LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

AGENDA / ORDER OF BUSINESS

Council Meeting
WEDNESDAY, NOVEMBER 9, 2011
9:00 A.M., HEARING ROOM *12-113*
BEAUDRY BUILDING, 12TH FLOOR

Personnel Commission Meeting
WEDNESDAY, NOVEMBER 16, 2011
3:00 P.M., BOARD ROOM
BEAUDRY BUILDING, 1ST FLOOR

1. Convene regular meeting. Roll call.

2. Approval of minutes of the meeting of October 19, 2011.

3. Receipt of minutes of the meeting of November 9, 2011.

CONSENT ITEMS

4. Ratification of reclassifications by Director's approval:

   a. Vacant position at Chatsworth High School, Local District 1, from Stenographic Secretary I ($13.64750-16.98650/hr.) to Office Technician ($11.79250-16.37700/hr.), effective November 3, 2011. (RDA 2921, Clerical Series)

   b. Position in the Food Services Division, Office of the Chief Operating Officer, from Cafeteria Helper ($10.79875-12.48813/hr.) to Food Service Worker ($1064638-13.23675/hr.), effective November 1, 2011. (RDA 196, Food Series)

5. a. Approval of Class Descriptions recommended, effective November 16, 2011:

   (Contract Administration Analyst
   (Assistant Contract Administration Analyst

   b. Authorization of field of competition in forthcoming examinations:

Class Title	Recommendation
Facilities Cost Analyst ($30.27625-37.78900/hr.) Class Description dated Janaury 24, 2007. Assistant Contract Administration Analyst ($29.17650-36.37125/hr.) Contract Administration Analyst ($30.83275-38.39188/hr. Class Descriptions dated November 16, 2011.	Promotional for all regular or retired employees of the District who meet the entrance qualifications specified in the Class Description and who have served at least 130 paid days in regular status in the Classified Service or have permanent status in the Certificated Service.

6. It is recommended that the following reclassification actions be ratified:

Case 10419C
Case 10419D
Case 10419E
Case 10419F
Case 10419G
Case 10419H

7. a. Title Change for the Class of "WE BUILD" Program Job Coordinator. (Case 10489B)

   b. Approval of revised Class Description recommended, effective November 16, 2011:

Small Business/We Build Coordinator

   c. Authorization of field of competition in forthcoming examinations:

Class Title	Recommendation
Small Business/We Build Coordinator ($29.06369-36.19875/hr.) Class Description dated November 16, 2011. Dual Certification.	Open; also promotional for all regular or retired employees of the District who meet the entrance qualifications specified in the Class Description and who have served at least 130 paid days in regular status in the Classified Service or have permanent status in the Certificated Service.

8. Recess to closed session in accordance with provisions of the Government Code (Section 54957) to consider:

   a. Public employee discipline/dismissal/release

   Public employee appointment

Examination Appeals

Continuation School Office Manager
Information Resources Support Assistant

   b. Public comment

Note: Public comment is for the purpose of hearing issues that are not addressed in staff or Hearing Officer reports. This time should not be used to attempt to re-hear the case. Speakers are requested to limit their comments to 1 - 1 ½ minutes with a maximum of 3 minutes for multiple speakers on the same side of an issue.

It is preferable that individuals wishing to address these cases do so by submitting a written statement to staff by the close of business on the Thursday preceding the Commission hearing.

9. Reconvene regular session.

10. Report of actions taken in closed session.

REGULAR ITEMS

11. Consideration of decision on the disciplinary appeal of :

    Renu Pandey

12. Consideration of decision on the examination appeals of:

    Maria Berger
    Linda Lastimosa
    David Padilla

13. Receipt of Monthly Reports of Disciplinary and Medical Appeals for the months of July, August, September and October 2011.

14. Receipt of Monthly Report of Examination Appeals for the month of October 2011.

15. Amendment of Rule 740, Layoff and Reemployment. (Case 10437) Tentative Approval Recommended, effective November 16, 2011.

    Purpose: To clarify existing procedures utilized to compute length of service credit, reemployment rights for retirees, and maintenance of reemployment lists to accommodate successive reductions in force.

16. Receipt of Special Informative Report in Response to Questions Raised by Stakeholders at the September 28, 2011 Personnel Commission Meeting.

17. Announcement of new term of office for Commissioner Mark Vargas to commence on December 1, 2011 and end on December 1, 2014.

18. Receipt of correspondence and recommended disposition. (See Addendum)

Notes: **If you would like to address the Personnel Commission on an agenda or non-agenda item and have handouts, please bring in five copies of the documents.**

Thank you for your assistance in this matter.

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

CLASS DESCRIPTION
Unit D
Class Codes

CONTRACT ADMINISTRATION ANALYST 2364
ASSISTANT CONTRACT ADMINISTRATION ANALYST 2365

DEFINITION

The Contract Administration Analyst provides journey-level work in support of contract administration and procurement activities associated with the development and/or negotiation of architectural and engineering, ~~procurement~~, construction, goods, general and/or professional services contracts. An Assistant Contract Administration Analyst performs less complex acquisitions and contract administration duties and performs fewer and/or less complex negotiation duties.

TYPICAL DUTIES

Performs a combination of the following contract administration duties:

- Develops solicitation documents and reviews and clarifies technical specifications for Requests for Proposals (RFPs), Invitations for Bids (IFBs), Requests for Qualifications (RFQ), and other contract related activities.
- Performs detailed analyses on contractor cost proposals, bids, amendments, and change orders to maximize value and minimize cost of goods and services to the District.
- Determines and makes recommendations regarding the timely and most cost effective methods of procuring goods and/or services under IFBs, RFPs, and RFQs.
- Schedules, conducts, and leads pre-bid and pre-proposal meetings and the source selection and evaluation process with administrators, customers, contractors, and other interested parties to clarify statement of work issues and coordinate responses regarding technical issues during the RFP process.
- Schedules, conducts, and leads pre-bid meetings with vendors, contractors, and other interested parties to clarify bid requirements and specifications and to coordinate responses regarding issues during the IFB process.
- Negotiates contract costs, terms, and conditions with multiple vendors to maximize value and minimize cost of services to the District.
- Drafts and reviews contractual documents consistent with District policies and California Education and Public Contract Codes.
- Evaluates bids and proposals for responsiveness and responsibility and prepares award recommendations for management review consistent with established policies.
- Administers and provides work direction for the preparation and maintenance of contract files and records.
- Researches and prepares reports and correspondence regarding technical contract issues.
- Participates in and conducts training sessions for school/office administrators to assist in compliance with contract policies and to maximize quality of goods and/or services and minimize costs.
- Ensures fair and open competition through the maximization of outreach activities, website postings, advertisements, announcements, and meetings.
- Makes oral presentations to management and policy makers regarding contract issues.
- Attends meetings on behalf of the administration to identify issues and make recommendations regarding changes in processes and/or procedures.

Conducts contractor debriefings regarding contract awards/non-awards.
Monitors contract compliance and negotiates amendments or change orders.
Reviews and approves contractor invoices.
Conducts closeout actions upon contract completion such as final audit, payment reconciliations, and deliverable verifications.
Act as a liaison between District sponsors and contractors.
Performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS AMONG RELATED CLASSES

A Contract Administration Analyst provides journey-level work in support of contract administration activities associated with the development and/or negotiation of complex procurement, construction, general and/or professional services contracts. An Assistant Contract Administration Analyst has less complex acquisitions and contracts and performs fewer and/or less complex negotiation duties.

~~A Contracts Supervisor supervises and participates in the negotiation, preparation, processing, and administration of contracts for goods, services, and insurance coverages.~~

A Contract Assistant supervises clerical staff and participates in a variety of technical and clerical processes related to proposals, bids and/or professional service contracts.

SUPERVISION

General supervision is received from a supervisory or management employee. Work direction may be exercised over the work of lower-level staff.

CLASS QUALIFICATIONS

Knowledge of:

Applicable local, State, and federal laws, rules, regulations, and policies governing public procurement and contract administration processes
Legal terminology related to procurement and/or contracts
Contract terminology, forms, legal entities, signatures, and bonds
Theories, principles, and practices of contract administration for public agencies
Microsoft Office

Ability to:

Analyze situations, identify problems, and recommend solutions.
Understand, interpret, and apply laws, rules, and procedures related to the contractual obligations of the Board of Education
Use language to facilitate ease of understanding in the preparation of various contracts, related documents, and reports
Communicate effectively verbally, both verbally and in writing
Organize and maintain files and keep accurate records
Work effectively with District personnel, vendors, and others
Negotiate contracts and service level agreements to obtain the best value

ENTRANCE QUALIFICATIONS

Contract Administration Analyst

Education:

Graduation from a recognized college or university, preferably with a degree in engineering, business or public administration, finance, school business administration, law, or related field. Experience in addition to that listed below may be substituted for the required education on a year-for-year basis provided that graduation from high school or evidence of equivalent educational proficiency is met.

Experience:

Three years of contract administration experience in a formal competitive bid environment negotiating and/or administrating acquisitions for professional services or goods and general services contracts. At least one year of the above experience must have included the development and administration of RFP and/or IFB documentation

or

Three years of architectural, engineering, or construction contract administration experience which included the execution or administration of architectural, engineering, or construction contracts or agreements.

Special:

A valid California Driver License.
Use of an automobile.

Assistant Contract Administration Analyst

Education:

Graduation from high school or evidence of equivalent educational proficiency, and sixty semester units or quarter unit equivalent from a recognized college or university. Experience in addition to that listed below may be substituted for the required education on a year-for-year basis provided that graduation from high school or evidence of equivalent educational proficiency is met.

Experience:

Two years of experience in the preparation, processing, execution, or administration of construction, ~~and/or~~ professional service, and/or goods and general service contracts.

Special:

A valid California Driver License.
Use of an automobile.

SPECIAL NOTE:

An employee in this class may be subject to the reporting requirements of the District's Conflict of Interest Code.

This class description is not a complete statement of essential functions, responsibilities, or requirements. Requirements are representative of the minimum level of knowledge, skill, and/or abilities. Management retains the discretion to add or ~~to~~ change typical duties of a position at any time.

Revised
11-16-11
GZ

SUBJECT TO THE APPROVAL
OF THE PERSONNEL COMMISSION

LOS ANGELES UNIFIED SCHOOL DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: JANALYN W. GLYMPH, Ph.D.

SUBJECT: **RECLASSIFICATION REPORT**

It is recommended that the following reclassification actions be ratified:

From:	Audit Supervisor ($35.73525-44.46700/hr.)	**To**:	Principal Internal Auditor ($36.72510-45.75527/hr.)
Location:	Office of the Inspector General	**Incumbent**:	L. Ceja (783670) (P30077083), Cost Center (1057001)

Retroactive compensation is to be granted in accordance with the provisions of Rule 591, October 7, 2011 to November 5, 2011.

Reason for Reclassification: Commission staff studied the subject position and found the assigned duties to be at the level of Principal Internal Auditor in that the incumbent is assigned to independently plan and conduct audits such as the Project Estimates at Completion (EAC) System audit. The incumbent reads and analyzes documentation such as EAC applications and documents found in Expedition database and interviews system owners, managers, and users to understand the internal controls. Additionally the incumbent develops all required work papers and documentation; prepares risk assessments to determine the nature of the audit; and prepares reasonable audit time budget.

Status of Incumbent: L. Ceja (783670) will transfer into the reclassified position in accordance with the provisions of Rule 715, or be otherwise assigned.

Approval Date: November 5, 2011

Case: 10419C KG/MT

From:	Audit Supervisor ($35.73525-44.46700/hr.)	**To**:	Principal Internal Auditor ($36.72510-45.75527/hr.)
Location:	Office of the Inspector General	**Incumbent**:	A. Gonzalez (730464) (P30076297), Cost Center (1057001)

Retroactive compensation is to be granted in accordance with the provisions of Rule 591, October 7, 2011 to November 5, 2011.

Reason for Reclassification: Commission staff studied the subject position and found the assigned duties to be at the level of Principal Internal Auditor in that the incumbent is assigned to independently plan and conduct audits such as the Facilities Change Orders audit. The incumbent reads and analyzes contracts and documentation found in Expedition database and interviews system owners, managers, and users to understand the internal controls and procedures. Additionally the incumbent develops all required work papers and documentation; prepares risk assessments to determine the nature of the audit; and prepares reasonable audit time budget.

Status of Incumbent: A. Gonzalez (730464) will transfer into the reclassified position in accordance with the provisions of Rule 715, or be otherwise assigned.

Approval Date: November 5, 2011

Case: 10419D KG/MT

From:	Audit Supervisor ($35.73525-44.46700/hr.)	**To**:	Principal Internal Auditor ($36.72510-45.75527/hr.)
Location:	Office of the Inspector General	**Incumbent**:	C. Cenon (776198) (P30077579), Cost Center (1057001)

Retroactive compensation is to be granted in accordance with the provisions of Rule 591, October 7, 2011 to November 5, 2011.

Reason for Reclassification: Commission staff studied the subject position and found the assigned duties to be at the level of Principal Internal Auditor in that the incumbent is assigned to independently plan and conduct audits such as the Project Funding Source Requirements audit. The incumbent reads and analyzes departmental documentation and interviews system owners, managers, and users to understand the internal controls and procedures. Additionally the incumbent develops all required work papers and documentation; prepares risk assessments to determine the nature of the audit; and prepares reasonable audit time budget.

Status of Incumbent: C. Cenon (776198) will transfer into the reclassified position in accordance with the provisions of Rule 715, or be otherwise assigned.

Approval Date: November 5, 2011

Case: 10419E KG/MT

From:	Audit Supervisor ($35.73525-44.46700/hr.)	**To**:	Principal Internal Auditor ($36.72510-45.75527/hr.)
Location:	Office of the Inspector General	**Incumbent**:	W. Y. Liu (797492) (30076567), Cost Center (1057001)

Retroactive compensation is to be granted in accordance with the provisions of Rule 591, October 7, 2011 to November 5, 2011.

Reason for Reclassification: Commission staff studied the subject position and found the assigned duties to be at the level of Principal Internal Auditor in that the incumbent is assigned to independently plan and conduct audits such as the Leasing and Space Utilization audit. The incumbent reads and analyzes departmental documentation and interviews system owners, managers, and users to understand the internal controls and procedures. Additionally the incumbent develops all required work papers and documentation; prepares risk assessments to determine the nature of the audit; and prepares reasonable audit time budget.

Status of Incumbent: W. Y. Liu (797492) will transfer into the reclassified position in accordance with the provisions of Rule 715, or be otherwise assigned.

Approval Date: November 5, 2011

Case: 10419F KG/MT

From:	Audit Supervisor ($35.73525-44.46700/hr.)	**To**:	Quality Control and Assurance Audit Specialist ($36.72510-45.75527/hr.)
Location:	Office of the Inspector General	**Incumbent**:	M. Cortes (783890) (30077335), Cost Center (1057001)

Retroactive compensation is to be granted in accordance with the provisions of Rule 591, October 7, 2011 to November 5, 2011.

Reason for Reclassification: Commission staff studied the subject position and found the assigned duties to be at the level of Quality Control and Assurance Audit Specialist in that the incumbent independently plans and conducts quality control and assurance reviews of ongoing and completed audits for the internal auditing unit. The incumbent also assists the Deputy Inspector General with updating the Audit Manual to ensure consistency with the Generally Accepted Government Auditing Standards; communicates and informs staff of new and existing quality control policies and procedures; and ensures that checklists are consistently used and completed by the audit staff in in compliance with standards and the organizations quality control policies and procedures.

Status of Incumbent: M. Cortes (783890) will transfer into the reclassified position in accordance with the provisions of Rule 715, or be otherwise assigned.

Approval Date: November 5, 2011

Case: 10419G KG/MT

From:	Audit Supervisor ($35.73525-44.46700/hr.)	**To**:	Quality Control and Assurance Audit Specialist ($36.72510-45.75527/hr.)
Location:	Office of the Inspector General	**Incumbent**:	J. Encarnacion (717048) (P30318050), Cost Center (1057001)

Retroactive compensation is to be granted in accordance with the provisions of Rule 591, October 7, 2011 to November 5, 2011.

Reason for Reclassification: Commission staff studied the subject position and found the assigned duties to be

at the level of Quality Control and Assurance Audit Specialist in that the incumbent independently plans and conducts quality control and assurance reviews of ongoing and completed audits for the internal auditing unit. The incumbent also prepares and presents written quality assurance reports to audit management and auditees of the findings of the review and recommends corrective action; assists the Deputy Inspector General with updating the Audit Manual to ensure consistency with the Generally Accepted Government Auditing Standards; communicates and informs staff of new and existing quality control policies and procedures; and ensures that checklists are consistently used and completed by the audit staff in in compliance with standards and the organizations quality control policies and procedures.

Status of Incumbent: J. Encarnacion (717048) will transfer into the reclassified position in accordance with the provisions of Rule 715, or be otherwise assigned.

Approval Date: November 5, 2011

Case: 10419H KG/MT

SUBJECT TO THE APPROVAL
OF THE PERSONNEL COMMISSION

LOS ANGELES UNIFIED SCHOOL DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: JANALYN W. GLYMPH, Ph.D.

SUBJECT: **TITLE CHANGE FOR THE "WE BUILD" PROGRAM JOB COORDINATOR CLASSIFICATION**

RECOMMENDATION:

It is recommended that, effective November 16, 2011, the following class, positions, and all employment lists be reclassified, for the purpose of title change only:

From Current Title	To Proposed Title
"We Build" Program Job Coordinator	Small Business/ We Build Coordinator

BASIS OF RECOMMENDATION:

The proposed change in the class title will better reflect the concept of the We Build outreach program as a function of the Small Business Enterprise. As a result of the consolidation of the Facilities Contracts Branch and the Procurement Services Division, incumbents assigned to this class will be responsible for assisting the coordination of outreach development programs focused on increasing small business participation and the contractor and labor pool. The class description with moderate changes has been submitted for approval in conjunction with this report.

Status of Incumbent(s): The title change will have no effect on the status or seniority of the incumbents.

Approved:

JWG/HV

C: Workforce Management Branch
Files Unit

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

CLASS DESCRIPTION
Class Code 4010
Unit D

SMALL BUSINESS/ ~~"~~WE BUILD~~" PROGRAM JOB OUTREACH~~ COORDINATOR

DEFINITION

Coordinates small business outreach activities and ~~D~~develops ~~construction~~ career opportunities for District residents through the "We Build" Program and other career programs on Los Angeles Unified School District's construction projects. ~~; and provides direction to clients including orientation, assessment, admission and graduation from the Program.~~

TYPICAL DUTIES

Assists in the development, marketing and execution of seminars and/or symposiums for contractors, architects, engineers, construction management professionals, and goods and service providers to increase competitiveness of the small business enterprise.

Provides information to District personnel, community groups, business and trade organizations, education agencies, and the public concerning the procurement policies and procedures applicable to the Los Angles Unified School District's Procurement Services and the Facilities Services Division.

Meets with general contractors, sub-contractors, and the local trade unions to arrange job placement and apprenticeship enrollment for "We Build" graduates on Los Angeles Unified School District ~~construction~~ projects.

~~Mentors "We Build" graduates for enrollment into trade union apprenticeship programs and construction site job placements.~~

Monitors the "We Build" Program's ~~construction~~ training programs at designated Division of Adult and Career Education Occupational and Skills Centers by reviewing trainee evaluations, skills progress, training track, and attendance records.

~~Coordinates with We Build Community Representative at training location for monthly tracking and reporting participants' employment status.~~

Develops and maintains partnerships with District~~-wide public and private institutions,~~ representatives, small businesses, trades unions, community~~-based~~ and ~~organizations,~~ faith-based organizations, and local agencies~~,~~ to ~~recruit and~~ help support participation in the school building construction program and procurement services process including "We Build" students and graduates.

Conducts work-site visits to evaluate the progress of the construction project and identify possible manpower needs.

~~Assesses the training and experience of program participants and matches them with the needs of the contractor.~~

Refers participants to other social services support programs and agencies as case warrants.

Represents the District's Small Business Enterprise ~~"We Build" Program~~ at community events and meetings to provide information to prospective employers, small business owners, and other participants about eligibility requirements, training curriculum, business and contracting opportunities, and construction career opportunities with the District.

Prepares publications, press releases, research and briefing documents, summary sheets, marketing materials, small business utilization summaries, and other reports.

Develops and maintains master calendar for LAUSD's ~~"We Build", We Build Green, iSee,~~ Small Business and Contractor Academy programs.
May counsel participants on performance concerns or attendance issues.
Performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS AMONG RELATED CLASSES

A Small Business ~~"We Build" Job Outreach~~ Coordinator assists in the development and coordination of the small business enterprise and develops ~~construction~~ career opportunities for District residents through the "We Build" Program on Los Angeles Unified School District's construction projects.

~~The Deputy Director of Program Support Services assists in the daily administration of the branch; participates in planning, organizing, and directing branch functions; carries out particularly complex or sensitive projects, and acts for the Director of Program Support Services as required.~~

The Small Business Manager directs the development and implementation of various outreach programs and activities to increase the contractor and labor pool of outside construction companies competing for LAUSD bond-funded construction, architecture, engineering, professional service contracts, and goods and service providers.

SUPERVISION

General supervision is received from a higher-level administrator. ~~Supervision~~ Work direction may be exercised over lower-level personnel.

CLASS QUALIFICATIONS

Knowledge of:

Pre-apprenticeship and State-governed apprenticeship ~~construction~~ training programs
Procedures and entrance requirements for each local trade union's apprenticeship program
Available ~~construction~~ workforce development resources
Potential employment barriers ~~regarding construction jobs~~
All applicable laws, regulations, and codes related to the Small Business Administartion ~~construction~~ and apprenticeship employment
Principles and practices of the construction and goods and service industry
Project Labor Agreement (PLA) use in public works projects specifically pertaining to local hire and apprenticeship training

Ability to:

Establish and maintain effective working relationships with District personnel, governmental agencies, private organizations, and the community
Work effectively with individuals from a variety of educational, socioeconomic, ethnic backgrounds and different age levels
Work well under pressure within tight timeframes
Exercise sound judgment
Communicate effectively, both orally and in writing
Prioritize multiple projects simultaneously

Recognize, analyze, and deal effectively with problems and issues
Operate a computer to enter data, maintain records, and generate reports
Prepare and deliver oral presentations

ENTRANCE QUALIFICATIONS

Education:

Graduation from a recognized college or university with a Bachelor's degree preferably in public administration, business administration, ~~architecture, construction, or engineering~~, or a ~~closely~~ related field. Qualifying experience beyond that required may be substituted for the required education on a year-for-year basis.

Experience:

Three ~~Five~~ years of experience in community outreach coordinating with contractors, faith-based organizations, or other community organizations preferably in small business or workforce development that includes ~~case management,~~ pre-apprenticeship training~~,~~ and compliance with State-governed apprenticeship placement requirements ~~job placement in the construction industry~~.

Special:

A valid California Driver License.
Use of an automobile.

This class description is not a complete statement of essential functions, responsibilities, or requirements. Requirements are representative of the minimum level of knowledge, skill, and abilities. Management retains the discretion to add or change typical duties of a position at any time.

Revised and title change from
"We Build" Program Job Coordinator
11-16-11
HV

SUBJECT TO THE APPROVAL
OF THE PERSONNEL COMMISSION

LOS ANGELES UNIFIED SCHOOL DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: JANALYN W. GLYMPH, Ph.D.

SUBJECT: **AMENDMENT OF RULE 740, LAYOFF AND REEMPLOYMENT (TENTATIVE APPROVAL)**

EXPLANATION:

The proposed amendments indicated below reflect a clarification of existing procedures utilized when computing length of service credit, reemployment rights for retirees, and maintenance of reemployment lists to accommodate successive reductions in force. Minor editorial amendments have also been made.

With the increased need to appoint from reemployment lists to limited-term positions it is necessary to clarify that no additional seniority will be accrued for these types of non-regular assignments. Also clarified is that these types of temporary assignments have no bearing on the employee's reemployment rights.

To ensure conformity with Ed Code Section 45115 a section is being added regarding the process of filing a service retirement in lieu of layoff and the method for reinstating.

Finally, modifications are needed to document our policy regarding seniority driven reemployment lists to ensure conformity with Ed Code Sections 45308 and 45298 and the maintenance of one reemployment list per classification with the need to manage the list to accommodate successive reductions in force.

It is, therefore, recommended that tentative approval be granted to the amendment of the rules listed below, effective November 16, 2011.

AMENDMENTS:

740 LAYOFF AND REEMPLOYMENT

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A. Computing Length of Service

Length of service for the purpose of establishing retention lists shall be computed as follows:

1. Service credit shall be determined by the date of hire in regular status in the class and includes

   a. regular assigned time in any higher class;

   b. assigned time in any senior management position, but such time shall only be credited to classifications in which the employee has underlying regular status;

~~b~~ c. time on the following paid leaves: industrial accident or industrial illness, maternity, military, and personal illness;

~~c.~~ d. assigned time in provisional status shall count in the class ~~from~~ in which the incumbent has regular status; provisional time will be counted in the higher class if the employee is subsequently appointed to the higher class before July 1, 2010, however, time in provisional status will not be counted towards the higher class even if the employee is subsequently regularly appointed on or after July 1, 2010 to the higher class;

~~d.~~ e. time on the following unpaid leaves: apprentice training; industrial accident or industrial illness as provided in Rule 804; leave prior to layoff as provided in Rule 741; maternity; military as provided in Rule 820; Peace Corps, Red Cross, or Merchant Marine as provided in Rule 805; and retraining and study;

~~e.~~ f. time served by a regular employee after being granted a salary differential as provided by Rule 581 will be counted in the higher class if the employee is appointed to the higher class before July 1, 2010, however, time served by a regular employee after being granted a salary differential as provided in Rule 581 will not be counted in the higher class if the employee is appointed to the higher class on or after July 1, 2010;

~~f.~~ g. time served in restricted status if the employee qualified for regular status without a break in service.

~~f. time served in a senior management position in a classification in which the employee has underlying regular status.~~

2. Time in a regular assignment served prior to a break in service shall not be counted in computing seniority unless the employee is reinstated, reemployed in regular status, or appointed in regular status from an eligibility list within 39 months after layoff.

3. Time served in substitute, temporary, or limited-term assignments by eligibles from a reemployment list shall accrue no additional seniority.

~~3~~ 4. When reclassification results in the merger of two or more classes or the separation of a class into two or more classes, seniority of a continuing regular employee whose former class has been abolished shall be counted from the date determined by the Personnel Commission to be the date the incumbent started regularly and continuously to perform the duties identified as the basis for the reclassification. Such a determination shall be made at the time that the reclassification is approved.

~~4~~ 5. When all or a portion of the positions in a class is reclassified to a class on the same salary range, the extent of seniority credit to be granted incumbents of affected positions shall be determined by the Personnel Commission. The Commission will base its decision on the amount of seniority credit to be granted on the following factors and others that are pertinent to the case:

a. the date of any change in the class description for the employee's former or new class

b. the date of any pertinent change in the classification plan

c. the date of any significant change in assigned duties or responsibilities as evidenced by 80.4 forms, memoranda, or requests for reclassification

d. the date of introduction of any new forms, equipment, procedures, or other conditions affecting the position

e. any date that will serve to establish the approximate date the employee first started performing the duties or responsibilities that provided the basis for reclassification of the position.

~~5~~ 6. Except as provided in Paragraphs A.~~3~~4 and A.~~4~~5, above, an employee transferred from one class to another shall not be credited in the new class with seniority accumulated in the class from which transferred.

~~6~~ 7. When it is necessary to break a tie in seniority for the purpose of determining which employee is to be laid off or reassigned, the employee to be retained shall be the one who

a. has the greater total seniority with the District

b. in case the tie remains, had the higher rank on the eligibility list from which the tied employees were appointed.

"Total seniority with the District" shall include service in a Public Service Employment (PSE) class provided that, on or after January 1, 1981, the employee was appointed without break in service to a regular position in the Classified Service.

B. Bumping and Placement -Rights

1. When an employee must be displaced from a class because of layoff, bumping, or restoration of an employee with the right to a position, the employee who has the least seniority in the class shall be laid off first. Notice shall be sent by the Personnel Commission via U.S. certified mail (return receipt requested) to the affected employee not less than 45 days prior to the effective date. During an inactive period of an assignment basis, affected employees shall be laid off effective at the close of the day immediately preceding the day on which they would normally have reported to work in accordance with their individual assignment basis. Bumping and placement rights shall be operative on the day following the effective date of layoff.

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* * *

C. Employee Rights and Privileges

1. The rights and privileges described below apply to a regular employee who has

   a. been laid off

   b. been bumped by a person with greater seniority

   c. been displaced from a class because of reclassification of position

   d. taken voluntary demotion to remain in the same position after reclassification

   e. accepted demotion, transfer, or reduction in status in lieu of layoff from the District

   f. returned from leave of absence and could not be assigned in the same class

   g. failed to complete a probationary period in a class and could not be assigned in a class in which permanency had previously been achieved

   h. accepted reduction in assignment basis of ten days or more because of the lack of bumping rights and placement opportunity

   i. accepted reduction from full-time to part-time employment because of the lack of bumping rights and placement opportunity

   j. exhausted all paid and unpaid illness, industrial illness, or industrial accident leave and does not return to duty.

   k. filed for a service retirement in lieu of layoff

2. When any of the conditions described in Paragraph C.1, above, exist, a single reemployment list for the classification shall be established which shall contain the names of all employees with regular status in the class who have been laid off, demoted, or have had their hours or basis reduced because of lack of work or lack of funds. ~~A reemployment list may be established for a class, for positions on a specific assignment basis, for full-time positions, or for a combination thereof.~~ Names on the reemployment list shall be ranked in accordance with their proper seniority as determined by length of service. A reemployment list shall be used before any other means of filling a vacancy in the class or category for which the list was established. Reemployment rights exist for 39 months, except that no time limit applies to an employee who has taken voluntary demotion or reduction in assigned time in lieu of layoff.

3. A laid-off employee shall retain rank on any eligibility list on which his/her name appears.

4. A permanent employee who has been laid off from the District shall continue to be a promotional candidate in examinations during the 39-month reemployment period.

5. As provided in Education Code Section 45298, the Commission may grant the privilege of return to former class for up to 24 months after the 39-month reemployment period of employees subject to Paragraph C.1.d, above.

6. Employees who file in writing with the Employment Transactions Services Branch for service retirement in lieu of layoff shall be placed on an appropriate reemployment list in accordance with their proper seniority.

D. Certification from a Reemployment List

1. Persons shall be certified from ~~a~~ the reemployment list for the classification in order of seniority ~~the reverse order of layoff~~, provided that the person is willing and able to report for duty ~~of~~n the effective date of the appointment or within 14 days after the offer of reemployment has been made, whichever is later. If an employee who filed for a service retirement in lieu of layoff subsequently accepts reemployment in writing, the vacancy shall be maintained until the employee's request for reinstatement from retirement has been properly processed. In cases of limited-term appointments, the former employee must be willing and able to report for duty on the effective date of the appointment, or the employee will be considered unavailable for the appointment.

2. An employee on a reemployment list may be employed as a substitute or limited-term employee in a class in which he or she has reemployment rights or any other class for which the employee is qualified. No seniority shall accrue for such substitute or limited-term assignments as provided by Paragraph A.3 above; however, the employee shall remain on the reemployment list and retain all reemployment rights to a regular assignment consistent with his or her seniority.

~~2~~ 3. A name may be removed from a reemployment list only for the following causes:

a. Conviction of a crime or crimes which would be sufficient to support dismissal of a permanent employee.

b. Conduct which would cause dismissal under the provisions of Section 45303 of the Education Code.

c. Failure to report for review of loyalty or criminal record as directed.

d. Making false statements or omitting a statement as to any material fact on an application form or health history form.

e. Dismissal for cause from employment subsequent to layoff.

Written notice of removal and the reason therefor~~e~~ shall be provided to the employee, who shall be afforded and notified of appeal rights identical to those provided in Rule 600.

~~3~~ 4. An employee who has been notified of impending layoff from the District may be directed to report for medical examination. A person whose name appears on a reemployment list may be given a medical examination prior to certification. Subject to the conditions described below, the employee may be considered unable to report for duty and may be passed over in the order of certification until the prescribed standards are met.

a. The standards applied in the medical examination shall be no more stringent than those that would be applied to a continuing employee to determine fitness for duty.

b. No person shall be withheld from reemployment because of a health or medical condition that existed prior to layoff or because of a normal progressive deterioration of such medical or physical condition. Such a person may be placed on illness leave or other appropriate leave after reemployment, if necessary. While on such leave, the employee shall receive seniority credit for the purpose of retention in case of future layoff. Failure to obtain a District-approved medical examination as directed at the time of layoff shall be sufficient reason to deny the benefits of this paragraph.

c. Written notice of non-approval and the reason therefor shall be provided to the employee, who shall be afforded and notified of appeal rights identical to those provided in Rule 600.

~~4~~ 5. If a former employee cannot meet legal requirements to perform the prescribed duties of the class of reemployment, his/her name shall be withheld from certification until those requirements are met.

JWG/SD

SUBJECT TO THE APPROVAL
OF THE PERSONNEL COMMISSION

LOS ANGELES UNIFIED SCHOOL DISTRICT

TO: THE PERSONNEL COMMISSION

FROM: JANALYN W. GLYMPH, Ph.D.

SUBJECT: **SPECIAL INFORMATIVE REPORT IN RESPONSE TO QUESTIONS RAISED BY STAKEHOLDERS AT THE SEPTEMBER 28, 2011 PERSONNEL COMMISSION MEETING**

On September 28, 2011, parents, employees, and members of the community were invited to provide feedback on the implementation of the 2011-2012 Reduction-in-Force in an effort to hear their concerns and to seek answers to some of the most frequently asked questions. At the meeting, it was requested that the answers be provided in a formal report for receipt by the Personnel Commission at a subsequent meeting. After hearing from over 14 speakers, the questions were summarized into the three categories of Mid-Year Disruption, Funding, and Seniority.

Background

The District recently implemented Version 5 (V5) of the Reduction-in-Force (RIF) with classified employees transitioning out of the District or into new assignments effective September 26, 2011. According to the Superintendent's 2011-2012 Final Budget Report, this "Full Crisis" scenario included reductions that affected almost all areas of the District. Reductions included school-site cuts such as class size increases in K-8, and administrator, counselor, nurse, and clerical reductions; as well as central and local district office staff reductions. On June 30, 2011 the Board was asked to approve the 2011-2012 Final Budget which represented a concerted effort to retain core services for our students.

Although planning began in February of this year, several factors contributed to the delay of the V5 implementation. Once planning began, a RIF timeline was established by the Personnel Commission and a freeze on all position transactions was implemented by the Senior Deputy Superintendent of School Operations. The budget development process began and schools and offices submitted their proposed cuts to Budget Services in March. These changes were entered in the "budget tool", (a database used to capture all proposed cuts and other types of assignment reductions across the District). The intent was that once the budget development process ended, Budget Services would validate the RIF data and produce a final file for the Personnel Commission; after which, the Personnel Commission would begin its seniority calculations and placements of the affected incumbents. Due to various needs and requests outside of the Personnel Commission, the budget development process was extended to allow schools and offices to make additional changes in the budget. The delay in closing the budget caused a change in the RIF implementation date which ultimately delayed the release of the RIF letters. Per the Education Code, employees in regular status who are scheduled to be affected by RIFs must be given 45-day notice prior to the effective date of the RIF action. If there had been no delays in the budget development process or collective bargaining negotiations, the RIF letters would have gone out mid-May with an effective date of July 1, 2011. However, because of the aforementioned factors, the RIF letters were released on August 12, 2011 with an effective date of September 26, 2011.

I. Mid-Year Disruption

What can be done to avoid mid-year disruptions, as Classified employee transitions during the first month of school make it untenable for all.

The District has an educational and operational interest in maintaining and sustaining the continuity of the instructional program and ensuring student safety. The minimization of disruptions to school and offices and actions that promote a stable workforce all contribute to those interests.

Schools are expected to complete their budgets by the end of March of each fiscal year.
School site decisions surrounding what positions are funded, (including the basis and hours of those positions) are used as the basis for determining the RIF list. Budget Services expects to deliver the RIF list to Personnel Commission in mid-April for an implementation date of July 1. Mid-year disruptions may be minimized once this timeline is adhered to. However, there are complex factors, such as the impact of Collective Bargaining, the Governor's May Revise, and other extenuating circumstances, that the District cannot control that may trigger mid-year disruptions and potentially impact the budget development calendar.

The timely negotiation of furlough days and job restoration agreements with our bargaining partners is another key component in minimizing disruptions to school sites and offices. The Office of Staff Relations enters into negotiations once it is provided bargaining authority from the Board of Education. Such authority decisions are tightly aligned to the general fund budget balancing decisions the Board must make early in each calendar year. Uncertainties surrounding State budget decisions and a fixed March 15 certificated reduction-in-force Education Code deadline all contribute to the timing and decisions involved in the delegation of negotiating authority.

Nevertheless, once Board authority is granted, the District has an important interest in gaining furlough agreements when appropriate to allow for the restoration of general-fund position reductions as soon as possible. Once agreements with individual unions are reached, those agreements are ratified by union membership, and then adopted by the Board of Education. Budget and the Personnel Commission can then begin the process of job restoration and the corresponding return and assignments processes.

Recently, Dr. Deasy noted that the District still faces possible catastrophic mid-year cuts in 2011-2012. This is because the State budget has currently funded K-12 education on the assumption that $4 billion in new revenue will be realized over the course of this year. However, built into the budget are a series of mid-year reductions which will automatically be "triggered" if State revenues fall short of the $4 billion target. Further, and in addition to funding for public education in California being at an all-time low compared to other states across the nation, the State's budget also redirected $1.7 billion in redevelopment agency funding toward public education. This action has sparked a lawsuit that could reverse this funding; thereby causing additional reductions in public education and requiring massive mid-year cuts. For LAUSD, a mid-year budget cut caused by the "trigger" could mean a loss of hundreds of millions of dollars.

II. Funding

A. *Why are parents unable to have a say in who will occupy a position that they have privately funded?*

LAUSD's classified employees are organized according to the merit system, which is a form of civil service based upon the concept of seniority. Both the Education Code (*see, e.g.*, § 45308) and Personnel Commission Rule 740 require that layoffs in a merit district be implemented in reverse order of seniority. Employees with lesser seniority – in terms of days worked within a job classification – are laid off before employees with greater seniority.

Bumping and reemployment rights are similarly structured upon seniority (*see, e.g.*, Education Code § 45298). Employees with greater seniority not only have priority rights to vacant positions, they can actually displace employees who are their junior.

Allowing parents to decide who will occupy privately-funded positions would require deviations from this seniority system mandated by the Education Code. Parents might wish to fill privately-funded positions with employees who have low seniority. If the District were to allow such deviations from seniority, it would be violating the law and exposing itself to litigation and liability, not to mention union grievances and unfair practice charges filed with the Public Employment Relations Board (PERB).

In addition, deviations from seniority would thwart the expectations of thousands of employees who have invested years of service with the District and have come to rely on certain protections of their rights.

B. *Can the money be returned to them after a RIF occurs and the school loses the person that they specifically funded in a specific classification, for that specific school?*

The existing policy states that any occupied position must be funded. However, if the school can identify other funds to fund the position then the private dollars can be returned. Given the volume of RIFs over the last several years, the Personnel Commission constantly reminds everyone that positions—not people—are purchased.

III. Seniority

What is the basis for bypassing an employees' merit when filling a position behind a bumped or RIF'd employee?

In filling the positions of RIF'd or bumped employees, the District does not bypass merit. In fact, the merit system, which preconditions hiring on successful scores on job examinations, ensures that any employee within a job classification is qualified to perform the job duties of that classification. Since all employees within a classification fulfill the requisite job requirements, their order of hiring is dictated by seniority, rather than by relative (or comparative) performance evaluations.

Additionally, the Personnel Commission staff is dedicated to meeting the District's needs during this time of RIFs and budget uncertainty. Resources and support are provided to the Classified Service and can be accessed through the Personnel Commission website.

IV. Going Forward

The plan for moving includes several approaches which are designed to mitigate the effects of the disruption caused by budget deficits and the corresponding loss of valuable staff.

Basis Stabilization:

The purpose of this approach is to establish a common basis for job classifications that affect school sites and multiple business divisions. This solution will reduce the shuffling of employees that occurs as a result of having multiple bases; thereby minimizing the disruption caused by the reduction-in-force process.

Mid April 2012 Receipt of V6:

With the Board's approval of the Early Start Calendar, the District will to do everything within its control to adhere to the timelines. The Personnel Commission expects to receive a final file of budget cuts by April 1, 2012. The 45-day notice to affected employees will be mailed on May 15, 2012 with an implementation date of July 1, 2012. This will ensure that staff is in place prior to the beginning of school (August 14, 2012).