

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

**750 REASSIGNMENT OF EMPLOYEES BECAUSE OF DISABILITY**

**Education Code Sections**

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

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

**88081.** (a) The rules shall provide for the procedures to be followed by the governing board as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article.

(b) With respect to those matters set forth in subdivision (a) which are a subject of negotiation under the provisions of Section 3543.2 of the Government Code, such rules as apply to each bargaining unit shall be in accordance with the negotiated agreement, if any, between the exclusive representative for that unit and the public school employer.

**88098.** A regular employee who is determined by the governing board to be incapable of performing the duties of his or her class because of illness or injury may, at the discretion of the governing board, be assigned duties that he or she is capable of performing. The position to which the employee is assigned shall be subject to classification by the personnel commission, but the employees shall receive no increase in wage or salary because of his or her assignment to the position unless he or she is appointed from an eligibility list resulting from a competitive examination. In the event that the position is classified and allocated

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to a higher wage or salary than that previously attained by the employee, he or she may be assigned to the position without competitive examination, but shall continue to receive the wage or salary of his or her former classification. If the position is classified and allocated to a lower wage or salary than that attained by the employee, he or she shall be paid the wage or salary appropriate to the position.

- A. Regardless of the source or nature of the disability, a classified employees who is determined through the District's relevant procedures to be unable to perform the essential duties of their regular position shall be provided with reasonable accommodations in accordance with Title I of the Americans with Disabilities Act of 1990. Such reasonable accommodations shall be established through a Good Faith Interactive Process and may include but are not limited to:
1. Adapting existing physical facilities used by the employee.
  2. Restructuring the employee's job.
  3. Modifying work schedules.
  4. Adjusting or modifying training materials or policies.
  5. Reassignment to an available vacant position.
  6. Acquiring or modifying work equipment or devices.
  7. Providing qualified readers or interpreters.

Accommodations that would pose an undue hardship on the operations of the District are considered unreasonable and shall not be granted.

- B. In the event that the District determines through its relevant procedures that it cannot reasonably accommodate the work restrictions of an employee with a disability within their current position, the Personnel Commission shall evaluate the employee's education, experience, and current and past job classes to identify potential alternative placement opportunities in a lateral or lower-level class that may be available within a reasonable amount of time to the employee as a reasonable accommodation. The position to which the employee with a disability is reassigned shall be classified by the Personnel Commission. The employee shall be required to qualify for higher-level classes by examination. If a current active eligibility list exists for a potential alternative position identified by the Personnel Commission and the employee is required to qualify by examination for the position, a special examination administration shall be granted to the employee and if successful, the employee's name will be added to the eligibility list based on their score.

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- C. An employee with a disability who is appointed from an eligibility list to a higher class shall be paid the flat rate of the higher class, if applicable, or the step of the higher class which would apply upon promotion, in accordance with Rule 582, ALLOCATION TO APPROPRIATE SALARY STEP.

An employee with a disability who is reassigned to a lower class shall be placed on the flat rate of the lower class, if applicable, or the step that provides the least reduction from the rate achieved in the class in which permanent status has most recently been acquired.

- D. With the exceptions described above, reassignment under the provisions of this rule will not alter the employee's rights, burdens, and benefits, nor preclude subsequent reassignment in accordance with the above provisions.

The provisions of this rule are intended to be fully compatible with and enable the administration to comply with all laws and regulations issued by federal and state agencies relating to prohibition of discrimination against persons with a disability.

- E.. The time limits for return to a former or change to a related class set forth in the Education Code and other Personnel Commission Rules shall not apply to the placement of an employee with a disability.