

**LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION**

LAW AND RULES

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December 6, 2023

509 PERSONNEL COMMISSION MEMBERSHIP

Education Code Sections

88064. (a) To be eligible for appointment or reappointment to the commission, a person shall meet both of the following requirements:

(1) Be a registered voter and resident within the territorial jurisdiction of the community college district.

(2) Be a known adherent to the principle of the merit system.

(b) No member of the governing board of any community college district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the commission. During his or her term of service, a member of the commission shall not be an employee of the district.

(c) As used in this section, “known adherent to the principle of the merit system,” with respect to a new appointee, shall mean a person who by the nature of his or her prior public or private service has given evidence that he or she supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. As used in this section, “known adherent to the principle of the merit system,” with respect to a candidate for reappointment, shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he or she does, in fact, support the merit system and its operation.

88065. One member of the commission shall be appointed by the governing board of the district and one member, nominated by the classified employees of the district, shall be appointed by the governing board of the district. Those two members shall, in turn, appoint the third member.

As used in this section, “classified employees” shall mean an exclusive representative which represents the largest number of classified employees in a unit or units within the district. If there is no such exclusive representative within the district the governing board shall, by written rule, prescribe the method by which the recommendation is to be made by its classified employees.

In any community college district which has a five-member personnel commission, two members of the commission shall be appointed by the governing board of the district and two members, nominated by the classified employees of the district, shall be appointed by the governing board of the district. Those four members of the personnel commission shall, in turn, appoint the fifth member to the commission.

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88066. (a) Within 30 days after adoption of the system the governing board shall publicly announce its intended appointee, and the appointee or appointees, as appropriate, nominated by its classified employees. As soon after their appointment as practicable but within 30 days, the appointed members shall announce their intended appointee for the third or fifth member, as appropriate. They may consider the recommendations of the governing board, the classified employees, or other concerned citizens. If these members do not announce their intended appointee within the 30-day period, the Chancellor of the California Community Colleges shall make the appointment.

“Adoption of the system” means, in the case of Section 88051, the day on which a successful election is certified to the governing board or, in the case of Section 88054, the day the governing board approves a motion, order, or resolution to adopt the system regardless of the date specified for operational commencement of the system.

(b) Where a system is already in existence and a vacancy will exist on December 1, by not later than September 30:

(1) The governing board shall publicly announce the name of the person it intends to appoint or reappoint, if the vacancy is its appointee.

(2) The appointee or appointees, as appropriate, of the governing board and the appointee or appointees of the classified employees shall publicly announce the name of the person they intend to appoint, if the vacancy is their appointee.

If the governing board and the classified employees of the district are unable to agree upon a nomination by September 30, the Chancellor of the California Community Colleges shall make the appointment within 30 days.

(c) Where a system is already in existence and a vacancy in a position nominated by the classified employees will occur, the classified employees shall submit the name of its nominee to the governing board at least 30 days prior to the date on which the vacancy will occur and the governing board shall appoint that nominee to be effective on the date on which the vacancy would occur.

(d) At a board meeting to be held after 30 and within 45 days of the dates specified in subdivision (a) and paragraph (1) of subdivision (b), as the case may be, the governing board in open hearing shall provide the public and employees and employee organizations the opportunity to express their views on the qualifications of those persons recommended by the governing board for appointment.

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The board at the time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

In the case of the nominees of the classified employees, the board shall appoint the nominee, unless the classified employees voluntarily withdraw the name of the nominee and submit the name of a new nominee. In the latter case, the board shall then appoint the new nominee.

(e) In the event a vacancy exists because of a failure of the classified employees to agree on a nominee, the board may make an emergency appointment as authorized in subdivision (b) of Section 88065. If there is no personnel director, the board may nevertheless make an emergency interim appointment under this subdivision.

(f) At the next regularly scheduled personnel commission meeting to be held after 30 days from adoption of the system, as specified in subdivision (a), or at the next regularly scheduled personnel commission meeting to be held after 30 days from the day the intended appointee is announced, as specified in paragraph (2) of subdivision (b), as the case may be, the appointee or appointees of the governing board and the appointee or appointees nominated by the classified employees shall, in an open hearing, provide the public and employees and employee organizations the opportunity to express their views on the qualifications of each candidate recommended for the vacancy. Each candidate shall be invited to this meeting.

The appointee or appointees of the governing board and the appointee or appointees nominated by the classified employees may make their appointment or may make a substitute appointment or recommendation without further notification or public hearing.

(g) A commissioner whose term has expired may continue to discharge the duties of the office until a successor is appointed, but for no more than 90 calendar days. This subdivision shall become operative on January 1, 1994.

88067. Appointees to a commission in a district which has newly adopted the system shall take office upon receipt of notification of the appointment but the term of office shall run from noon of the first day of December next succeeding.

In community college districts with a three-member personnel commission, the initial appointee of the governing board shall serve a three-year term, and the term of the appointee recommended by classified employees and the third member selected by the other two members shall be for two years and one year respectively.

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In community college districts which have elected to establish a five-member personnel commission, one of the initial appointees of the governing board, and one of the initial appointees nominated by the classified employees shall serve three-year terms. The term of the other initial appointee of the governing board and the other initial appointee nominated by the classified employees of the district, shall be for two years, and the term of the appointee selected by the other members of the commission shall be for one year.

Subsequent terms shall be for three years commencing at noon the first day of December.

A three-member commission may perform any act authorized or required by law when two members have been appointed.

A five-member commission may perform any act authorized or required by law when three members have been appointed.

88068. (a) Appointment to vacancies occurring subsequent to the initial appointment shall be made by the original appointing authority either for a new full term or to fill an unexpired term. The procedures required in Sections 88065 and 88066 shall be followed in the appointment and recommendation for appointment to fill vacancies occurring subsequent to the initial appointments.

(b) Notwithstanding subdivision (a) the governing board at the request of the personnel director shall declare that an emergency exists and shall make an interim appointment to fill a vacancy or vacancies to insure the continuance of the functions of the personnel commission. An interim appointment shall terminate on the date the notification of permanent appointment is received by the appointee.

(c) An interim appointee must meet the requirements of Section 88064 and be free of the restrictions contained therein.

(d) An interim appointment in no event shall be valid for more than 60 days.

88069. (a) (1) After January 1, 2001, the classified employees of any community college district that has already adopted this article on September 17, 1965, may, in accordance with this article, petition the governing board to request that the process to determine how personnel commission members are appointed be determined by a majority vote of the classified employees entitled to vote. That petition shall read substantially as follows:

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“We, the undersigned classified employees of the ____ (name of community college district), constituting 15 percent or more of the classified personnel entitled to vote, request the governing board to submit to an election the question of how personnel commission members shall be appointed.

NAME ____ POSITION CLASSIFICATION ____”

(2) “Classified employee,” as used in this section, shall be construed to include all personnel who are a part of the classified service as defined in Section 88001.

(b) (1) Within 90 days after receipt of a petition pursuant to subdivision (a), the governing board shall conduct an election by secret ballot of its classified personnel to determine the following question and the ballot shall read:

“Shall personnel commission members in the ____ (name of community college district) be appointed as follows:

(A) One member appointed by the governing board of the district.

(B) One member appointed by the classified employees of the district.

(C) Those two members shall, in turn, appoint the third member.

____ Yes

____ No”

(2) Although the ballot conducted pursuant to paragraph (1) shall not require the employees’ signatures or other personal identifying requirements, the governing board shall devise an identification system to ensure against fraud in the balloting process.

(3) The governing board shall appoint a three- to five-person tabulating committee. At least one member of the committee shall be a member of the governing board, to canvass the ballots and present the results to the governing board and one member shall be a classified employee nominated by the exclusive representative of the classified employees of the district. If a simple majority votes in favor of the process for appointing personnel commission members, that process shall become applicable in the district as follows:

(A) The first vacancy on the commission shall be filled by a person nominated by the classified employees of the district.

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(B) The second vacancy on the commission shall be filled by a person appointed by the governing board of the district.

(C) The third vacancy of the commission shall be appointed by the first two members.

(4) If the ballot conducted pursuant to paragraph (2) fails to pass, personnel commission members shall be appointed in accordance with the procedure described in subdivision (c), and a petition by the classified employees for another election shall not occur sooner than two years after an election.

(c) (1) Subject to subdivisions (a) and (b), in a community college district that has already adopted this article on September 17, 1965, members of the personnel commission shall be appointed by the Chancellor of the California Community Colleges who shall consider the recommendation of the governing board and other interested parties.

(2) If the governing board and the personnel commission of a community college district elect to increase the personnel commission from three to five members, the Chancellor of the California Community Colleges shall make one of the additional appointments. Subsequent appointments shall be made in accordance with this section.

(3) No later than 90 days before making the appointment, the Chancellor of the California Community Colleges shall notify the classified employees and the governing board in writing of the vacancy on the personnel commission and provide them with guidelines and procedures for making a recommendation and challenging a nomination. If a vacancy occurs during the term of a member of the personnel commission, the chancellor may appoint a new member after providing the foregoing notice no later than 30 days before making the appointment.

(4) A commissioner whose term has expired may continue to discharge the duties of the office until a successor is appointed but for no more than 90 calendar days.

(d) As used in this section, “classified employees” means an organization of classified employees that represents the greatest number of classified employees of the district as determined by the board. If no organization exists within the district, the governing board, by written rule, shall prescribe the method by which the recommendation is to be made by its classified employees.

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A. Composition of the Personnel Commission

The Personnel Commission of the Los Angeles Community District shall consist of three members.

Composition of the Personnel Commission may be expanded from three to five members by agreement of the Personnel Commission and Board of Trustees.

B. Membership Qualifications

To serve on the Personnel Commission an individual shall:

1. Reside and be a registered voter within the territorial jurisdiction of the Los Angeles Community College District; and
2. Be a known adherent to the principle of the merit system.
 - a. With respect to a candidate for new appointment, known adherent to the merit system means a person who, by the nature of their prior public or private service, has given evidence for the support of the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness.
 - b. With respect to a candidate for reappointment, known adherent to the merit system means a Commissioner who has clearly demonstrated through meeting attendance and actions that they do, in fact, support the merit system and its operation; and
3. Be willing to attend and participate in Personnel Commission meetings.

A candidate should have:

- a. The demonstrated ability to assess the relative importance of personnel issues and make decisions which enhance merit principles, effective employer-employee relations, and equal employment opportunity; and
- b. Personal characteristics which promote the maintenance of rapport with Commission members; promote open communications with Board of Trustees, classified employees, and other interested parties; and improve the Commission's decision making by adding new and creative viewpoints.

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- c. The ability to help ensure that the Personnel Commission will serve the diversity of interests from within the community and not act as an advocate for the group that appointed them.

C. Prohibition of Membership on the Personnel Commission

No member of the governing board of any community college district or a county board of education or employees of the Los Angeles Community College District shall be eligible to serve as a member of the Personnel Commission.

D. Terms of Office

Members of the Personnel Commission are appointed for a three-year term of office. The term of office for a Personnel Commission member expires each year on November 30. Newly appointed/reappointed members shall take office on December 1st.

In the event of a vacancy on the Personnel Commission caused by other than the expiration of a term of office, the responsible appointment authority for the seat shall make a temporary appointment for no more than 90 calendar days during which the selection/nominating/appointment process outlined in Paragraph E. shall be completed and a permanent appointment made for the remainder of the term of office.

In the event the term of office for a Personnel Commissioner has expired but a newly appointed member cannot take office on December 1st, the Personnel Commissioner whose term has expired may continue to discharge the duties of the office until a successor is appointed for no more than 90 calendar days.

In the event the continuance of Personnel Commission business is in jeopardy due to a vacancy on the Personnel Commission, the Personnel Director may request that the Board of Trustees make an interim appointment of up to 60 days in duration.

E. Nomination/Appointment Process

1. Appointments of members of a three-member Personnel Commission of the Los Angeles Community College District shall be made as follows:
 - a. One member shall be appointed by the Board of Trustees of the Los Angeles Community College District,
 - b. One member, nominated by the classified employees of the district, shall be appointed by the Board of Trustees of the Los Angeles Community College District. "Classified employees" in this rule shall mean the exclusive bargaining

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representative which represents the largest number of classified employees in a unit or units within the district, and

- c. The third member shall be jointly appointed by the other two Personnel Commissioners.
2. Beginning with term of office commencing December 1, 2020, responsibility for the selection of Personnel Commissioners shall be rotated annually among the appointing authorities. The first nomination shall be made by the classified employee's exclusive representative, the second appointment by the Board of Trustees, and the third appointment by joint decision of the other two Personnel Commissioners. This rotation order shall be maintained thereafter.
3. No later than August 1st of each year, the Personnel Director shall notify the Board of Trustees, "Classified Employee" exclusive representative, and Personnel Commission of the Commissioner whose term will be expiring and the process for nomination/appointment or reappointment.
4. In selecting their nominee/appointee, the Board of Trustees, classified employee representative, or Personnel Commission may conduct an open recruitment process or recommend reappointment in the case of a well-qualified sitting Personnel Commissioner. An open recruitment should include public announcement of a vacancy through agendas, press releases, and notices to employee and community organizations representing the widest possible diversity of individuals who may be interested in District employment practices.
5. No later than September 15th of each year, the name of an intended nominee/appointee shall be publicly noticed by both the Board of Trustees and Personnel Commission at a public meeting.
6. No later than October 25th of each year, an open public hearing shall be held by the Personnel Commission where the public, employees, and exclusive bargaining representatives shall have the opportunity to express their views on the qualifications of the person recommended for the vacancy. Following consideration of views expressed, the appointing authority may proceed with its appointment.
7. In cases of reappointments, the name of the intended reappointee shall be publicly noticed by both the Board of Trustees and Personnel Commission at a public meeting no later than September 15th of each applicable year. No later than October 25th of each applicable year, the Personnel Commission shall provide an opportunity for public comment as part of a regularly scheduled public meeting, for members of the public, employees, and exclusive bargaining representatives to express their views on the qualifications of the reappointee.

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8. No later than November 20th of each year, a resolution announcing the appointment or reappointment of the selected Personnel Commissioner shall be placed on the Board of Trustee and Personnel Commission meeting agendas for action.
9. The swearing in of the selected Personnel Commissioner shall occur at the first available Personnel Commission meeting in December of the applicable year.

F. Impasse or Process Challenges

In cases where the two Personnel Commissioners are unable to agree upon a nomination, challenges shall be submitted to the Chancellor of the California Community Colleges for resolution within the appropriate recruitment and appointment procedures.