

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION MEETING  
Wednesday, January 15, 2020 – 10:30 a.m.  
Educational Services Center  
Personnel Commission Conference Room  
770 Wilshire Boulevard, Los Angeles, California

ORDER OF BUSINESS-CLOSED SESSION MEETING

- I. Roll Call
- II. Requests to Address the Personnel Commission on Closed Session Matters
- III. Convene in Closed Session
  - a. Public Employment  
Pursuant to Government Code Section 54957
  - b. Conference with Legal Counsel-Anticipated Litigation  
Pursuant to Government Code Section 54957(b)(1)
- IV. Report of Action taken in Closed Session
- V. Adjourn

NEXT PERSONNEL COMMISSION MEETING:

**Wednesday, January 29, 2020**

Closed Meeting 12:30 p.m.

Open Meeting 1:00 p.m.

Educational Services Center

4th Floor Conference Room

770 Wilshire Boulevard, Los Angeles, California

In compliance with Government Code Section 54957.5 (b), documents made available to the Personnel Commission after posting of the agenda that relate to an upcoming public session item will be made available by posting on the District's official bulletin board located in the lobby of the Educational Services Center located at 770 Wilshire Boulevard, Los Angeles, California 90017. Members of the public wishing to view the material will need to make their own parking arrangements at another location.

If requested, the agenda shall be made available in appropriate alternate formats to persons with a disability, as required by Section 202 of the American with Disability Act of 1990 (42 U.S.C. Section 12132), and the rules and regulations adopted in implementation thereof.

To make a request for disability-related modification or accommodation, including auxiliary aids or services, please contact the Personnel Commission Office at (213) 891-2333 no later than 12 p.m. (noon) on the Monday prior to the Personnel Commission meeting.

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION MEETING  
Wednesday, January 15, 2020 – 11:15 a.m.  
Educational Services Center  
4th Floor Conference Room  
770 Wilshire Boulevard, Los Angeles, California

ORDER OF BUSINESS – OPEN SESSION MEETING

- I. Convene Regular Meeting
- II. Report of Actions Taken in Closed Session
- III. Review and Approve Minutes of the Closed and Open Meeting of December 4, 2019
- IV. Miscellaneous Personnel Commission Activities and Announcements
  - a. Classified Employment Opportunities Bulletin
  - b. Strictly Classified Monthly Bulletin
- V. Re-activation of the Class of Director of Employer-Employee Relations (Case 3803)
- VI. Title Change for the Classes of Assistant Director of Employer-Employee Relations and Employee Relations Specialist (Case 3804)
- VII. Classification Study for EN 790632, Administrative Assistant, Administrative Services, Los Angeles Mission College (Case 3800)
- VIII. Revision to Personnel Commission Rule 720, NEPOTISM (Tentative Approval) (Case 3806)
- IX. Revision of Personnel Commission Rule 703, EMPLOYEE INFORMATION AND RECORDS (Tentative Approval) (Case 3805)
- X. Correspondence
- XI. Notice of Anticipated Items: Revision to Personnel Commission Rule 720, NEPOTISM (Final Approval) (Case 3806); Revision of Personnel Commission Rule 703, EMPLOYEE INFORMATION AND RECORDS (Final Approval) (Case 3805); Classification Study: EN 802675 (Local 721)
- XII. Hear Non-Agenda Speakers/Open Forum
- XIII. Reconvene into Closed Session
- XIV. Reconvene into Open Session
- XV. Report of Actions Taken in Closed Session
- XVI. Adjourn

NEXT PERSONNEL COMMISSION MEETING:

**Wednesday, January 29, 2020**

Closed Meeting 12:30 pm.

Open Meeting 1:30 p.m.

Educational Services Center

4th Floor Conference Room

770 Wilshire Boulevard, Los Angeles, California

In compliance with Government Code Section 54957.5 (b), documents made available to the Personnel Commission after posting of the agenda that relate to an upcoming public session item will be made available by posting on the District's official bulletin board located in the lobby of the Educational Services Center located at 770 Wilshire Boulevard, Los Angeles, California 90017. Members of the public wishing to view the material will need to make their own parking arrangements at another location.

If requested, the agenda shall be made available in appropriate alternate formats to persons with a disability, as required by Section 202 of the American with Disability Act of 1990 (42 U.S.C. Section 12132), and the rules and regulations adopted in implementation thereof.

To make a request for disability-related modification or accommodation, including auxiliary aids or services, please contact the Personnel Commission Office at (213) 891-2333 no later than 12 p.m. (noon) on the Monday prior to the Personnel Commission meeting.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION  
Wednesday, December 4, 2019 – 12:00 p.m.  
Educational Services Center – 4<sup>th</sup> Floor Conference Room  
770 Wilshire Boulevard, Los Angeles, California**

**MINUTES OF THE REGULAR MEETING – CLOSED SESSION**

Present:     Commissioners:  
              Henry Jones, Vice- Chair  
              Ann Young-Havens

Staff:  
              Karen Martin, Personnel Director

Guests:  
              Ruby Newbold, AFT 1521A  
              Suleman Ishaque, AFT 1521A

- I.**       Roll Call
- II.**     **Requests to Address the Personnel Commission on Closed Session Matters** - None
- III.**    **Convene in Closed Session**
- a. Public Employee Discipline/Dismissal/Release**  
              Pursuant to Government Code Section 54957
- b. Conference with Legal Counsel – Anticipated Litigation**  
              Pursuant to Government Code Section 54956(b)(3), (C), (D)
- IV.**    **Report Out Actions Taken in Closed Session** - Mr. Jones reported that no action was taken during Closed Session.
- V.**     **Correspondence** – No correspondence was received.
- VI.**    **Adjourn.** The meeting adjourned at 12:57 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.

\_\_\_\_\_

Date

\_\_\_\_\_

Henry Jones, Vice-Chair

**LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION**

**Wednesday, December 4, 2019 – 12:45 p.m.**

Educational Services Center – 4<sup>th</sup> Floor Conference Room  
770 Wilshire Boulevard, Los Angeles, California

**MINUTES OF THE REGULAR MEETING – OPEN SESSION**

Present: Commissioners:  
Henry Jones, Vice Chair  
Ann Young-Havens

Staff:  
Karen Martin, Personnel Director  
Ute Severa, Assistant Personnel Director  
Neely Miller, Executive Assistant  
Ryan Pennock, Personnel Analyst  
Deborah Tsai, Assistant Personnel Analyst  
Patrick Sung, Administrative Intern

Guests:  
Brenda Moran, Personnel Assistant, Human Resources, Educational Services Center  
James Bradley, SEIU Local 99  
Mary Van Ginkle, Senior Personnel Technician, Human Resources, Educational Services Center  
Robert Mix, SEIU Local 721

- I. The Vice-Chair convened the regular meeting at 1:00 p.m.
- II. **Report of Actions Taken in Closed Session** – Mr. Jones reported that the Personnel Commission took no action during closed session.
- III. **Review and Approve Minutes of the Closed and Open Meetings of September 25 and November 6, 2019** - Upon motion by Ms. Young-Havens and concurred with by Mr. Jones, the Personnel Commission approved the minutes of the September 25, 2019 meeting of the Personnel Commission. The minutes of the November 6, 2019 meeting were withdrawn and will be presented at the next meeting, as they needed approval by the Personnel Commission Chair, David Iwata, who was not in attendance.
- IV. **Miscellaneous Personnel Commission Activities and Announcements** – Upon motion by Ms. Young-Havens and concurred with by Mr. Jones, the Personnel Commission received the latest Classified Employment Opportunities Bulletin and Strictly Classified employee bulletin as information.

Karen Martin introduced Justin L’Hommedieu who has joined the Personnel Commission in the position of Assessment & Selection Analyst.

- V. **Receive Personnel Commission Schedule of Meetings for January – June 2020** –  
Upon motion by Ms. Young-Havens and concurred with by Mr. Jones, the Personnel

Commission accepted the draft of the Personnel Commission Meeting Schedule for January through June, 2020. The commissioners will review the proposed dates and the item will return at the next meeting for final approval

- VI. Classification Study: Student Support Services Representative, EN 1017389, Bridges to Success Center, Los Angeles Trade-Technical College (Case 3730)** - Upon motion by Ms. Young-Havens and concurred with by Mr. Jones, the Personnel Commission found the position was properly classified and denied the request for reclassification by EN 1017389.
- VII. Revision to Personnel Commission Rule 582, ALLOCATION TO APPROPRIATE SALARY STEP (Tentative Approval) (Case 3760)** – Upon motion by Ms. Young-Havens and concurred with by Mr. Jones, the Personnel Commission granted tentative approval for Rule 582, as presented.
- Notice of Outstanding Work Performance for Brenda Moran, Personnel Assistant, Human Resources Division, Educational Services Center** - Upon motion by Ms. Young-Havens and concurred with by Mr. Jones, the Personnel Commission received the Notice of Outstanding Work Performance for Brenda Moran.
- Mary Van Ginkle, Senior Personnel Technician in the Human Resources Department at the Educational Services Center and Ms. Moran’s supervisor, was in attendance to speak and show her strong support of Ms. Moran
- VIII. Correspondence** – Upon motion by Ms. Young-Havens and concurred with by Mr. Jones, the Personnel Commission acknowledged receipt of correspondence received from a member of the IT staff on one of the District’s campuses regarding minimum qualifications for the newly established classes in the IT division of the District.
- IX. Notice of Anticipated Agenda Items** – Upon motion by Ms. Young-Havens and concurred with by Mr. Jones, the Personnel Commission acknowledged notice of Anticipated Agenda Items: Class Description Revisions for: Admissions & Records Office Supervisor, Senior Admissions & Records Office Supervisor; Revision to Personnel Commission Rule 582, ALLOCATION TO APPROPRIATE SALARY STEP (Final Approval) (Case 3760); Annual Report on Classes to be Inactivated
- X. Hear Non-Agenda Speakers/Open Forum** – There were no non-agenda speakers.
- XI.** Reconvene into Closed Session
- XII.** Reconvene into Open Session
- XIII. Report Out Actions Taken in Closed Session** – Mr. Jones reported that the Personnel Commission took no action in Closed Session
- XIV. Adjourn** – The meeting adjourned at 1:47 p.m.

---

Karen Martin, 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

---

Henry Jones, Vice Chair

DRAFT

**LOS ANGELES COMMUNITY COLLEGE DISTRICT**

**TO:** THE PERSONNEL COMMISSION  
**FROM:** Ute Severa  
**SUBJECT:** Re-activation of the Class of Director of Employer-Employee Relations (Case 3803)

**Recommendations:**

I. It is recommended that the Personnel Commission re-activate the class of Director of Employer-Employee Relations and that the class be placed in the Personnel Group, Administration Series; that the class be retitled to Director of Employee and Labor Relations; that the revised class specification be adopted; that the salary for the class be allocated to salary schedule 13405.55; and that the salary setting basis for the class be based on direct alignment with the standard director benchmark, effective January 15, 2020.

**Salary Schedule 13405.55**

Step 1	Step 2	Step 3	Step 4	Step 5	
\$13,405.55	\$14,142.86	\$14,920.72	\$15,741.36	\$16,607.13	Monthly
\$160,866.60	\$169,714.32	\$179,048.64	\$188,896.32	\$199,285.56	Annually

II. It is recommended that the Personnel Commission authorize an examination for the class of Director of Employer-Employee Relations (retitled to Director of Employee and Labor Relations), with an Open and Promotional (Dual Certification) field of competition.

III. It is recommended that Rule 596, OVERTIME, be amended to designate the class of Director of Employer-Employee Relations (retitled to Director of Employee and Labor Relations) as Executive for purposes of overtime.

**Bases of Recommendations:**

1. The Vice Chancellor of Human Resources requested that the class of Director of Employer-Employee Relations be re-activated as part of a reorganization of the Division to enhance the effectiveness and efficiency of the employee and labor relations program.
2. The class of Director of Employer-Employee Relations was originally established in April of 1996 and inactivated in October of 2017.
3. The position of Director of Employer-Employee Relations (retitled to Director of Employee and Labor Relations) requires an incumbent to plan, organize, and direct the day-to-day operations of the District's employee and labor relations unit which encompasses the



functions of collective bargaining, contract administration, disciplinary actions, appeals, complaints, grievances, HR policy development and reporting, and other related areas.

4. The recommended salary schedule is based on maintaining a direct alignment with comparable classified Director level positions within the District that direct line functions such as accounting, business services, facilities planning and development, finance, human resources, and internal audit within the District.
5. The recommended revised title for the class is descriptive of the level and type of duties that are assigned to the class.
6. Personnel Commission Rule 596, OVERTIME, defines an executive class as one where the primary duties and responsibilities of the position consist of the management of an organizational unit above the Branch level, and possesses the following characteristics:
  - Customarily and regularly direct the activities of the organizational unit through subordinate supervisory employees.
  - Customarily establish policies regarding the operations of the unit.
  - Customarily and regularly review recommendations and decisions of subordinates, which significantly impact the District.
  - Customarily and regularly make recommendations affecting District-wide operations or personnel.
  - Customarily and regularly make policy presentations to the Board of Trustees.

The Director of Employer-Employee Relations (retitled to Director of Employee and Labor Relations) meets the criteria listed above; and therefore staff recommended that the class be designated as executive for purposes of overtime.

## **Rule Amendment**

### **596 Overtime**

#### **Education Code Section 88026**

\*\*\*

A. \*\*\*

\*\*\*

F. \*\*\*

\*\*\*

The District's current classes designated as Executive, Administrative, or Supervisory are as follows:

#### **Executive Classes**

\*\*\*

Director of Diversity, Equity, and Inclusion  
Director of Employee and Labor Relations

\*\*\*

**Administrative Classes**

\*\*\*

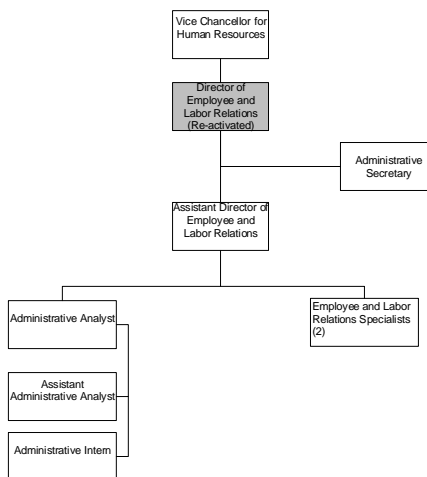
**Supervisory Classes**

\*\*\*

\*\*\*



**ORGANIZATIONAL CHART**  
LOS ANGELES COMMUNITY COLLEGE  
**Human Resources Division**  
**-Employee and Labor Relations -**



**DIRECTOR OF ~~EMPLOYER-EMPLOYEE~~ AND LABOR RELATIONS**

**DEFINITION**

Plans, organizes, evaluates, and directs, ~~and evaluates~~ all programs and activities of the District's employer-employee and labor relations Branch, Operations Division unit.

**TYPICAL DUTIES**

Administers the ~~employer-employee and labor~~ relations program of the District which includes:

- Labor contract negotiations
- Contract administration
- Employee counseling and guidance
- Employee discipline
- Grievance processing and hearings
- HR policy development and reporting

Develops, recommends, evaluates, and implements policies, rules, procedures and standards designed to improve efficiency and effectiveness of provided services related to assigned areas.

Establishes and implements short-range and long-range strategic goals for the assigned areas; evaluates outcomes and recommends adjustments that align with key division strategies.

Serves as Chief Negotiator in the negotiation of labor contracts for assigned bargaining units.

Collects survey data ~~Researches~~ and develops proposals and strategies ~~related to~~ for collective bargaining sessions.

~~Interprets negotiated labor agreements~~ Ensures the proper and effective administration of collective bargaining contracts on a district-wide basis; provides guidance to administrators and supervisors and others in the interpretation of collective bargaining agreements and develops and conducts in-service training as needed.

~~Serves as a technical advisor to~~ Advises the Vice Chancellor, ~~Operations, Human Resources, Senior Staff and Cabinet on employer-employee relations matters~~ through oral and written reports of objectives, critical problems, achievements, improvement recommendations, and on requirements and restrictions of laws, rules, and policies affecting assigned areas.

~~Monitors and enforces the implementation of contractual provisions and obligations.~~

~~Provides advice and assistance to district personnel on the resolution of problems related to employer-employee relations matters.~~

~~Confers with~~ Provides technical advice and guidance to administrators and supervisors on matters related to employee discipline on employee performance improvement plans, employee development, grievance and conflict resolution, mediation, and disciplinary process.

~~Facilitates the resolution of employee grievances through alternative conflict resolution methods.~~

~~Acts as the District's advocate at disciplinary and grievance hearings.~~ Prepares or proposes District case position/response regarding PERB, discipline, and grievance issues; interfaces with attorneys and law firms.

Reviews and evaluates medical reports, reports of arrests, and criminal investigations, and related data; interprets District health and arrest/conviction standards; and makes disposition on the eligibility of individuals for employment and retention.

Analyzes state legislative and administrative decisions, laws, regulations, and policies to determine their impact on employer-employee relations functions; and makes recommendations on how to implement new requirements.

Writes formalized agreements reached with bargaining units.

Consults with exclusive bargaining representatives on contractual matters.

Coordinates with other offices the administrative transfer of staff tied to discipline related matters.

Directs and personally conducts objective and timely investigations of highly confidential and sensitive personnel matters and may make reports both orally and in writing to the Board of Trustees.

~~Chairs and/or participates in a variety of standing and ad hoc committees.~~ Represents the Division of Human Resources at various councils and committee meetings on and off-site, as designated.

~~Represents the District before State and local agencies on matters related to assigned functions.~~

Coordinates the work of the ~~Employer-Employee and labor Relations Branch unit~~ with that of other branches, divisions, offices and colleges.

Evaluates computer software and systems applicable to assigned areas and recommends system enhancements.

Coordinates District's response to subpoenaed student and employee records.

Develops the office budget for the ~~Employer-employee Relations Branch~~; reviews and controls the expenditure funds.

Directs and/or prepares correspondence, reports, and presentations regarding assigned functions.

Plans, schedules, reviews, and evaluates the work of assigned staff.

Acts as the Vice Chancellor, Human Resources, in his/her absence, on designated matters.

Performs related duties as assigned.

## **DISTINGUISHING CHARACTERISTICS**

~~A Director of **Employer-Employee and Labor Relations** is responsible for administering plans, organizes, and directs the day-to-day operations of the District's employer-employee and labor relations Branch unit which encompasses the functions of contract negotiation, collective bargaining, contract administration, employee counseling, and employee discipline, disciplinary actions, appeals, complaints, grievances, HR policy development and reporting, and other related areas for academic and classified personnel of the District.~~

A **Vice Chancellor of Human Resources** is the executive responsible for the oversight and management of all Human Resources operations of the District and its colleges which include recruitment, selection, job classification, and compensation of academic employees, organizational analysis, staffing, ~~employer-employee and labor~~ relations, collective bargaining, staff development, human resources information system specifications and implementation, and related activities.

~~A **Personnel Director** is responsible for administering the classified personnel program in conformance with the Merit System Article of the Education Code under the direction of the Personnel Commission.~~

~~A **Vice Chancellor, Operations** is the executive head of the Business Services and Human Resources Divisions and is responsible for planning, organizing, and directing all business, financial, and human resources operations of the District.~~

## **SUPERVISION**

General direction is received from the Vice Chancellor, ~~Operations~~ Human Resources. General Supervision is exercised over management, professional, supervisory, technical, and clerical personnel staff.

## **CLASS QUALIFICATIONS**

Knowledge of:

Principles of labor contract negotiation and administration

Public section labor relations laws and precedents

~~Principles and techniques of fact-finding, mediation, arbitration, and conflict resolution~~

Sections of the Education and Penal Codes and rules, regulations, and policies of the District related to the employment and retention of personnel

Principles and techniques of arbitration advocacy

~~Laws, regulations, rules and court decisions related to the employment of personnel with special emphasis on the provisions related to employer-employee relations in the State Education and Government Codes~~

Fact-finding methods and procedures

Collective bargaining agreements covering District employees

District Board of Trustees rules and administrative policies related to employee relations

Personnel Commission laws and rules

Principles and techniques of employee counseling and guidance

Principles and techniques of supervision, training, and human relations

Current developments in the field of ~~employer-employee relations~~ human resource management

Principles of organization and management

Functions, policies, organization, and personnel of organizational units of the Los Angeles Community College District

Principles and techniques of budgeting and financial management

Capabilities of computer applications, systems, and hardware used in human resource management

~~Functions, policies, organization, and personnel of the Los Angeles Community College District~~

~~Uses and capabilities of computer hardware and software~~

**Ability to:**

Plan, organize, and ~~manage~~ direct a complex ~~employer-employee~~ and labor relations program in conformance with law and professional standards

Develop and implement strategic plans consistent with the goals and objectives of the organization and prevailing human resources trends and practices

Effectively present and argue management's position in negotiations and arbitrations

~~Negotiate contract terms favorable to the District and in accordance with law and District policies~~

Develop and execute policies, rules regulations, and procedures

Recognize the critical elements of problems, develop and evaluate data, determine solutions, and make ~~logical~~ sound recommendations

Interpret, apply, and explain principles and legal provisions pertinent to an employee and labor relations program

Develop and support a culture of collaboration that values employees and a commitment to the District's mission.

~~React~~ Act independently, responsibly, and promptly to situations and events

Maintain a fair and impartial attitude

Exercise sound judgement and maintain poise in stressful and/or sensitive situations

Conduct in-service training for managers and supervisors on contract provisions

Anticipate conditions, plan ahead, establish priorities, and meet schedules

Stimulate teamwork and promote cohesiveness toward the achievement of goals

Effectively utilize computer equipment and software, including MS Office and HRIS

Train, supervise, and motivate employees

Integrate technology into business decisions and operations

~~Perceive and react responsibly to the needs of an ethnically, socially, and economically diverse workforce~~

Prepare effective written and oral communications, reports, and presentations

Establish and maintain effective working relationships with all levels of administration, employee representatives, employees, and representatives of other agencies and organizations

Allocate and effectively utilize the human, fiscal and physical resources of the assigned ~~Employer-Employee Relations Branch unit~~

Travel to off-site meetings

## **ENTRANCE QUALIFICATIONS**

### **Education:**

~~Graduation~~—A bachelor's degree—from a recognized ~~four-year~~ college or university, preferably with a major in labor or industrial relations, human resource management, public administration, industrial or organizational psychology, or a related field. An advanced degree ~~with a Specialization in public administration, business administration, personnel administration, psychology, industrial relations,~~ in one of the aforementioned majors or a closely related field is desirable.

**Experience:**

Five years of recent full-time, paid professional-level employer-employee relations experience in a senior human resources management position with responsibilities for managing a multi-faceted agency/corporate-wide employee and labor relations program for an organization employing 500 or more employees including two years of recent experience in an administrative or supervisory position. Public agency personnel management experience is desirable.

**Special:**

A valid Class "C" California driver's license must be obtained within ~~60~~ 10 days of ~~appointment~~ establishing residency in the State of California.

Travel to locations throughout the District ~~may be~~ is required.

Reasonable Accommodation:

Our class specification generally describes the duties, responsibilities, and requirements characteristic of the position(s) within this job class. The duties, responsibilities, and requirements of a particular position within this class may vary from the duties of other positions within the class.

In accordance with the Americans with Disabilities Act (ADA), the Los Angeles Community College District provides reasonable accommodation to qualified individuals with covered disabilities on a case-by-case basis throughout the application, examination, and hiring processes and throughout employment. If an individual is in doubt about his or her ability to perform the duties and responsibilities of a position or possession of any other requirement noted in a class specification or job announcement, he or she should always apply for a position and request reasonable accommodation at the appropriate time.



**LOS ANGELES COMMUNITY COLLEGE DISTRICT**

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ute Severa

**SUBJECT:** Title Change for the Classes of Assistant Director of Employer-Employee Relations and Employee Relations Specialist (Case 3804)

**Recommendations:**

- I. It is recommended that the class of Assistant Director of Employer-Employee Relations in the Personnel Group, Administration Series, be retitled to Assistant Director of Employee and Labor Relations and that the revised class description be adopted, effective January 15, 2020.
- II. It is recommended that the single position in the class of Assistant Director of Employer-Employee Relations, occupied by EN 1052724, be reclassified for purpose of title change only to Assistant Director of Employee and Labor Relations, effective January 15, 2020.
- III. It is recommended that the class of Employee Relations Specialist in the Personnel Group, Administration Series, be retitled to Employee and Labor Relations Specialist and that the revised class description be adopted, effective January 15, 2020.
- IV. It is recommended that the following eligibility list be reclassified for purpose of title change only, effective January 15, 2020:

<b>Existing Eligibility List</b>	<b>Retitled Eligibility List</b>	<b>Eligibility List Number</b>	<b>Date of List Established</b>
Employee Relations Specialist	Employee and Labor Relations Specialist	PD#55	August 12, 2019

**Bases of Recommendations:**

- 1. The title changes addressed in this report are being recommended to provide for a more accurate reflection of the current functions assigned to these classes and is consistent with titles used for comparable positions in this occupation field.
- 2. There is currently one incumbent in the class of Assistant Director of Employer-Employee Relations who is being reclassified for purpose of title change only. Two vacant positions exist in the class of Employee Relations Specialist (retitled to Employee and Labor Relations Specialist).

**ASSISTANT DIRECTOR OF ~~EMPLOYER-EMPLOYEE~~ AND LABOR RELATIONS**

**DEFINITION**

~~Under the direction of~~ Assists the Vice Chancellor, Director of Human Resources Employee and Labor Relations, plans, organizes, and directs in planning, organizing, and directing the day-to-day operations of the District's ~~Employer-Employee and labor R~~elations unit.

**TYPICAL DUTIES**

Assists the Director of Employee and Labor Relations in administering the District's employee and labor relations program by:

~~Plans, organizes, directs, and reviews~~ Planning, organizing, directing, and reviewing the work of assigned professional and technical staff engaged in performing duties related to disciplinary actions, grievances, appeals, complaints, employee arrests and convictions reports, contract negotiations, HR policy development and reporting, and other ~~employee relations related matters~~ areas.

Recommending policies, procedures, and standards to assure equitable and impartial treatment of employees in such matters as supervisor employee relations, employee conduct, employee rights, and grievance and appeal procedures.

~~Serves as Chief Negotiator for or p~~Participates in the negotiation of collective bargaining agreements and may serve as negotiator for assigned bargaining units.

~~Develops~~Participating in the development of negotiation strategies for collective bargaining sessions.

~~Researches~~and develops information and making recommendations for proposals and counter proposals for discussion at the collective bargaining table.

Interprets negotiated agreements for management and supervisory staff.

~~Conducts~~ Participating in consultation sessions with bargaining unit representatives, as designated.

Confers with administrators and supervisors to determine the need for disciplinary action and develops a plan of progressive discipline.

Developing and conducting training sessions for administrators and supervisors on progressive discipline and grievance processes and procedures.

Mediates discussions between supervisors, employees, and employee representatives regarding problems adversely affecting an employee's performance.

Analyzing and evaluating evidence in cases of disciplinary action, developing additional supportive evidence, background information and documentation; preparing statements of charges and recommending appropriate disciplinary action.

Advising the director of projects status and issues needing attention, evaluation, resolution, and decisions.

~~Acts as the District's advocate~~ Representing the District at classified disciplinary and grievance hearings, which includes pre-hearing preparation of witnesses, answering of interrogatories, and the production of records and evidence, and the preparation of statement and briefs.

Reviewing and evaluating medical reports, reports of arrest, and criminal investigations, and related data; interpreting District health and arrest/conviction standards; and making disposition on the eligibility of individuals for employment and retention.

~~Coordinates District's response to subpoenaed student and employee records.~~

Conducting investigations regarding highly confidential and sensitive personnel matters and may make reports both orally and in writing to the Board of Trustees.

~~Chairs and/or~~ Participates in a variety of standing and ad hoc committees regarding personnel practices to provide subject matters advice and guidance related to assigned responsibilities.

Analyzing state legislative and administrative decisions, laws, regulations, and policies to determine their impact on ~~employer-employee relations operations assigned areas,~~ and making recommendations related to implementation and compliance on how to implement new requirements.

Assuming responsibility on designated matters for the ~~Division~~ Director of Human Resources Employer-Employee Relations in the his/her absence ~~of the Vice Chancellor, Human Resources.~~

Performs related duties as assigned.

## **DISTINGUISHING CHARACTERISTICS**

An **Assistant Director of ~~Employer-Employee and Labor Relations~~** ~~under the direction of~~ assists the Vice Chancellor, ~~Director of Human Resources~~ Employee and Labor Relations, ~~plans, organizes, and directs in~~ planning, organizing, and directing the day-to-day operations of the District's ~~Employer-Employee and labor~~ Relations unit, which includes the areas of collective bargaining, disciplinary actions, appeals, complaints, grievances, HR policy development and reporting, and other employee relations related matters areas.

A **Director of Employee and Labor Relations** plans, organizes, and directs the day-to-day operations of the District's employee and labor relations unit which encompasses the functions of collective bargaining, contract administration, disciplinary actions, appeals, complaints, grievances, HR policy development and reporting, and other related areas.

## **SUPERVISION**

General supervision is received from the ~~Vice Chancellor, Director of Human Resources~~ Employee and Labor Relations. General supervision is exercised over professional, technical, and clerical staff.

## **CLASS QUALIFICATIONS**

### **Knowledge of:**

Principles and techniques of bargaining contract negotiation

Public sector labor relations laws and precedents

Sections of the Education and Penal Codes and rules, regulation, and policies of the District related to the employment and retention of personnel

Policies of the District related to the employment and retention of staff

Principles and techniques of arbitration advocacy

Trends in ~~employer-employee relations~~ human resource management

Fact-finding methods and procedures

Collective bargaining agreements covering District employees

Rules and regulations related to unemployment insurance

District Board of Trustees rules and administrative policies related to employee relations

Personnel Commission laws and rules

Administrative organization, staff, and policies of the Los Angeles Community College District

Principles of organization and management

Principles and techniques of counseling and guidance

Capabilities of computer applications, systems, and hardware used in ~~the~~ human resource management of ~~employer-employee relations~~

### **Ability to:**

Plan, organize, and direct ~~the assigned day-to-day operations~~ activities of an ~~employer-employee~~ and labor relations unit

Effectively present and argue management's position in negotiations and arbitrations

**Ability to:**

Recognize critical problems, develop and evaluate data, determine solutions, assess alternatives, and make sound recommendations

Express difficult situations and concepts effectively in oral and written presentations

Interpret, apply, and explain applicable laws, policies, and precedents to employee and labor relations problems

Work independently on complex assignments

Maintain a fair and impartial attitude

Exercise sound judgment and maintain poise in stressful and/or sensitive situations

Establish and maintain effective working relationships with all levels of District administrators, employees, employee organization representatives, representatives of private and public agencies, and individuals of a variety of ethnic, social, and economic background

Effectively utilize information and documentation systems in the performance of duties

Train, supervise, and motivate assigned staff

Stimulate teamwork and promote cohesiveness toward achievement of goals

Anticipate conditions, plan ahead, establish priorities, and meet schedules and deadlines

~~Meet important deadlines~~

Maximize the use of human, fiscal, and physical resources

Travel to off-site locations to conduct investigations

**ENTRANCE QUALIFICATIONS**

**Education:**

Graduation from a recognized ~~four-year~~ college or university preferably with a major in labor ~~and~~ or industrial relations, human resource management, public administration, industrial or organizational psychology, or a related field.

**Experience:**

Five years of recent full-time paid professional-level ~~personnel~~ experience in labor negotiations ~~in negotiating and interpreting bargaining contracts~~ and investigating, ~~analyzing~~ and resolving employee disciplinary matters, grievances, appeals, and complaints. Two years of the required experience must have been in an ~~recent~~ administrative or supervisory position.

**Special:**

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

Travel to locations throughout the District is required.

**Reasonable Accommodation**

Our class specification generally describes the duties, responsibilities, and requirements characteristic of the position(s) within this job class. The duties, responsibilities, and requirements of a particular position within this class may vary from the duties of other positions within the class.

In accordance with the Americans with Disabilities Act (ADA), the Los Angeles Community College District provides reasonable accommodation to qualified individuals with covered disabilities on a case-by-case basis throughout the application, examination, and hiring processes and throughout employment. If an individual is in doubt about his or her ability to perform the duties and responsibilities of a position or possession of any other requirement noted in a class specification or job announcement, he or she should always apply for a position and request reasonable accommodation at the appropriate time.

**EMPLOYEE AND LABOR RELATIONS SPECIALIST**

**DEFINITION**

Performs a variety of journey-level professional-level staff work related to an ~~employer-employee~~ and labor relations program including investigation, analysis, and adjudication of disciplinary actions, grievances, appeals, and complaints, and participating in the collective bargaining process.

**TYPICAL DUTIES**

Conducts investigations requiring fact-finding and the verification and resolution of facts and issues in matters affecting disciplinary actions, grievances, appeals, and complaints.

Analyzes and evaluates evidence in cases of disciplinary action; develops additional supportive evidence, background information, and documentation; and when appropriate prepares statements of charges for Board of Trustees' approval and recommends appropriate disciplinary action.

Interprets negotiated bargaining agreements for management and supervisory staff.

Confers with administrators and supervisors on the effective resolution of employee relations problems by providing information on progressive discipline, evaluation procedures, due process requirements and complaint and grievance procedures and recommending courses of action.

~~Acts as the District's advocate~~ Represents the District at classified disciplinary and grievance hearings which includes ~~the subpoenaing of witnesses, pre-hearing preparation of witnesses, answering of interrogatories, the production of records and evidence, and preparation of statements and briefs.~~

Advises employees on the rights, privileges, and burdens of employees and supervisors in filing grievances, appeals, and complaints, and counsels individuals on minor problems of employee conduct or dissatisfaction, poor work habits, leave problems, indebtedness, and provisions related to various employee benefits and services.

Assists in the development of District-wide ~~policies, procedures, and standards~~ to assure equitable and impartial treatment of employees in such matters as supervisor employee relations, employee conduct, employee rights, and grievance and appeal procedures.

Mediates discussions between supervisors, employees, and employee representatives regarding problems adversely affecting an employee's performance.

~~Reviews unemployment claims; files appeals as appropriate; represents the District at appeal hearings.~~

Researches information used in the ~~negotiation~~ collective bargaining process on matters such as salaries, employment practices, employee benefits, ~~etc.~~ and related areas; prepares reports on findings; and makes recommendations.

Prepares and conducts training sessions for administrators and supervisors on disciplinary processes and procedures, grievance resolution, and related areas.

**TYPICAL DUTIES**

Reviews and evaluates medical reports, reports of arrest, criminal investigations, and related data; interprets health and arrest/conviction standards; and makes disposition on the eligibility of individuals for employment and retention.

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

Effectively utilizes the capabilities and functions of specialized software programs in the production of management information and reports.

Establishes and maintains working relationships with Federal, State, and local governmental agencies whose functions are related to ~~employer-employee~~ and labor-relations.

~~Participates in a variety of~~ Attends and participates in standing and ad hoc committees regarding personnel practices.

Assists in the analysis of the effects upon the District of legislation related to ~~employer-employee~~ and labor relations.

~~Assists in the development of negotiation strategies for collective bargaining and interprets negotiated agreements for management.~~

~~Assists in preparation of proposals and counter proposals for discussion at the collective bargaining table.~~

Performs related duties as assigned.

## **DISTINGUISHING CHARACTERISTICS**

An **Employee and Labor Relations Specialist** ~~applies a detailed knowledge of specialized federal, state, and District laws, rules, and administrative policies related to employer-employee relations in providing information, interpretation of contract provisions, consultation and guidance to District staff on sensitive employer-employee relations matters and in the investigation, analysis, and resolution of disciplinary matters, grievances, appeals, and complaints.~~ performs a variety of journey-level professional staff work related to an employee and labor relations program including investigation, analysis, and adjudication of disciplinary actions, grievances, appeals, and complaints, and participating in the collective bargaining process. Employees in this class apply a detailed knowledge of specialized federal, state, and District laws, rules, and administrative policies related to employee and labor relations.

An **Assistant Director of ~~Employer-Employee~~ and Labor Relations** ~~under the direction of~~ assists the ~~Vice Chancellor, Director of Human Resources~~ Employee and Labor Relations, ~~plans, organizes, and directs in planning, organizing, and directing~~ the day-to-day operations of the District's ~~Employer-Employee~~ and labor ~~R~~relations unit, which includes the areas of collective bargaining, disciplinary actions, appeals, complaints, grievances, HR policy development and reporting, and other ~~employee relations related matters~~ areas.

A **Director of Employee and Labor Relations** plans, organizes, and directs the day-to-day operations of the District's employee and labor relations unit which encompasses the functions of collective bargaining, contract administration, disciplinary actions, appeals, complaints, grievances, HR policy development and reporting, and other related areas.



~~A **Personnel Analyst** performs journey-level professional personnel work related to classification of positions; wage and salary and benefit administration; personnel policies, rules, and procedures; recruitment and selection; and equal employment opportunity and affirmative action programs and services.~~

## **SUPERVISION**

General supervision is received from a classified administrator. Functional supervision may be exercised over assigned professional, technical, and clerical employees.

## **CLASS QUALIFICATIONS**

### **Knowledge of:**

Public sector labor relations laws and precedents

Sections of the Education; and Penal; ~~and Unemployment Insurance~~ Codes and rules, regulations, and policies of the District related to the employment and retention of personnel

Policies of the District related to the employment and retention of personnel

Collective bargaining agreements covering District employees

District Board of Trustee rules and administrative policies related to employee and labor relations

Personnel Commission laws and rules

Trends in ~~employer-employee~~ and labor relations

Principles and techniques of counseling and guidance

Fact-finding methods and procedures

Research and data collection techniques

~~Administrative organization, personnel, and policies of the Los Angeles Community College District~~

Organization, functions, and key staff of the District

Principles and techniques of arbitration advocacy

Capabilities of computer systems, software, and hardware used in the ~~employer-employee~~ and labor relations field

Computer software such as word-processing, spreadsheet, database management, and desktop publishing

### **Ability to:**

~~Perform a wide range of professional level employer-employee relations activities~~

### **Ability to:**

~~Compile data and analyze situations;~~ Accurately secure, evaluate, analyze, and record facts, translate findings into clear, concise reports, and make sound recommendations; ~~and meet important deadlines~~

Develop innovative solutions to complex and sensitive ~~employer-employee~~ relations problems

Interpret, apply, and explain applicable laws, policies, and precedents to employee and labor relations matters

~~Effectively present and argue management's position in cases involving arbitration~~

Express difficult situations and concepts effectively in oral and written presentations

Effectively counsel employees with problems which are adversely affecting work performance

Effectively utilize computer equipment, software, and management information systems in the performance of duties

~~Work independently on~~ Perform complex assignments independently

Work on many simultaneous assignments with close attention to detail and with attention to schedules and deadlines

Maintain and exercise sound judgment in stressful and/or sensitive situations

Maintain a fair and impartial attitude

Work effectively with all levels of District administrators, employees, employee organization representatives, representatives of private and public agencies, and individuals of a variety of ethnic, social, and economic background

Travel to off-site locations to conduct investigations

## **ENTRANCE QUALIFICATIONS**

### **Education and Experience:**

- A. A master's degree from a recognized college or university with a major in labor ~~and~~ or industrial relations, human resource management, industrial or organizational psychology, public administration, or a related field **AND** one year of recent, full-time, paid, professional-level ~~personnel~~ human resources experience in ~~interpreting bargaining contract provisions and~~ investigating, analyzing, and resolving employee disciplinary matters, grievances, appeals, and complaints. Collective bargaining experience is desirable.

**OR**

- B. A bachelor's degree from a recognized college or university preferably with a major in labor ~~and~~ or industrial relations, human resource management, industrial or organizational psychology, public administration, or a related field **AND** three years of recent, full-time, paid, professional-level ~~personnel~~ human resources experience in ~~interpreting bargaining contract provisions and~~ investigating, analyzing, and resolving employee disciplinary matters, grievances, appeals, and complaints. Collective bargaining experience is desirable.

**Special:**

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

Travel to locations throughout the District is required.

Reasonable Accommodation

Our class specification generally describes the duties, responsibilities, and requirements characteristic of the position(s) within this job class. The duties, responsibilities, and requirements of a particular position within this class may vary from the duties of other positions within the class. In accordance with the Americans with Disabilities Act (ADA), the Los Angeles Community College District provides reasonable accommodation to qualified individuals with covered disabilities on a case-by-case basis throughout the application, examination, and hiring processes and throughout employment. If an individual is in doubt about his or her ability to perform the duties and responsibilities of a position or possession of any other requirement noted in a class specification or job announcement, he or she should always apply for a position and request reasonable accommodation at the appropriate time.

**LOS ANGELES COMMUNITY COLLEGE DISTRICT**

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ute Severa

**SUBJECT:** Classification Study: Administrative Assistant, Administrative Services, EN 790632, Administrative Services, Los Angeles Mission College (Case 3800)

**Recommendation:**

It is recommended that the Personnel Commission find that the position of Administrative Assistant, Administrative Services, occupied by T. Ward-Thompson, EN 790632, in Administrative Services at Los Angeles Mission College is PROPERLY classified.

**Bases of Recommendation:**

1. The request to study the employee’s position was initiated by the employee’s immediate supervisor, the Vice President, Administrative Services. It was requested that the position be reclassified to Assistant Administrative Analyst because the employee has assumed responsibility for the reporting function for the SMAA (School-Based Medi-Cal Administrative Activities) to secure salary reimbursement of eligible student services employees.
2. Staff audited the position and found that the employee’s primary duties consist of the following:

Duties:	Time Spent on Duties:
<ul style="list-style-type: none"><li>• Compiles and completes four quarterly reports to obtain employee salary reimbursements from the SMAA program. This function includes updating an eligible employee participants list with new and departing employees (includes currently 40 employees); determining and adding up reimbursable employee salary and benefits based on federal vs state funding; verifying revenue data against SAP budget report and deferring any discrepancies to the Financial Analyst in the department; and adding up college revenue in categories approved by SMAA.</li><li>• Responds to inquiries from SMAA and provides requested information, i.e. absence certification forms.</li><li>• Attends SMAA meetings and trainings on reporting requirements and compliance.</li></ul>	50%

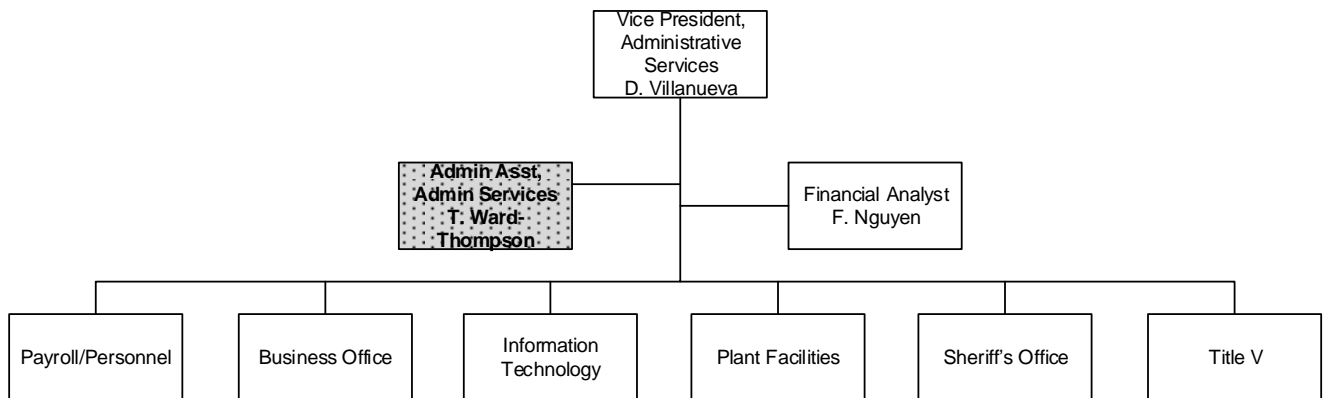
<ul style="list-style-type: none"> <li>• Schedules and maintains the campus' master facilities calendar.</li> <li>• Coordinates and oversees logistics, schedules, and other details of events hosted on campus.</li> </ul>	30%
<ul style="list-style-type: none"> <li>• Resolves last-minute processing issues with operational documents such as contracts, purchase requests, or purchase orders.</li> <li>• Monitors budgets of the Administrative Services Division and recommends and initiates adjustments in accounts.</li> </ul>	10%
<ul style="list-style-type: none"> <li>• Assists in the claims process for campus insurance, liability, and worker's compensation by answering inquiries and processing and submitting documents/forms to LACCD vendors.</li> </ul>	5%
<ul style="list-style-type: none"> <li>• Acts as liaison between the Vice President, Administrative Services, and administrative staff by coordinating activities and projects, conferring on matters requiring the supervisor's input or action, and relaying the Vice President's directives and instructions.</li> <li>• Schedules the Vice President's calendar.</li> <li>• Assists the Vice President, Administrative Services in preparing documents for DAC (District Administrative Council) and preparing agenda and minutes for the District Budget and Planning Committees.</li> <li>• Acts as the AQMD (South Coast Air Quality Management District) coordinator for the campus by ensuring adequate number of survey responses.</li> </ul>	5%

3. The classification concept for the employee's current classification of Administrative Assistant, Administrative Services, is based on providing paraprofessional staff assistance to a Vice President, Administrative Services, in executing his/her administrative responsibilities related to the business operations of the administrative services office. The classification concept for the class that the supervisor requested (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. Staff determined that the primary duties assigned to the employee fall within the scope of responsibilities of the class of Administrative Assistant, Administrative Services, because the employee performs a variety of paraprofessional-level support duties, which follow established policies and procedures, to relieve the Vice President, Administrative Services, of details relative to the business operations of his office. The employee's duties do not rise to the higher-level class of an Assistant Administrative Analyst because her duties do not entail conducting professional-level studies that require in-depth analysis and correlation of information for the administrative services office.



**LOS ANGELES COMMUNITY COLLEGE  
DISTRICT ORGANIZATIONAL CHART**

**LOS ANGELES MISSION COLLEGE  
-Administrative Services-**



**LOS ANGELES COMMUNITY COLLEGE DISTRICT**

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ute Severa

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

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

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

720

LAW AND RULES

~~December 18, 2012~~ January 15, 2020

720 NEPOTISM

**Education Code Section**

**88080. ~~Power of personnel commission to prescribe, amend and interpret rules.~~** (a) The commission shall prescribe and, amend, and interpret subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation, as defined in Section 3543.2 of the Government Code, and is included in a negotiated agreement between the governing board and that unit. The rules shall be binding upon the governing board, but shall not restrict the authority of the governing board provided pursuant to other sections of this code.

(b) No rule or amendment which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the commission until the exclusive bargaining representative and the community college employer of the classified employees who would be affected have been given reasonable notice of the proposal.

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



LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

720

LAW AND RULES

~~December 18, 2012~~ January 15, 2020

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

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

720

LAW AND RULES

~~December 18, 2012~~ January 15, 2020

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

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

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

**LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION**

**TO:** THE PERSONNEL COMMISSION

**FROM:** Ute Severa

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

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

The following substantive changes have been made to the rule:

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

**Education Code Sections**

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

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

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

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

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

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

**Labor Code Section**

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

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

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

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

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

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

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

703

LAW AND RULES

August 28, 2012 January 15, 2020

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

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

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

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

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

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

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

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

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

703

LAW AND RULES

~~August 28, 2012~~ January 15, 2020

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

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

703

LAW AND RULES

August 28, 2012 January 15, 2020

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

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



LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

703

LAW AND RULES

August 28, 2012 January 15, 2020

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

A. A regular classified employee, upon initial employment and upon each change in classification after initial employment, shall be provided with two copies of his/her class specification and information regarding salary data and work location, hours, and schedule in accordance with procedures established by the Human Resources Division. One copy shall be retained by the employee, and the other copy shall be signed and dated by the employee and returned to his/her supervisor.

~~BC.~~ Information of a derogatory nature shall not be included in an employee's personnel file unless and until that employee is given notice and an opportunity to review and comment on that information. The employee shall have the right to make a written statement regarding the derogatory materials, which shall be attached to the materials and placed in the employee's personnel file. ~~Absence from work by an employee for the purpose of reviewing materials of a derogatory nature, which are to be included in his/her personnel file, shall be compensable.~~

CB. Pursuant to Section 1198.5 of the Labor Code, the Office of Employee and Labor Relations shall make materials in an employee's personnel file available for inspection or produce a copy thereof for a current or former employee, or his/her authorized representative as follows:

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

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

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

703

LAW AND RULES

~~August 28, 2012~~ January 15, 2020

---

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