

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

LAW AND RULES

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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.

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

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6. A mother, father, son, daughter, brother, and sister relationship by adoption.

7. Any other relative living in the immediate household of the employee.

C. Prohibited acts shall include, but not be limited to, activity in the following processes:

1. Preparing letters of reference, performance evaluations, notices of outstanding work performance, or any other evaluation process related to the employment, retention, or promotion of employees related by blood or marriage.

If a person is designated to complete a performance evaluation of an employee related by blood or marriage, as defined in Paragraph B. above, such person shall complete the performance evaluation. However, under such conditions the evaluation of a classified employee shall be reviewed by the next higher supervisor who is not related to that employee by blood or marriage, as defined in Paragraph B. above.

2. Preparing employment criteria or competitive examination materials or participating directly or indirectly in the screening or interviewing of candidates for employment or promotion for positions in which candidates related by blood or marriage are competing.

3. Participating in the appointment, transfer, or job placement decisions related to the assignment of employees related by blood or marriage.

D. When an employee becomes aware of the candidacy of a relative for employment with the District, the employee shall refrain from engaging or participating in any of the activities described in Paragraph A. and C. above.

E. The provisions of this rule shall not be interpreted in such a manner as to deny qualified persons the right to application, examination, and consideration for employment under competitive conditions based on merit and fitness for a position in the Classified Service of the District.

F. A relative of an employee shall not be employed, except as provided in Paragraph G. below, if any of the following conditions exist:

1. One of the persons would have authority, discretionary power, or influence regarding the working conditions, work assignments, evaluation of work, discipline, retention, promotion, or change of status of the other person.

2. Both persons would be employed under the same immediate supervisor.

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

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

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