Education Code Sections

88080. (a) The commission shall prescribe, 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.

A. A prospective candidate, under consideration for regular, temporary, or provisional appointment, may be rated-in above the minimum step of the established salary schedule for the following job classifications as prescribed in this rule:

1. a classified executive, administrative, or supervisory job classification as defined in Rule 596, OVERTIME, or

2. a highly specialized professional information technology job classification, or
3. A professional job classification at the journey-level or higher when the eligibility list resulted in a limited number of eligibles and a delay in filling the position would negatively impact important District operational activities

Under no conditions will salary placement beyond the established maximum step of the established salary schedule be authorized.

B. Rating-in is a pre-employment process which is used at the discretion of the hiring authority. Requests for rating-in submitted after employment has begun or directly by a prospective or newly hired employee on his/her own behalf will be returned with no action.

C. A request for rating-in (PC Form C583) must be initiated by an authorized hiring authority and endorsed by the applicable College President or Division Head prior to the start date of employment and is subject to final approval by the Deputy Chancellor or his/her designee and the Personnel Director of the Personnel Commission.

D. The following factors are taken into consideration in evaluating a rating in request above the minimum step:

   a. Verifiable relevant formal education and/or training which notably exceeds the minimum requirements of the applicable job classification and which distinguishes the candidate from other candidates eligible for the position.

   b. Verifiable relevant work experience which notably exceeds the minimum qualifications for the applicable job classification and which distinguishes the candidate from other candidates eligible for the position.

   c. Superior position related skills, competencies, and accomplishments which make the candidate distinctly well-qualified for the position in comparison to other candidates eligible for the position.

   d. Verifiable wages earned by the candidate in his/her current and relevant position. In the event that the candidate has simultaneously held more than one relevant position during the time period that is being evaluated for rating-in purposes, the verifiable wages earned in those positions may be taken into consideration in the evaluation of the request.

   e. General and/or special compensation policies and practices of the candidate’s current and relevant employer or the Los Angeles Community College District which would have a negative impact on the candidate’s willingness to accept employment at the minimum salary step. Examples include, but are not limited to, mandatory participation in retirement systems, union membership, employer-paid social security,
actually received bonuses, and conditions of the labor market on which the candidate’s current and relevant salary were based.

f. Periods of unemployment or unverifiable employment immediately preceding potential employment with the District. In considering the candidate’s unemployment status, the reasons for, duration of, and context, including but not limited to factors such as labor market conditions and employment trends.

g. The importance/criticality of the position to be filled and the effect on the District if it is not filled or the filling is delayed.

h. Existing labor market conditions, including the availability and quality of candidates for the same or similar positions.

i. Cost of living variations between a candidate’s current state of residence/worksite and the State of California, Greater Los Angeles area.

j. Past practices related to rating-in individuals in comparable and/or related job classifications.

k. Pay equity issues, including but not limited to, the salaries being earned by current employees in the same job classification.

E. Nothing shall preclude the Personnel Director from taking necessary steps to verify the validity of a candidate’s wages earned and employment history in conjunction with a rating-in request.

F. Any employee who has been rated-in in accordance with this rule shall in the succeeding year be advanced to the next higher step of the salary schedule on the first day of the same pay period in which the rating-in became effective, provided that he/she meets the paid status requirement as outlined in Personnel Commission rule 578, SALARY STEP ADVANCEMENT WITHIN CLASS FOR REGULAR EMPLOYEES. Subsequent advancement on the salary schedule shall be based on the cycle thus established.