND** three years of recent, full-time, paid, professional-level experience in investigating and processing complaints, appeals, and grievances related to equal employment opportunity, affirmative action, Title IX or other civil rights compliance, or related areas. Qualifying experience with an educational institution is desirable.

OR

B. A master's degree from a recognized college or university with a major in public administration, human resource management, law, business administration, educational administration, or related field **AND** one year of recent, full-time, paid, professional-level experience in investigating and processing complaints, appeals, and grievances related to equal employment opportunity, affirmative action, Title IX or other civil rights compliance, or related areas. Qualifying experience with an educational institution is desirable.

Special:

A valid Class "C" California driver's license is required.

Travel to locations throughout the District is required.

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.

LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: PERSONNEL COMMISSION

FROM: Ute Severa

SUBJECT: Request to Name Incumbents in the Class of Manager, College Information Systems, as Eligible to Compete in the Current Examination for Regional Manager, College Technology Services (Case 3807)

Recommendation:

It is recommended that the Personnel Commission name incumbents in the class of Manager, College Information Systems, as eligible to compete in the current examination for Regional Manager, College Technology Services.

Bases of Recommendation:

In October of 2019, the class of Regional Manager, College Technology Services, was established as part of the reorganization plan of the colleges' information technology services. There are currently multiple vacancies in this class and an examination for this position has commenced. In an effort to assure that all promotional applicants in the feeder class for this position be afforded an opportunity to compete in the current examination for Regional Manager, College Technology Services, staff is recommending that the feeder class of Manager, College Information Systems, be named. There are currently a total of 9 employees in the aforementioned feeder class.

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LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ute Severa

SUBJECT: Revision to Personnel Commission Rule 720, NEPOTISM (Final Approval) (Case 3806)

Personnel Commission Rule 720 has been reviewed as part of the Personnel Commission's continuing review and update of Personnel Commission Laws and Rules. General updates have been made to the rule for clarity, consistency, and conciseness. No substantive changes have been proposed.

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LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

720

LAW AND RULES

~~December 18, 2012~~ January 29, 2020

720 NEPOTISM

Education Code Section

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.

- A. Any act of an employee to use the authority, discretionary power, or influence of his/her position to obtain or secure the employment or promotion of a person related by blood or marriage is prohibited.
- B. A person related by blood or marriage shall include:
1. The spouse or registered domestic partner of the employee.
 2. The mother, father, daughter, son, grandmother, grandfather, granddaughter, grandson, brother, sister, aunt, uncle, niece, and nephew of the employee or the employee's spouse or registered domestic partner.
 3. The spouse of a daughter, son, brother, sister, aunt, uncle, niece, and nephew of the employee or the employee's spouse or registered domestic partner.
 4. The stepmother, stepfather, stepdaughter, stepson, stepbrother, and stepsister of the employee or the employee's spouse or registered domestic partner.
 5. The spouse of a stepdaughter, stepson, stepbrother, and stepsister of the employee or the employee's spouse or registered domestic partner.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

720

LAW AND RULES

~~December 18, 2012~~ January 29, 2020

6. A mother, father, son, daughter, brother, and sister relationship by adoption.
 7. Any other relative living in the immediate household of the employee.
- C. Prohibited acts shall include, but not be limited to, activity in the following processes:
1. Preparing letters of reference, performance evaluations, notices of outstanding work performance, or any other evaluation process related to the employment, retention, or promotion of employees related by blood or marriage.

If a person is designated to complete a performance evaluation of an employee related by blood or marriage, as defined in Paragraph B. above, such person shall complete the performance evaluation. However, under such conditions the evaluation of a classified employee shall be reviewed by the next higher supervisor who is not related to that employee by blood or marriage, as defined in Paragraph B. above.
 2. Preparing employment criteria or competitive examination materials or participating directly or indirectly in the screening or interviewing of candidates for employment or promotion for positions in which candidates related by blood or marriage are competing.
 3. Participating in the appointment, transfer, or job placement decisions related to the assignment of employees related by blood or marriage.
- D. When an employee becomes aware of the candidacy of a relative for employment with the District, the employee shall refrain from engaging or participating in any of the activities described in Paragraph A. and C. above.
- E. The provisions of this rule shall not be interpreted in such a manner as to deny qualified persons the right to application, examination, and consideration for employment under competitive conditions based on merit and fitness for a position in the Classified Service of the District.
- F. A relative of an employee shall not be employed, except as provided in Paragraph G. below, if any of the following conditions exist:
1. One of the persons would have authority, discretionary power, or influence regarding the working conditions, work assignments, evaluation of work, discipline, retention, promotion, or change of status of the other person.
 2. Both persons would be employed under the same immediate supervisor.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

720

LAW AND RULES

~~December 18, 2012~~ January 29, 2020

- G. Persons may be employed who are relatives under the conditions of Paragraph F. above if all of the following criteria are met:
1. the person can be certified for appointment from the eligibility list; and
 2. a like or comparable assignment in another unit of the District cannot be offered to the person; and
 3. the person is found to be the best candidate for the job based on merit by the college president or division head.

If the related person is employed under the aforementioned exceptions, one of those related employees shall be reassigned or transferred to the first available vacancy in the same class where the conditions of Paragraph F. above do not apply.

- H. The provisions of this rule shall also extend to appointments made to ~~substitute and relief~~ limited-term assignments regardless of the length of the assignment.

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**LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION**

TO: THE PERSONNEL COMMISSION

FROM: Ute Severa

SUBJECT: Revision of Personnel Commission Rule 703, EMPLOYEE INFORMATION AND RECORDS (Final Approval) (Case 3805)

The proposed amendments are part of an ongoing project to review and update rules. Editorial changes have been made to the rule for clarity and conciseness. Paragraphs have been reorganized. Several provisions of Labor Code 1198.5 were updated based on the passing of AB 2674.

The following substantive changes have been made to the rule:

- Paragraph C. was added in order to reflect the change that a current or former employee, or his/her authorized representative, may now request to inspect or receive a copy of the employee's personnel record. Originally, only a current employee was allowed to inspect, but not request a copy of, his/her personnel record.
- The provisions under Paragraph C. serve to outline the process and fees associated with a request to inspect or copy personnel records.
- A list of materials that are exempt from inspection or copy requests is provided in Paragraph D.
- Paragraph E. lists the exceptions for when a current employee's absence from work to inspect or receive a copy of her/her personnel file would be compensable.
- Paragraph F. adds that an employer is only required to fulfill a former employee's request for inspection or copying of personnel records once per year.
- Paragraph G. addresses a change to the bill where its provisions shall not apply to employees covered by a valid bargaining agreement, if the agreement provides, among other things, a procedure for the inspection and copying of personnel records.

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Education Code Sections

87031. ~~Personnel File Contents and Inspection.~~ (a) Every employee has the right to inspect personnel records pursuant to Section 1198.5 of the Labor Code.

(b) In addition to subdivision (a), all of the following shall apply to an employee of a school district:

- (1) Information of a derogatory nature shall not be entered into an employee's personnel records unless and until the employee is given notice and an opportunity to review and comment on that information. The employee shall have the right to enter, and have attached to any derogatory statement, his or her own comments. The review shall take place during normal business hours and the employee shall be released from duty for this purpose without salary reduction.
- (2) The employee shall not have the right to inspect personnel records at a time when the employee is actually required to render services to the district.
- (3) Nothing in this section shall entitle an employee to review ratings, reports, or records that (A) were obtained prior to the employment of the person involved, (B) were prepared by identifiable examination committee members, or (C) were obtained in connection with a promotional examination.

88168. ~~Employee Salary Data.~~ Upon initial employment and upon each change in classification thereafter, each classified employee shall be furnished two copies of his or her class specification, salary data, assignment or work location, together with duty hours and the prescribed workweek. The salary data shall include the annual, monthly or pay period, daily, hourly, overtime and differential rate of compensation, whichever are applicable. One copy shall be retained by the employee and the other copy shall be signed and dated by the employee and returned to his or her supervisor.

This section shall not apply to short-term, limited-term, or provisional employees, as those terms are defined in this chapter.

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).

Labor Code Section

1198.5. (a) Every current and former employee, or his or her representative, has the right to inspect and receive a copy of the personnel records that the employer maintains relating to the employee's performance or to any grievance concerning the employee.

(b) (1) The employer shall make the contents of those personnel records available for inspection to the current or former employee, or his or her representative, at reasonable intervals and at reasonable times, but not later than 30 calendar days from the date the employer receives a written request, unless the current or former employee, or his or her representative, and the employer agree in writing to a date beyond 30 calendar days to inspect the records, and the agreed-upon date does not exceed 35 calendar days from the employer's receipt of the written request. Upon a written request from a current or former employee, or his or her representative, the employer shall also provide a copy of the personnel records, at a charge not to exceed the actual cost of reproduction, not later than 30 calendar days from the date the employer receives the request, unless the current or former employee, or his or her representative, and the employer agree in writing to a date beyond 30 calendar days to produce a copy of the records, as long as the agreed-upon date does not exceed 35 calendar days from the employer's receipt of the written request. Except as provided in paragraph (23) of subdivision (c), the employer ~~is shall~~ not be required to make those personnel records or a copy thereof available at a time when the employee is actually required to render service to the employer, if the requester is the employee.

(2) (A) For purposes of this section, a request to inspect or receive a copy of personnel records shall be made in either of the following ways:

(i) Written and submitted by the current or former employee or his or her representative

(ii) Written and submitted by the current or former employee or his or her representative by completing an employer-provided form.

(B) An employer-provided form shall be made available to the employee or his or her representative upon verbal request to the employee's supervisor or, if known to the employee or his or her representative at the time of the request, to the individual the

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employer designates under this section to receive a verbal request for the form.

(c) The employer shall do all one of the following:

(1) With regard to all employees, maintain a copy of each employee's personnel records for a period of not less than three years after termination of employment. Keep a copy of each employee's personnel records at the place where the employee reports to work.

(2) With regard to current employees, mMake a current-the employee's personnel records available for inspection, and, if requested by the employee or his or her representative, provide a copy thereof, at the place where the employee reports to work, or at another location agreeable to the employer and the requester. If the employee is required to inspect or receive a copy at a location other than the place where he or she reports to work, no loss of compensation to the employee is permitted. within a reasonable period of time following an employee's request.

(3) (A) With regard to former employees, make a former employee's Permit the employee to inspect the personnel records available for inspection, and, if requested by the employee or his or her representative, provide a copy thereof, at the location where the employer stores the personnel records, unless the parties mutually agree in writing to a different location. with no loss of compensation to the employee. A former employee may receive a copy by mail if he or she reimburses the employer for actual postal expenses.

(B) (i) Notwithstanding subparagraph (A), if a former employee seeking to inspect his or her personnel records was terminated for a violation of law, or an employment-related policy, involving harassment or workplace violence, the employer may comply with the request by doing one of the following:

(I) Making the personnel records available to the former employee for inspection at a location other than the workplace that is within a reasonable driving distance of the former employee's residence.

(II) Providing a copy of the personnel records by mail.

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- (ii) Nothing in this subparagraph shall limit a former employee's right to receive a copy of his or her personnel records.
- (d) An employer is required to comply with only one request per year by a former employee to inspect or receive a copy of his or her personnel records.
- (e) The employer may take reasonable steps to verify the identity of a current or former employee or his or her authorized representative. For purposes of this section, "representative" means a person authorized in writing by the employee to inspect, or receive a copy of, his or her personnel records.
- (f) The employer may designate the person to whom a request is made.
- (g) Prior to making records specified in subdivision (a) available for inspection or providing a copy of those records, the employer may redact the name of any nonsupervisory employee contained therein.
- (h) The requirements of this section ~~do shall~~ not apply to:
- (1) Records relating to the investigation of a possible criminal offense.
 - (2) Letters of reference.
 - (3) Ratings, reports, or records that were:
 - (A) Obtained prior to the employee's employment.
 - (B) Prepared by identifiable examination committee members.
 - (C) Obtained in connection with a promotional examination.
 - (4) Employees who are subject to the Public Safety Officers Procedural Bill of Rights, (Chapter 9.7 (commencing with Section 3300) of Division 4 of Title 1 of the Government Code).
 - (5) Employees of agencies subject to the Information Practices Act of 1977 (Title 1.8 (commencing with Section 1798) of Part 4 of Division 3 of the Civil Code).
- ~~(e) The Labor Commissioner may adopt regulations that determine the reasonable times and reasonable intervals for the inspection of records maintained by an employer that is not a public agency.~~
- ~~(f) If a public agency has established an independent employee relations board or commission, an employee shall first seek relief regarding any matter or~~

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dispute relating to this section from that board or commission before pursuing any available judicial remedy.

- (jg) In enacting this section, it is the intent of the Legislature to establish minimum standards for the inspection and the receipt of a copy of personnel records by employees. Nothing in this section shall be construed to prevent the establishment of additional rules for the inspection and the receipt of a copy of personnel records that are established as the result of agreements between an employer and a recognized employee organization.
- (k) If an employer fails to permit a current or former employee, or his or her representative, to inspect or copy personnel records within the times specified in this section, or times agreed to by mutual agreement as provided in this section, the current or former employee or the Labor Commissioner may recover a penalty of seven hundred fifty dollars (\$750) from the employer.
- (l) A current or former employee may also bring an action for injunctive relief to obtain compliance with this section, and may recover costs and reasonable attorney's fees in such an action.
- (m) Notwithstanding Section 1199, a violation of this section is an infraction. Impossibility of performance, not caused by or resulting from a violation of law, may be asserted as an affirmative defense by an employer in any action alleging a violation of this section.
- (n) If an employee or former employee files a lawsuit that relates to a personnel matter against his or her employer or former employer, the right of the employee, former employee, or his or her representative to inspect or copy personnel records under this section ceases during the pendency of the lawsuit in the court with original jurisdiction.
- (o) For purposes of this section, a lawsuit "relates to a personnel matter" if a current or former employee's personnel records are relevant to the lawsuit.
- (p) An employer is not required to comply with more than 50 requests under this section to inspect and receive a copy of personnel records filed by a representative or representatives of employees in one calendar month.
- (q) This section does not apply to an employee covered by a valid collective bargaining agreement if the agreement expressly provides for all of the following:
- (1) The wages, hours of work, and working conditions of employees.

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- (2) A procedure for the inspection and copying of personnel records.
- (3) Premium wage rates for all overtime hours worked.
- (4) A regular rate of pay of not less than 30 percent more than the state minimum wage rate.

- A. A regular classified employee, upon initial employment and upon each change in classification after initial employment, shall be provided with two copies of his/her class specification and information regarding salary data and work location, hours, and schedule in accordance with procedures established by the Human Resources Division. One copy shall be retained by the employee, and the other copy shall be signed and dated by the employee and returned to his/her supervisor.
- BC. Information of a derogatory nature shall not be included in an employee's personnel file unless and until that employee is given notice and an opportunity to review and comment on that information. The employee shall have the right to make a written statement regarding the derogatory materials, which shall be attached to the materials and placed in the employee's personnel file. ~~Absence from work by an employee for the purpose of reviewing materials of a derogatory nature, which are to be included in his/her personnel file, shall be compensable.~~
- CB. Pursuant to Section 1198.5 of the Labor Code, the Office of Employee and Labor Relations shall make materials in an employee's personnel file available for inspection or produce a copy thereof for a current or former employee, or his/her authorized representative as follows:

~~Materials contained in the in-service personnel files of an employee shall be made available for inspection by the employee, pursuant to Section 1198.5 of the Labor Code and any applicable collective bargaining agreement, provided that he/she arranged an appointment with the Office of Employer/Employee Relations for that purpose.~~

- (1) After receipt of a written request, material shall be made available for inspection or a copy produced no later than 30 calendar days from the date of the written request, unless the requester and the Office of Employee and Labor Relations agree in writing upon a date that does not exceed 35 calendar days from the receipt of the written request.
- (2) A current employee shall be able to inspect his/her personnel record at the current work location. A former employee shall inspect his/her personnel record at the location where the District stores personnel records. Upon mutual agreement between the Office of Employee and Labor Relations and the requester, a different location may be chosen. A former employee may also request to receive a copy of his/her personnel record by mail, which may require the requester to reimburse the Office of Employee and Labor Relations for actual postal expenses.
- (3) The names of nonsupervisory employees contained in the material for inspection or copy may be redacted prior to providing it to a requester.
- (4) The requester may be charged a fee for a copy of the records not to exceed the actual cost of reproduction.

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- D. The following materials in a personnel file are exempt from inspection or copy requests by an employee:
1. Records relating to the investigation of a possible criminal offense
 2. Letters of reference
 3. Ratings, reports, or records that were:
 - a. obtained prior to the employee's employment, or
 - b. prepared by identifiable examination committee members, or
 - c. obtained in connection with a promotional examination.
- E. Absence from work by an current employee for the purpose of inspecting or receiving a copy of his/her personnel files shall not be compensable, except as provided for in Paragraph C. below.:
1. The employee is required to inspect or receive a copy of the materials at a location other than his/her current work location; or
 2. The employee is reviewing materials of a derogatory nature.
- F. The Office of Employee and Labor Relations may limit a former employee's request for inspecting or receiving a copy of his/her personnel record to one request per year.
- G. The provisions of this rule pursuant to inspection and copying of employee records shall have no force and effect upon employees of any collective bargaining unit where the bargaining agreement provides a procedure for this process.

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