

701 PROBATIONARY AND PERMANENT STATUS

Education Code Sections

88088. Any person who has been continuously employed in a position defined as a position in the classified service for a period of six months immediately preceding the date on which the procedure set forth in this article is adopted shall be deemed to be in the permanent classified service. No layoff or suspension of service during the time when the schools of the district are not in session shall count as an interruption of continuous service.

88089. All persons who have been continuously employed by a community college district for less than six months immediately preceding the date on which the procedure set forth in this article is adopted shall be deemed to hold their positions under probationary classification.

88120. (a) A person who has served an initial probationary period in a class not to exceed six months or 130 days of paid service, whichever is longer, as prescribed by the rules of the commission shall be deemed to be in the permanent classified service, except that the commission may establish a probationary period in a class not to exceed one year for classes designated by the commission as executive, administrative, or police classes. To receive permanent classified service status, each full-time peace officer and public safety dispatcher employed by a community college district operating a dispatch center certified by the Commission on Peace Officer Standards and Training shall serve in a probationary status for a period not less than one year from their date of appointment to that full-time position.

(b) An employee shall not attain permanent status in the classified service until that employee has completed a probationary period in a class. A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional classification shall be employed in the position from which the employee was promoted. In any case, the rules of the commission may provide for the exclusion of time while employees are on a leave of absence. The rights of appeal from disciplinary action before attainment of permanent status in the classified service shall be in accordance with Section 88124.

(c) To the extent that this section, as amended by Assembly Bill 275 of the 2021–22 Regular Session, conflicts with a provision of a collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative before January 1, 2022, pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, the changes made to this section by Assembly Bill 275 of the 2021–22

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Regular Session shall not apply to the community college district until expiration or renewal of that collective bargaining agreement.

(d) To the extent that this section, as amended by Senate Bill 874 of the 2021–22 Regular Session, conflicts with a provision of a collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative before January 1, 2023, pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, the changes made to this section by Senate Bill 874 of the 2021–22 Regular Session shall not apply to the community college district until expiration or renewal of that collective bargaining agreement.

- A. A regular employee, except for an employee serving in a “restricted” position pursuant to Personnel Commission Rule 518, POSITIONS CLASSIFIED AS “RESTRICTED,” or an employee serving in a senior management position pursuant to Personnel Commission Rule 519, SENIOR ADMINISTRATIVE POSITIONS AND EMPLOYEES, shall attain permanent status in the Classified Service after they have successfully completed a probationary period in a class.
- B. A regular employee who serves an initial probationary period in a class shall acquire permanent status according to the following conditions:
1. If the employee is assigned to a position in a class not designated as Executive or Administrative, in Rule 596, OVERTIME, they shall acquire permanent status in the class provided that:
 - a. the employee has received pay in that class for 130 days.
 - b. the days served in probationary status in that class constitute at least 75 percent of the days during which the employee could have been employed under their particular assignment basis code.
 2. If the employee is assigned to a position in a class designated as Executive or Administrative in Rule 596, OVERTIME, they shall acquire permanent status in the class provided that:
 - a. the employee has received pay in that class for 260 days.
 - b. the days served in probationary status in that class constitute at least 75 percent of the days during which the employee could have been employed under their particular assignment basis code.
- C. Any employee who is assigned to a regular position in a class in which they do not have permanent status shall be required to serve a probationary period in that class. The following provisions apply:
1. An employee who is subject to a new probationary period must serve at least 75 percent of the required 130 or 260 days in paid status in active on-the-job performance of the duties of a position

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- in the class. Completion of the probationary period will not occur until the on-the-job percentage requirement has been met.
2. A former employee reinstated as a permanent employee in a related lower class in which they have not previously completed a probationary period shall be required to serve a probationary period in that class.
 3. A former employee who is not reinstated or reemployed, but is appointed from an eligibility list must serve a probationary period in the same manner as a new employee.
 4. A laid-off employee who is appointed to a position from a most appropriate reemployment list and does not satisfactorily complete the required probationary period of the position, shall be eligible to keep their name on the reemployment list for the class from which they were laid-off.
 5. An employee who serves in a position in the classes of SFP Program Director, SFP Program Specialist, SFP Program Technician, or SFP Program Office Assistant and is appointed to an equal or related lower SFP position shall be required to serve a new probationary period in that class.
- D. A probationary employee who promotes to a higher regular or limited-term position and later returns to their lower class shall not have the paid days served in the higher class applied towards completion of the probationary period in the lower class. The days previously served in the lower class shall be counted towards the days required to gain permanency in that lower class.
- E. A probationary part-time employee who is temporarily assigned to a full-time position and later returns to their part-time position shall have the paid days served in the temporary full-time position counted towards completion of the probationary period in the part-time position. The days previously served in the part-time position shall be counted towards the days required to gain permanency in the regular part-time position's class.
- F. An employee who has been reclassified for purposes other than a title change shall be required to serve a new probationary period in their reclassified position. The period shall begin on the effective date of the Personnel Commission action.
- G. An employee shall be required to serve a new probationary period in a position in their former class, if more than 39 months have lapsed since their last regular assignment in the former class.

Note: Additional sources of reference: Rules 740 & 771.