

## 520 EXECUTIVE SECRETARIES TO CHANCELLOR AND BOARD OF TRUSTEES

### Education Code Sections

**88017.** (a) 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 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 subdivisions (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.
- (e) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were part of Article 3 (commencing with Section 88060) of this chapter.

**88091.** (a) All vacancies in the classified service shall be filled pursuant to this article and the rules of the commission, from applicants on eligibility lists which, wherever practicable, as determined by the commission, shall be made up from promotional examinations, or appointments may be made by means of transfer, demotion, reinstatement, and reemployment in accordance with the rules of the commission. All applicants for promotional examinations shall have the required amount of service in classes designated by the commission or meet the minimum qualifications of education, training, experience, and length of service, which shall be determined by the commission to be appropriate for the class for which they have applied. Any promotional applicant who has served the required amount of time in a designated class or who meets the minimum qualifications for admission to a promotional examination shall be admitted to the examination. Applicants shall be placed on the eligibility lists in the order of their relative merit as determined by competitive examinations. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position.

- (b) (1) Upon the request of a majority of the members of the governing board of a community college district, the commission may exempt two executive secretarial positions from the requirements of this section. Exemptions authorized under this subdivision shall be limited to one executive secretary position reporting directly to members of the governing board, and one executive secretary position reporting directly to the chancellor.

(2) Any person employed in an exempt executive secretarial position shall continue to be afforded all of the rights, benefits, and burdens of any other classified employee serving in the regular service of the district, except he or she shall not attain permanent status in an executive secretarial position. Positions of executive secretary shall be filled from an unranked list of eligible employees who have been found to be qualified for the positions as determined by the district chancellor or superintendent and determined by the personnel commission. Any person whose services in an executive secretarial position are discontinued for a cause other than a cause for disciplinary action specified in this code or in a rule of the commission shall have the right to return to a position in a classification he or she previously occupied or, if that classification no longer exists, in a similar classification, as determined by the commission. This subdivision shall apply only to the employees hired on or after January 1, 1988.

- (c) (1) Upon the request of a majority of the members of the governing board of a community college district, the personnel commission may exempt designated senior classified administrative positions from the requirements of this section. A "senior classified administrative employee" means a classified employee who acts as the chief business, fiscal, facilities, or information technology adviser or administrator for the district chancellor or superintendent or a college president, as determined by the governing board and certified by the personnel commission.

(2) Any person employed in an administrative position exempted under this subdivision shall continue to be afforded all of the rights, benefits, and burdens of any other classified employee serving in the regular service of the district, except that he or she shall not attain permanent status in that administrative position. A vacancy in an administrative position that is exempted under this subdivision shall be filled from an unranked list of eligible persons who have been found to be qualified for the positions as determined by the district chancellor or superintendent and the personnel commission. Any person whose services in an administrative position exempted under this subdivision are discontinued for any reason other than for cause as specified in this code or in a rule of the personnel commission shall have the right to return to a position in a classification he or she previously occupied or, if that classification no longer exists, in a similar classification, as determined by the commission.

(3) This subdivision shall apply only to employees hired on or after January 1, 2001.

- (d) Nothing contained in this section shall authorize the selection of eligible candidates in circumvention of the affirmative action programs of any community college district.

A. The Board of Trustees may, by majority vote, request that the Personnel Commission exempt one executive secretary position reporting directly to members of the Board of Trustees and one executive secretary position reporting directly to the Chancellor from the provisions of the merit system selection process specified in Education Code Section 88091.

B. The Personnel Commission has certified the following position as an exempt executive secretary position:

Executive Assistant to the Board of Trustees

C. Under the provisions of this rule, exempted executive secretary positions shall be filled from an unranked alphabetical list of persons who have been found to be qualified for the position as determined by the District Chancellor and Personnel Commission.

D. Employees serving in an exempted executive secretary position shall be afforded all of the rights, benefits, and burdens of any other classified employee, except that they shall not attain permanent status in the exempted executive secretary position.

- E. If an exempted executive secretary position is abolished or the District elects not to continue the employment of a classified administrative employee, the employee shall be given written notice thereof by the District at least 60 days in advance of their release from employment.
- F. An exempted executive secretary who has been released from employment for any reason other than cause may request:
  - 1. Placement in a position in a class to which the employee holds bumping rights, as provided in Rule 740, LAYOFF AND REEMPLOYMENT.
  - 2. Transfer or voluntary demotion to a class to which the employee would be entitled if they had not been designated as an exempted executive secretary.
- G. The provisions of this rule shall apply only to employees who have been hired after the establishment of this rule on January 16, 2003.