

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

501

LAW AND RULES

November 14, 2001

501 PRELIMINARY STATEMENT

A. Statutory Authority for Rules

The rules contained herein are established pursuant to the authority of the Personnel Commission under Article 6 (commencing with Section 45240) of Chapter 5 of Division 3 of the Education Code, and other provisions of the Education Code applicable to school districts that have adopted the merit system.

B. Interpretation and Application of Rules

The Commission recognizes that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent; however, specific, applicable provisions of the rules shall not be waived or ignored because of the special circumstances of particular cases. Notwithstanding the foregoing, specific provisions of certain rules may be suspended or amended when such proceedings are necessary to continue the business of the District during a concerted labor action. The Commission is open to responsible suggestions to amend the rules with prospective application; however, no rule amendment or new rule shall be applied retroactively.

If the subject matter and procedure in a rule is within the scope of representation, as defined in Government Code Section 3543.2, a rule shall be applicable as follows:

1. If a collective bargaining contract deals with the subject matter and procedure, the rule shall not apply to employees in the unit.
2. If a rule provides for a benefit, and a contract does not provide for that benefit, the benefit shall not be available to employees in the unit unless that benefit is required by law.
3. If a rule prescribes a procedure and a contract does not, the rule shall apply to employees in the unit.

C. Generic Terminology

As used in these rules, singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular.

D. Judicial Review

If judicial review or a change in law invalidates any or a portion of any of these rules, such finding or amendment shall not affect the validity of the remainder of the rule or other rules or provisions.

CHANGE:

Rule amended to eliminate references to gender.

Remove: May 19, 1986.. Add: November 14, 2001.

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