

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION MEETING
Wednesday, February 16, 2022 –12:30 p.m.

Via Teleconference:
<https://laccd.zoom.us/j/5603717342>

Dial by your location
+1 669 900 6833 US (San Jose)
Meeting ID: 560 371 7342

ORDER OF BUSINESS-CLOSED SESSION MEETING
AMENDED

- I. Roll Call
- II. Requests to Address the Personnel Commission on Closed Session Matters
- III. Convene in Closed Session
 - a. To Discuss Public Employment
Pursuant to Government Code Section 54957
 - i. In the Matter of the Appeal of Easy ID No. JIM-45-2741, Debarment
 - ii. *Employee Evaluation*
Position: Personnel Director
 - b. Conference with Legal Counsel-Anticipated Litigation
Pursuant to Government Code Section 54956.9
- IV. Report of Action Taken in Closed Session
- V. Adjourn

NEXT PERSONNEL COMMISSION MEETING:

Wednesday, March 2, 2022
Closed Session 12:30 p.m.
Open Session 1:00 p.m.
Via Teleconference

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 PersComm@laccd.edu no later than 12 p.m. (noon) on the Monday prior to the Personnel Commission meeting.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION MEETING
Wednesday, February 16, 2022 – 1:00 p.m.
Via Teleconference:
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+1 669 900 6833 US (San Jose)
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ORDER OF BUSINESS – OPEN MEETING

- I. Convene Regular Meeting
- II. Report of Actions Taken in Closed Session
- III. Review and Approve the Minutes from the Open and Closed Meetings of February 2, 2022
- IV. Miscellaneous Personnel Commission Activities and Announcements
 - a. Classified Employment Opportunities
- V. Revisions to Personnel Commission Rule 740, LAYOFF AND REEMPLOYMENT (Final Approval) (Case 4040)
- VI. Reissue of Personnel Commission Rule 621, SENIORITY CREDIT ON PROMOTIONAL EXAMINATIONS (Case 4053)
- VII. Classification Study: Administrative Operations Technician, EN 1060888, Academic Affairs-Curriculum, Los Angeles City College (Case 4051)
- VIII. Correspondence
- IX. Notice of Anticipated Items: Classification Study: EN 1026504, Senior Office Assistant, International Students, ELAC (AFT); Classification Study: Assistant Administrative Analyst, EN 1060807, Administrative Services, Los Angeles Trade-Technical College (AFT); Revisions to Personnel Commission Rule 805, PEACE CORPS OF THE UNITED STATES, AMERICAN RED CROSS, OR UNITED STATES MERCHANT MARINE LEAVE OF ABSENCE (Tentative Approval); Class Description Revisions for: SFP Program Technician (AFT); SFP Program Specialist (AFT); Sports Information Specialist (AFT)
- X. Hear Non-Agenda Speakers/Open Forum
- XI. Reconvene into Closed Session
- XII. Reconvene into Open Session
- XIII. Report of Actions Taken in Closed Session
- XIV. Adjourn

NEXT PERSONNEL COMMISSION MEETING:

Wednesday, March 2, 2022

Closed Session 12:30 p.m.

Open Session 1:00 p.m.

Via Teleconference

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LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

Wednesday, February 2, 2022 – 12:30 p.m.

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Meeting ID: 560 371 7342

MINUTES OF THE REGULAR MEETING – CLOSED SESSION

Present: Commissioners:
David Iwata, Chair
Diva Sanchez Trevino, Vice-Chair
Hope Singer

Staff: Ron Delahoussaye, Personnel Director

- I. Roll Call
- II. **Requests to Address the Personnel Commission on Closed Session Matters** – None.
- III. **Convene into Closed Session**
 - a. **To Discuss Public Employment**
Pursuant to Government Code Section 54957
 - b. **Conference with Legal Counsel – Anticipated Litigation**
Pursuant to Government Code Section 54957(b)(1)
- IV. **Correspondence** – No correspondence was received.
- V. Adjourn – The meeting adjourned at 1:00 p.m.

This is to certify that these are the full and correct minutes of the Closed Session meeting of the Personnel Commission of the Los Angeles Community College District.

David Iwata, Chair

**LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION**

Wednesday, February 2, 2022– 1:00 p.m.

Via Teleconference

<https://laccd.zoom.us/j/5603717342>

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+1 669 900 6833 US (San Jose)

Meeting ID: 560 371 7342

MINUTES OF THE REGULAR MEETING – OPEN SESSION

Present: Commissioners:

David Iwata, Chair

Diva Sanchez Trevino, Vice Chair

Hope Singer

Staff:

Ron Delahoussaye, Personnel Director

Ute Severa, Assistant Personnel Director

Neely Miller, Executive Assistant (Confidential)

Ryan Pennock, Personnel Analyst

Justin L’Hommedieu, Assessment & Selection Analyst

Deborah Tsai, Assistant Personnel Analyst

Patrick Sung, Assistant Personnel Analyst

Guests:

Ben Horowitz, Senior SAP ABAP Programmer, Office of Information Technology, Educational Services Center

Jo-Ann Haywood, AFT 1421A

Yovanna Campos, AFT 1521A

Troy L. Pierce, AFT 1521A

Kristine Ayvazyan, AFT 1521A

Gloria Moreno, AFT 1521A

- I. The Chair convened the regular meeting at 1:00 p.m.
- II. **Report of Actions Taken in Closed Session** – Mr. Iwata reported that the Personnel Commission voted to continue virtual meetings, per Assembly Bill 360.
- III. **Review and Approve the Minutes of the Closed and Open Meetings of January 19, 2021** - Upon motion by Ms. Sanchez Trevino, seconded by Ms. Singer, and concurred with by the Chair, the Personnel Commission approved the minutes for the closed and open sessions of January 19, 2022, as presented.

IV. Miscellaneous Personnel Commission Activities and Announcements

- a. Classified Employment Opportunities**
- b. Strictly Classified Employee Bulletin**

Upon motion by Ms. Sanchez Trevino, seconded by Ms. Singer, and concurred with by the Chair, the Personnel Commission received the Classified Employment Opportunities.

V. Revisions to Personnel Commission Rule 740, LAYOFF AND REEMPLOYMENT (Tentative Approval) (Case 4040)

- Upon motion by Ms. Sanchez Trevino, seconded by Ms. Singer, and concurred with by the Chair, the Personnel Commission granted tentative approval to Personnel Commission Rule 740, as presented.

VI. Claims for Temporary Work Out of Classification (Case 4018-2)

- Upon motion by Ms. Sanchez Trevino, seconded by Ms. Singer, and concurred with by the Chair, the Personnel Commission approved the claims for temporary work out of classification, as presented.

VII. Title Change for the Class of Director of Institutional Advancement (Case 4047)

VIII. Class Description Revisions for:

- a. Director of Human Resources**

Upon motion by Ms. Sanchez Trevino, seconded by Ms. Singer, and concurred with by the Chair, the Personnel Commission approved items VII. And VIII. as consent items.

IX. Correspondence – None.

- X. Notice of Anticipated Items** - Classification Study: Administrative Operations Technician, EN 1060888, Academic Affairs-Curriculum, Los Angeles City College (AFT); Revisions to Personnel Commission Rule 740, LAYOFF AND REEMPLOYMENT (Final Approval)

XI. Hear Non-Agenda Speakers/Open Forum – None.

XII. Reconvene into Closed Session

XIII. Reconvene into Open Session

- XIV. Report of Actions Taken in Closed Session** – Mr. Iwata announced that no decision was made during closed session.

XV. Adjourn – The meeting adjourned at 1:17 p.m.

Ron Delahoussaye, Personnel Director

This is to certify that these are the full and correct minutes of the regular meeting of the Personnel Commission of the Los Angeles Community College District.

Date

David Iwata, Chair

DRAFT

LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ronald Delahoussaye

SUBJECT: Revision to Personnel Commission Rule 740, LAYOFF AND REEMPLOYMENT
(Final Approval) (Case 4040)

On October 7, 2021, AB 438 was signed into law. This bill included several amendments to Education Code 88017 in an effort to align the classified layoff process with the process in place for academic employee layoffs. The new process takes effect on January 1, 2022, and requires the District to provide preliminary layoff notification to affected employees by March 15 and a final layoff notice before May 15 each year, if applicable. It also requires the District to provide employees that are being laid off with an opportunity to request a hearing, which is to be conducted by an administrative law judge who needs to submit his/her decision to the District and employee no later than May 7 of the year the layoff notice was issued. The new layoff process does not apply to employees who are being laid off due to the expiration of a specially funded program. In those cases, only a 60 days' notice needs to be provided to the employee. The provisions of the new law have been incorporated in Education Code 88017 and paragraph H. of the rule.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

740 LAYOFF AND REEMPLOYMENT

Education Code Sections

88080. (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.

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.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

88117. (a) A person laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months as follows:

- (1) The person's reemployment shall take preference over new applicants.
- (2) The persons shall have the right to participate in promotional examinations within the district during the period of 39 months.
- (3) If the person is reemployed in a new position and fails to complete the probationary period in the new position, he or she shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment.

(b) An employee who takes a voluntary demotion or a voluntary reduction in assigned time in lieu of layoff or to remain in his or her present position rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months, provided that the same tests of fitness under which the employee qualified for appointment to the class still apply. The personnel commission shall make the determination of the specific period of eligibility for reemployment on a class-by-class basis.

(c) An employee who takes a voluntary demotion or a voluntary reduction in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in his or her former class or to a position with increased assigned time as vacancies become available, and without limitation of time, but if there is a valid reemployment list the employee shall be ranked on that list in accordance with his or her proper seniority.

88127. Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Reemployment shall be in the reverse order of layoff.

For purposes of this section, for service commencing or continuing after July 1, 1971, "length of service" means all hours in paid status, whether during the school year, a holiday, recess, or any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis as provided for in Section 88027. Nothing in this section shall preclude the governing board of a community college district from entering into an agreement with the exclusive representative of the classified employees that defines "length of service" to mean the hire date.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

If a governing board enters into an agreement with the exclusive representative of classified employees that defines "length of service" to mean the hire date, the governing board may define "length of service" to mean the hire date for a classification of employee not represented by any exclusive bargaining unit.

Nothing in this section shall preclude the granting of "length of service" credit for time spent on unpaid illness leave, or unpaid industrial accident leave. In addition, for military leave of absence, "length of service" credit shall be granted pursuant to Section 88116.

"Hours in paid status" shall not be interpreted to mean any service performed prior to entering into a probationary or permanent status in the classified service of the district except service in restricted positions as provided in this chapter.

88005. (a) Nonacademic positions created by a governing board of a school district under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965, or Section 11300 or Section 13650 of the Welfare and Institutions Code, any future federal or state legislative enactment, or any other special funding, and which are not a part of the regular school program shall, nevertheless, be a part of the classified service as established by Section 88003 or Section 88076 of this code.

Persons employed in such positions shall be classified employees and shall enjoy all the rights, burdens and benefits accorded other classified employees. Their selection and retention shall be made on the same basis as that of persons selected for positions that are a part of the regular school program.

(b) Notwithstanding the provisions of subdivision (a), if specially funded positions are restricted to employment of persons in low-income groups, from designated impoverished areas and other criteria which restricts the privilege of all citizens to compete for employment in such positions, all such positions shall, in addition to the regular class title, be classified as "restricted." Their selection and retention shall be made on the same basis as that of persons selected and retained in positions that are a part of the regular school program, except that persons employed in the following categories of restricted positions shall not be subject to the provisions of Section 88091 or 88092:

(1) The position of instructional aide, as defined in Section 88243.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

(2) Any other position involving personal contacts with students or parents that is established to assist school-staff personnel responsible for school-community relations; educational support services for such areas as counseling, library or health; or the correction or prevention of behavioral problems.

Persons employed in positions properly classified as “restricted” shall be classified employees for all purposes except:

- (A) They shall not be accorded employment permanency under Section 88013 or Section 88120 of the Education Code, whichever is applicable.
- (B) They shall not acquire seniority credits for the purposes of Sections 88117 and 88127 of the Education Code or, in a district not having the merit (civil service) system, for the purposes of layoff for lack of work or lack of funds as may be established by rule of the governing board.
- (C) The provisions of Sections 88106 and 88108 shall not apply to “restricted” employees.
- (D) They shall not be eligible for promotion into the regular classified service or, in districts that have adopted the merit system, shall not be subject to the provisions of Section 88061, until they have complied with the provisions of subdivision (c).

(c) At any time, after completion of six months of satisfactory service, a person serving in a “restricted” position shall be given the opportunity to take such qualifying examinations as are required for all other persons serving in the same class in the regular classified service. If the person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, he or she shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. His or her service in the regular classified service shall be counted from the original date of employment in the “restricted” position and shall continue even though he or she continues to serve in a “restricted” position.

(d) 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) of this chapter.

(e) It is the intent of the Legislature in enacting this section to clearly set forth that positions normally a part of the classified service are included therein regardless of the source of income to sustain the positions and to effectively implement specially funded programs intended to provide job opportunities for untrained and impoverished persons but to do so in a manner that will not be disruptive nor detrimental to the normal employment procedures relating to classified school service.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

88015. Notwithstanding any other provision of law, any person who was subject to being, or was in fact, laid off for lack of work or lack of funds and who elected service retirement from the Public Employees' Retirement System shall be placed on an appropriate reemployment list. The district shall notify the Board of Administration of the Public Employees' Retirement System of the fact that retirement was due to layoff for lack of work or of funds. If the person is subsequently subject to reemployment and accepts, in writing, the appropriate vacant position, the district shall maintain the vacancy until the Board of Administration of the Public Employees' Retirement System has properly processed his or her request for reinstatement from retirement.

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).

88017. (a) (1) No later than March 15 and before a classified employee is given notice by the governing board of the community college district that the classified employee's services will not be required for the ensuing year, the governing board of the community college district and the employee shall be given written notice by the superintendent of the community college district or the superintendent's designee, or, in the case of a community college district that has no superintendent, by the clerk or secretary of the governing board of the community college district, that it has been recommended that the notice be given to the employee, and stating the reasons therefor.

(2) Until the classified employee has requested a hearing as provided in subdivision (b) or has waived their right to a hearing, the notice and the reasons therefor shall be confidential and shall not be divulged by any person, except as may be necessary in the performance of duties. However, the violation of this requirement of confidentiality, in and of itself, shall not in any manner be construed as affecting the validity of any hearing conducted pursuant to this section.

(b) A classified employee may request a hearing to determine if there is cause for not reemploying the employee for the ensuing year. A request for a hearing shall be in writing and shall be delivered to the person who sent the notice, on or before a date specified in subdivision (a), which shall not be less than seven days after the date on which the notice is served upon the employee. If an employee fails to request a hearing on or before the date specified, this failure to do so shall constitute waiver of the employee's right to a hearing. The notice

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

provided for in subdivision (a) shall advise the employee of the provisions of this subdivision.

(c) If a hearing is requested by a classified employee under subdivision (b), the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the governing board of a community college district shall have all the powers granted to an agency in that chapter, except that all of the following shall apply:

(1) The respondent shall file their notice of defense, if any, within five days after service upon the respondent of the accusation and the respondent shall be notified of this five-day period for filing the accusation.

(2) The discovery authorized by Section 11507.6 of the Government Code shall be available only if a request is made for discovery within 15 days after service of the accusation, and the notice required by Section 11505 of the Government Code shall so indicate.

(3) The hearing shall be conducted by an administrative law judge who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the colleges and the students thereof. The proposed decision shall be prepared for the governing board of the community college and shall contain a determination as to the sufficiency of the cause and a recommendation as to disposition. However, the governing board of the community college shall make the final determination as to the sufficiency of the cause and disposition. None of the findings, recommendations, or determinations contained in the proposed decision prepared by the administrative law judge shall be binding on the governing board of the community college or on any court in future litigation. Copies of the proposed decision shall be submitted to the governing board of the community college and to the classified employee on or before May 7 of the year in which the proceeding is commenced. All expenses of the hearing, including the cost of the administrative law judge, shall be paid by the governing board of the community college from community college district funds.

(d) (1) The determination of the governing board of a community college district to not reemploy a classified employee for the ensuing college year shall be for cause only. The determination of the governing board of the community college district as to the sufficiency of the cause pursuant to this section shall be conclusive, but the cause shall relate solely to the welfare of the colleges and the students thereof and provided that cause is a bona fide lack of funds or reduction

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

in services. The decision made after the hearing shall be effective on May 15 of the year the proceeding is commenced.

(2) For purposes of this section, “cause” for layoff includes community college district compliance with the seniority requirements of this code, including Section 88127.

(e) Notice of termination to the classified employee by the governing board of the community college district that the employee’s service will not be required for the ensuing year shall be given no later than May 15.

(f) If the governing board of a community college district notifies a classified employee that the employee’s services will not be required for the ensuing year, the governing board of the community college district, within 10 days after receipt of the employee’s written request, shall provide the employee with a statement of its reasons for not reemploying the employee for the ensuing college year.

(g) Any notice or request under this section shall be deemed sufficient when it is delivered in person to the employee to whom it is directed, or when it is deposited in the United States registered mail, postage prepaid, and addressed to the last known address of the employee.

(h) (1) If the governing board of a community college district does not give notice provided for in subdivision (e) on or before May 15, a permanent employee shall be deemed reemployed for the ensuing college year, except that this section shall not be construed to interfere with the right of a district to release probationary employees who never become permanent without notice or hearing.

(2) For purposes of this subdivision, “permanent employee” includes an employee who was permanent at the time the notice or right to a hearing was required and an employee who became permanent after the date of the required notice.

(i) If, after request for hearing pursuant to subdivision (b), any continuance is granted pursuant to Section 11524 of the Government Code, the dates prescribed in subdivisions (c), (d), (e), and (h) that occur on or after the date of granting the continuance shall be extended for a period of time equal to the continuance.

(j) (1) A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

May 13, 2020-February 16, 2022

This subdivision does not create a layoff notice requirement for any individual hired as a short-term employee, as defined in Section 88003, for a period not exceeding 60 days.

(2) This subdivision does not apply to the retention of a short-term employee, as defined in Section 88003, who is hired for a period not exceeding 60 days after which the short-term service may not be extended or renewed.

(k) Notwithstanding the other requirements of this code respecting layoff of permanent classified employees, when classified positions must be eliminated as a result of the expiration of a specially funded program, the employees to be laid off shall be given written notice not less than 60 days prior to the effective date of their layoff informing them of their layoff date and their displacement rights, if any, and reemployment rights.

(l) If, after January 1, 2021, the Legislature provides academic employees with any additional rights to notice or hearing as to layoffs, then permanent classified employees and those who become permanent classified employees shall be afforded the same rights by the community college district.

(m) The governing board of a community college district may adopt, from time to time, rules and procedures not inconsistent with this section that may be necessary to effectuate this section.

~~When, as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of any school year, and classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of the school year shall be given written notice on or before April 29 informing them of their layoff effective at the end of the school year and of their displacement rights, if any, and reemployment rights. However, if the termination date of any specially funded program is other than June 30, the notice shall be given not less than 60 days prior to the effective date of their layoff.~~

~~(b) When, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than 60 days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights.~~

~~(c)(1) — A classified employee may not be laid off if a short-term employee is retained to render a service that the classified employee is~~

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

~~qualified to render. This subdivision does not create a 60-day layoff notice requirement for any individual hired as a short-term employee, as defined in Section 88003, for a period not exceeding 60 days.~~

~~(2) This subdivision does not apply to the retention of a short-term employee, as defined in Section 88003, who is hired for a period not exceeding 60 days after which the short-term service may not be extended or renewed.~~

~~(d) This section does not preclude the governing board of a community college district from implementing either of the following without providing the notice required by subdivision (a) or (b):—~~

~~(1) A layoff for a lack of funds in the event of an actual and existing financial inability to pay the salaries of classified employees.~~

~~(2) A layoff for a lack of work resulting from causes not foreseeable or preventable by the governing board.~~

~~(ne) 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) of this chapter.~~

A. Definitions

Layoff means 1) separation from a permanent position because of lack of work or lack of funds, or because the position has been abolished or reclassified or 2) a change in a regular employee's position which results in an involuntary reduction in hours or basis or assignment to a lower job classification.

Reemployment means the return to duty of a former regular employee who has been laid off.

B. Computing Seniority

Seniority for the purpose of establishing retention lists shall be computed as follows:

1. Credit of service:

- a. Prior to July 1, 1971, credit shall include regular assigned time in the class, or in a higher class. A higher class shall be defined as a class having a higher maximum salary rate. Credit for service in a higher class shall be granted only for the period of time during

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

which the maximum salary was higher than that of the class of which seniority is being computed.

b. On or after July 1, 1971, credit shall include all hours of paid status in the class or in a higher class as defined in a. above, except for any hours paid on an overtime basis.

2. Credit for leave:

a. Prior to July 1, 1971, time on informal leave and on the following leaves of absence shall be counted towards seniority: military leave, Red Cross leave, Merchant Marine leave, Peace Corps leave, illness leave, leave to accept work with the Los Angeles Community College District, leaves resulting from an industrial accident or industrial illness as provided in Rule 804, LEAVES RESULTING FROM INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS, retraining and study leave, and leave prior to layoff as provided in Rule 741, LEAVE OF ABSENCE PRIOR TO LAYOFF. Time on leaves of absence for other purposes shall not be credited towards seniority for purposes of layoff.

b. On or after July 1, 1971, length of service credit shall be granted only for the following types of unpaid leave: military leave of absence, unpaid illness leave, unpaid leave of absence prior to layoff, or unpaid industrial accident leave.

c. On or after July 1, 1971, length of service credit shall be granted for leave to accept other work with the Los Angeles Community College District only to regular employees in the classified service who are assigned to positions requiring certification qualifications. Such credit will be limited to a period not to exceed 39 months. All seniority and permanency rights shall be secured to such employees for 39 months and their return shall be treated as if there had not been an interruption in their classified service.

3. Laid-off employees do not accumulate seniority credit while on reemployment lists.

4. Time served prior to a break in service shall not be counted toward seniority, except if an employee is reinstated, reemployed in regular status, or appointed to a regular position from an open or promotional eligibility list within 39 months after layoff while his/her name is on a reemployment list.

5. Employees employed in a "restricted" position as defined in Education Code 88005 shall not accumulate seniority credit unless, after completion of six months of satisfactory service, the employee successfully competes in a qualifying examination and ranks on the eligibility list. Seniority credit shall then be counted from the employee's date of hire in the "restricted" position.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

6. The ~~Division of Human Resources~~ Division shall refer to the Personnel Director problems involving reclassification actions which have not indicated seniority status. Appeals from the Director's findings may be made to the Personnel Commission. Problems of a policy-making or precedent-setting nature shall be referred to the Personnel Commission for determination.

When reclassification results either in the merger of two or more classes or the separation of a class into two or more classes, seniority rights of regular employees who are reclassified with their positions and whose former class or classes have been abolished; or separated shall be computed from the date of their earliest entrance into regular service in such classes. When an incumbent is not reclassified with his/her position but is reassigned to the reclassified position in accordance with Personnel Commission rules, the employee's seniority credit in the new class may, to the extent determined by the Personnel Commission, include his/her service in the position prior to the reclassification action. The Personnel Commission will base its decision on the amount of seniority credit to be granted based on factors including but not limited to:

- a. The date of any change of the class specification for the employee's former and/or new class.
- b. The date of any change in the classification plan.
- c. The date of any significant change in assigned duties and/or responsibilities as evidenced by a formal request for reclassification.
- d. The date of introduction of any new forms, equipment, procedures, or other conditions affecting the position.
- e. Any date which will serve to establish the approximate date the employee first started performing the duties and/or responsibilities which provided the basis for reclassification of his/her position.

7. When an employee changes from one class to another, except as outlined under the provisions of Paragraph A.6., above, he/she shall not be credited in the new class with seniority accumulated in the class from which he/she moved.

8. When employees have equal seniority on a retention list for a class, the employee with the greatest amount of seniority credit in classes in the same occupational grouping shall be retained. If a tie remains, the employee with the greatest amount of paid service in regular status in the class of the retention list shall be retained. If a tie remains, the employee who scored highest in the non-interview portion of the examination for the class shall be retained. If a tie remains, the employee who filed his/her application earliest shall be retained.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

C. Bumping Rights

Regular employees who are to be laid off or who are to suffer a non-voluntary reduction in assigned time may exercise bumping rights in any equal or lower class in which they hold seniority credit greater than that of an incumbent. The employee to be bumped shall be the one with the least seniority in the class.

Bumping rights are based solely on length of service which is defined in Education Code Section 88127 as hours in paid status. A regular employee who is to be laid off shall exercise bumping rights in those classes in which he/she has rendered paid service in regular status. The order of bumping shall be in descending salary order unless the employee voluntarily agrees to accept assignment to be in a lower class.

If a situation occurs in which an employee could bump into two or more classes at the same level the bumping shall first occur to the class in which the employee had the greatest amount of paid service.

D. Employee Rights and Privileges

1. An employee who is laid off and placed on a reemployment list shall have preference over a new candidate when vacancies are to be filled.

2. An employee who has been laid off from a class, or who is subject to layoff reclassification, or change of location action, may accept a transfer, a voluntary demotion, or a voluntary reduction in status or assigned time in lieu of a layoff reclassification, change of location, or layoff from the District, and shall be granted the same rights as persons laid off. If at the end of the 39-month reemployment period the employee has not been reemployed in his/her former class, he/she may be considered for reinstatement to his/her former class within an additional period of up to 24 months subject to approval by the Personnel Commission, provided that the same tests of fitness under which the employee qualified for appointment to the class still apply.

3. An employee who is laid off and exercises his/her bumping rights to a lower class in which he/she had prior regular status or an employee who has taken a voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall, at the option of the employee, have the right to return to any vacant position or a position with increased assigned time in his/her former class provided that there has been no break in regular service with the District. There is no limitation of time for an employee to exercise his/her option as described above. An extension of time beyond 39 months shall not be granted to any current or former employee who has a break in regular service from the initial date of the proposed layoff.

4. An employee on a reemployment list may decline three offers of reemployment in his/her former class and status. After the third refusal, no additional offers need be made and the

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

employee shall be considered unavailable until he/she indicates otherwise as provided in Rule 664, WITHHOLDING NAMES FROM ELIGIBILITY LISTS OR FROM CERTIFICATION.

5. Refusal of an offer of limited-term employment shall not affect the standing of any employee on a reemployment list as provided in Rule 664, WITHHOLDING NAMES FROM ELIGIBILITY LISTS OR FROM CERTIFICATION.

6. If an employee is on an eligibility list and is laid off, he/she shall retain his/her place on the eligibility list for the life of that list.

7. An employee on a reemployment list shall be eligible to compete in promotional examinations for which they qualify. If the first day of paid service following appointment from a promotional eligibility list is within 39 months after layoff, the employee shall be paid whichever is the lower rate based on:

a. The step of the schedule for the class of appointment which next exceeds the step or flat hourly rate attained in the highest class for which there is a reemployment list on which his/her name appears, or;

b. The fifth step of the class of appointment.

The provisions of this Paragraph shall not apply to an employee who, after having been laid off or demoted in lieu of layoff, has received an intervening regular appointment which would entitle him/her to a higher step than prescribed above.

8. If an employee is reemployed in a new position but does not successfully complete his/her probationary period in the new position, he/she shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the start date of reemployment.

9. The salary rights of employees on reemployment lists are described in Paragraph I. of Rule 582, ALLOCATION TO APPROPRIATE SALARY STEP.

10. Laid-off employees shall hold reemployment rights for a period not to exceed 39 months.

E. Certification from a Reemployment List

1. Persons shall be certified from reemployment lists in the order of seniority in the class, provided that the eligible is willing and able to report for duty on the effective date of the appointment or within 14 days after the offer of reemployment has been made, whichever is later. In cases of limited-term appointments, the eligible must be willing and able to report for duty on

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

the effective date of the appointment or he/she will be considered unavailable for the appointment.

2. A name may be removed from a reemployment list only for the following causes:
 - a. Conviction of crime or crimes which would be sufficient to support dismissal of a permanent employee.
 - b. Conduct which would cause dismissal under the provisions of Section 88122 of the Education Code.
 - c. Making a false statement or omitting a statement as to any material fact on an application form or health history form.
 - d. Dismissal for cause from District employment subsequent to layoff.

Written notice of removal and reason therefore shall be provided to the employee. He/she shall be afforded and notified of appeal rights identical to those provided in Rule 600, REJECTION OF APPLICANTS, CANDIDATES, AND ELIGIBLES.

3. A person whose name appears on a reemployment list may be given a medical examination prior to certification. Subject to the conditions described below, he/she may be considered unable to report for duty and may be passed over in order of certification until he/she meets the prescribed standards.

- a. The standards applied in the medical examination shall be no more stringent than those which would be applied to a continuing employee to determine fitness for duty.

- b. No person shall be withheld from reemployment because of a health or medical condition which existed prior to layoff because of a normal progressive deterioration of such medical or physical condition. Such a person may be placed on illness leave or appropriate leave after reemployment, if necessary, provided that he/she is willing and able to report for duty as indicated in D.1., above. While on such leave he/she shall receive seniority credit for the purpose of retention in case of future layoff.

4. A person whose name appears on a reemployment list may be considered unable to report for duty and may be passed over in the order of certification if he/she cannot meet the legal requirements to perform the prescribed duties of the class of reemployment.

F. Effect of Reclassification of Position upon Incumbent

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

If an incumbent cannot be placed following the reclassification of his/her position, he/she shall be laid off and given reemployment rights in the class from which reclassified.

G. Layoff of Probationary Promoted Employee

If placement of a demoted employee cannot be effected following the demotion of the probationer from a promotional position under provision of Rule 762, EMPLOYMENT AFTER DEMOTION OF PROBATIONER FROM PROMOTIONAL POSITION, the employee shall be laid off and shall be given reemployment rights in the class from which he/she was most recently promoted.

H. Notification of Layoff

All notices or requests under this paragraph shall be either delivered in person to the employee to be laid off or sent through registered mail, postage prepaid, and addressed to the last known address of the employee.

1. Classified Employees

- a. After approval of a Board of Trustees layoff resolution, regular-permanent classified employees that are to be laid off in the ensuing fiscal year shall be given a preliminary written notice of layoff with the reasons for layoff and informed of their displacement rights, if any, ~~and reemployment rights, and hearing rights at least 60 days prior to the effective date of the layoff~~ no later than March 15.
- b. The notice and reasons for layoff shall be confidential and shall not be divulged by any person, except as necessary in the performance of duties, until an employee has requested a hearing or has waived his/her right to a hearing.
- c. Within seven days of the notice of layoff being delivered to a permanent employee, the employee may request in writing for a hearing to determine if there is cause for not employing the employee for the ensuing year. An employee that does not request a hearing within the seven days shall waive his/her rights to a hearing.
- d. If a hearing is requested by a permanent employee within the statutory timeline, he/she shall file their notice of defense, if any, within five days after requesting a hearing. The employee has the right to receive discovery from the District.
- e. The hearing shall be conducted by an administrative law judge who shall prepare a proposed decision which shall contain a determination as to the sufficiency of the cause and a recommendation as to disposition. The proposed decision shall be submitted to the Board of Trustees and the employee on or before May 7. However, the Board of Trustees shall make the final determination as to the sufficiency of the cause and disposition. None of the findings, recommendations, or determinations

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

740

LAW AND RULES

~~May 13, 2020~~ February 16, 2022

contained in the proposed decision of the administrative law judge shall be binding on the Board of Trustees. All expenses of the hearing shall be paid by the District.

- f. The determination of the Board of Trustees to lay off a classified employee for the following fiscal year shall be for cause only. The cause shall relate solely to the welfare of the colleges and the students and for a bona fide lack of funds or reduction in services.
- g. After review of the administrative law judge's decision, the Board of Trustees shall adopt a final layoff resolution and a final notice of layoff shall be issued to the employee on or before May 14. If the final notice is not provided, the employee shall be deemed reemployed for the following fiscal year.

2. SFP Employees

Regular SFP employees that are to be laid off as a result of the expiration of their specially funded program shall be given a written notice of layoff and informed of their displacement rights, if any, and reemployment rights, on or before April 29 if the layoff is to be effective at the end of the fiscal year. If the layoff is to be effective on a date other than the end of the fiscal year, the notice shall be given at least 60 days prior to the effective date of the layoff.

I. Limited-Term Employees

- 1. A permanent classified employee may not be laid off if a limited-term employee is retained to render a service that the classified employee is qualified to render.
- 2. Limited-term employees are not subject to a the 60 day layoff notice requirement.

LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: The Personnel Commission

FROM: Ron Delahoussaye

SUBJECT: Reissue of Personnel Commission Rule 621, SENIORITY CREDIT ON PROMOTIONAL EXAMINATIONS (Case 4053)

Personnel Commission Rule 621 has been reviewed as part of the Personnel Commission's continuing review and update of Personnel Commission Laws and Rules. Staff researched the procedures for accrual of seniority credit at the other five merit system-based community college districts of California, as well as at both the Los Angeles Unified School District and Long Beach Unified School District. All of the surveyed agencies had similar provisions related to seniority credit. No substantive changes have been recommended.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION**

621

LAW AND RULES

~~February 8, 2017~~ February 16, 2022

621 SENIORITY CREDIT ON PROMOTIONAL EXAMINATIONS

Education Code Section(s)

87602. For the purposes of other provisions of law:

- (a) A contract employee is a probationary employee.
- (b) A regular or tenured employee is a permanent employee.

88081. Subject 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, 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.

88100. Competition through promotional examinations. The Commission may by rule provide for the competition of academic employees of the governing board in promotional examinations for positions in the classified service.

88101. Examination for certain positions. The Commission shall by rule, provide for an open competitive examination and a promotional examination to be held at the same time for the positions that existed or could be created, when the positions become available for competitive examination, under the provisions of subdivisions (m), (n), and (o) of former Section 13055 as those subdivisions existed prior to their repeal by action of the 1965 General Session of the Legislature.

The rule shall provide: (a) that all permanent employees of the district, classified and academic, who meet the established minimum qualifications, shall be eligible to compete in the examination as promotional candidates; (b) that promotional credits, including seniority credits, if any, shall be equally applicable to both classified and academic promotional candidates; (c) that eligibility lists resulting from such an open competitive and promotional examination shall be merged according to the order of the examination scores into a single eligibility list, after the scores of each candidate on the promotional list have been adjusted for promotional credits, including seniority credits, if any; and (d) that the examination for any such position shall not be construed to be an entrance level position examination.

88103. Conditions for certification for employment from open competitive eligibility list before exhaustion of promotional eligibility list. When an open competitive examination and a promotional examination for a particular class are held at the same time, the commission may, prior to the examination, authorize certification for employment of candidates from the open competitive eligibility list before the promotional eligibility list has been exhausted if the candidate on the open list has a higher score before adjustment for preferential credits than the score of the highest available candidate on the promotional list after seniority credits have been added.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION**

621

LAW AND RULES

~~February 8, 2017~~ February 16, 2022

88128. Reinstatement of permanent classified employees after resignation. Any permanent classified employee of a community college district, who voluntarily resigns from his or her permanent classified position, may be reinstated or reemployed by the governing board of the district, within 39 months after the employee's last day of paid service and without further competitive examination, to a position in his or her former classification as a permanent or limited-term employee, or as a permanent or limited-term employee in a related lower class or a lower class in which the employee formerly had permanent status.

If the governing board elects to reinstate or reemploy a person as a permanent employee under the provisions of this section, it shall disregard the break in service of the employee and classify him or her as, and restore to the employee all of the rights, benefits and burdens of, a permanent employee in the class to which he or she is reinstated or reemployed.

- A. For purposes of this rule, a promotional candidate is any person who has successfully completed an initial probationary period prior to the opening date of filing for the promotional examination and has regular status in the District.
- B. A regular or tenured academic employee shall be considered a promotional candidate and shall receive seniority credit on the same basis as that of a permanent classified employee.
- C. Promotional candidates who attain a final score on an examination which will place them on an eligibility list shall receive seniority credit based on their length of service in regular status in either the classified or academic service of the District. Seniority credit shall be added to the final score attained by each promotional candidate.
- D. Seniority credit shall accrue at the rate of one fourth of a point for each full year of regular status in the classified service for qualifying service as described below up to a maximum of 10 years (2.5 points).

A full year for classified employees is defined as 12 calendar months commencing on July 1 and ending on June 30 in the following year. For parts of a year or assignments of less than a full year of qualifying service, seniority credit shall be computed on a prorated basis. A candidate shall receive 1/12 of a year seniority credit for each calendar month of qualifying service through the last day of the month prior to the establishment of the eligibility list. Periods of less than one calendar month shall not be counted.

Listing of qualifying service:

- a. All paid non-overtime service.
- b. Leave granted under the provisions of Rule 820, MILITARY LEAVE OF ABSENCE.
- c. Leave granted under the provisions of Rule 804, LEAVES RESULTING FROM INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS.
- d. Leave granted under the provisions of Rule 808, ILLNESS LEAVE.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION**

621

LAW AND RULES

February 8, 2017 February 16, 2022

- e. Leave granted under the provisions of Rule 806, RETRAINING AND STUDY LEAVE OF ABSENCE.
 - f. Leave granted under the provisions of the Family Medical Leave Act of 1993.
 - g. Unpaid Leaves granted for maternity, Peace Corps, Red Cross, and Merchant Marine service if negotiated in a collective bargaining agreement.
 - h. Service earned prior to separation by persons who are reemployed from a reemployment list or are reinstated as permanent employees under the provisions of Education Code Section 88128.
- E. When dual certification has been authorized by the Personnel Commission, and is in effect, promotional candidates shall have two and one-half seniority bonus points, in addition to the seniority points described in Paragraph D. above, added to their final score.

Under dual certification, simultaneous open and promotional eligibility lists are merged together in score order after the addition of seniority points and without the addition of veteran's credit. When only open eligibles remain on the list, eligibles shall be re-ranked according to their scores with the addition of veteran's credit, where applicable.

LOS ANGELES COMMUNITY COLLEGE DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: Ronald Delahoussaye

SUBJECT: Classification Study: Administrative Operations Technician, EN 1060888, Academic Affairs-Curriculum, Los Angeles City College (Case 4051)

Recommendation:

It is recommended that the Personnel Commission find that the position of Administrative Operations Technician occupied by F. Naranjo, EN 1060888, in Academic Affairs-Curriculum at Los Angeles City College, is PROPERLY classified.

Bases of Recommendation:

1. The request to study the employee's position was received by the Personnel Commission on October 28, 2021 through the submission of the incumbent's annual performance evaluation, dated August 12, 2021, in accordance with the provisions of Rule 702, PERFORMANCE EVALUATION FOR PROBATIONARY AND PERMANENT CLASSIFIED EMPLOYEES, Paragraph D., of the agreement between the Los Angeles Community College District and AFT College Staff Guild. The performance evaluation was accompanied by a description of the employee's duties. The employee and his supervisor requested that staff review his position to assess if the duties assigned fall outside the scope of his current classification and consider the Assistant Administrative Analyst class based on his duties related to assisting in the curriculum process for the college. The Administration was informed about this request.
2. Staff audited the position and found that the employee is responsible for performing the following primary duties:
 - Coordinates the processing and/or production of curriculum related documents in accordance with established time lines. This function also includes the maintenance of curriculum databases applicable to the college to ensure all new courses, course edits, course archives, course reinstatements, program modifications, and new programs are processed and reflected between all systems. This duty and the duty below account for approximately 65% of the incumbent's time.
 - Assists in recommending and implementing changes to procedures and operational practices in order to improve the processing efficiency and recordkeeping of curriculum related activities including the creation and maintenance of a SharePoint curriculum intranet site where documents and resource information are shared and stored.
 - Prepares correspondence, presentations, and reports related to the processing of curriculum related documents. This duty and the two duties below account for approximately 15% of the incumbent's time.
 - Reconciles and identifies errors between curriculum databases and prepares reports with instructions to the appropriate academic faculty on how to resolve issues detected such as incorrectly coded courses.
 - Conducts training and provides technical assistance to faculty related to operational curriculum procedures, processes, and the use of computer applications and databases including eLumen, PeopleSoft, and COCI.

- Effectively utilizes the capabilities and functions of standard and specialized computer software common to the curriculum area including MS Office, SharePoint, eLumen, PeopleSoft, and COCI. This duty and the duties below account for approximately 20% of the remaining incumbent's time.
 - Writes instructions, guides, and manuals involving operational curriculum procedures and processes.
 - Serves as a back-up and assists in the production of the college's catalog.
3. The classification concept for the employee's current classification of Administrative Operations Technician is based on applying a thorough knowledge of established procedures and policies related to the centralized administrative activities for a major organizational unit. This includes duties such as coordinating the processing and/or production of documents in accordance with established time lines; creating and maintaining a variety of databases and extracting data utilizing a variety of general and specialized software applications; and conducting training sessions for staff on processes and procedures related to the operations of a major organizational unit. Proficiency in the methods, procedures, and policies utilized in the Los Angeles Community College District is of greater importance than a broad knowledge of the general principles and practices of office administration. An incumbent may perform lead duties and use of computers and advanced software applications is an integral aspect of the duties. The classification concept for the requested class of Assistant Administrative Analyst is based on performing professional-level staff work of moderate complexity related to the analysis of and solution of problems involving systems and procedures, organization and management, work-flow and distribution, work simplification, and improvement in efficiency in a major administrative division. Employees are continuing to learn skills in preparation for promotion, but are expected to work without continuous review and supervision. After a thorough analysis of the employee's assigned duties, staff determined that the majority of his duties assigned most appropriately fall within the scope of responsibilities of his current class of Administrative Operations Technician because the employee applies a thorough knowledge of established procedures and policies in the area of curriculum while utilizing computers and advanced software applications as an integral aspect of his assigned duties. The duties of the employee's position did not rise to the level of an Assistant Administrative Analyst classification because he does not spend the majority of his time on professional-level work analyzing and devising solutions to a variety of problems related to the curriculum activities of the Academic Affairs office. The professional-level work related to the areas of curriculum and instructional support and the implementation of new technological platforms used for educational programs is primarily being performed by analysts centralized in the Curriculum and Instructional Support Unit at the Educational Services Center.



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