

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

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LAW AND RULES

April 12, 2023

518 POSITIONS CLASSIFIED AS "RESTRICTED"

Education Code Sections

88005. (a) Nonacademic positions created by a governing board of a school district under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965, or Section 11300 or Section 13650 of the Welfare and Institutions Code, any future federal or state legislative enactment, or any other special funding, and which are not a part of the regular school program shall, nevertheless, be a part of the classified service as established by Section 88003 or Section 88076 of this Code.

Persons employed in such positions shall be classified employees and shall enjoy all of the rights, burdens and benefits accorded other classified employees. Their selection and retention shall be made on the same basis as that of persons selected for positions that are a part of the regular school program.

(b) Notwithstanding the provision of subdivision (a), if specially funded positions are restricted to employment of persons in low-income groups, from designated impoverished areas and other criteria which restricts the privilege of all citizens to compete for employment in such positions, all such positions shall, in addition to the regular class title, be classified as "restricted." Their selection and retention shall be made on the same basis as that of persons selected and retained in the positions that are part of the regular school program, except that persons employed in the following categories of restricted positions shall not be subject to the provisions of Section 88091 or 88092:

(1) The position of instructional aide, as defined in Section 88243.

(2) Any other position involving personal contacts with students or parents that is established to assist school-staff personnel responsible for school-community relations; educational support services for such areas as counseling, library or health; or the correction or prevention of behavioral problems.

Persons employed in positions properly classified as "restricted" shall be classified employees for all purposes except:

(A) They shall not be accorded employment permanency under Section 88013 or Section 88120 of the Education Code, whichever is applicable.

(B) They shall not acquire seniority credits for the purposes of Sections 88117 and 88127 of the Education Code or, in a district not having the merit (civil

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service) system, for the purposes of layoff for lack of work or lack of funds as may be established by rule of the governing board.

(C) The provisions of Sections 88106 and 88108 shall not apply to “restricted” employees.

(D) They shall not be eligible for promotion into the regular classified service or, in districts that have adopted the merit system, shall not be subject to the provisions of Section 88061, until they have complied with the provisions of subdivision (c).

(c) At any time, after completion of six months of satisfactory service, a person serving in a “restricted” position shall be given the opportunity to take such qualifying examinations as are required for all other persons serving in the same class in the regular classified service. If the person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, he or she shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. His or her service in the regular classified service shall be counted from the original date of employment in the “restricted” position and shall continue even though he or she continues to serve in a “restricted” position.

(d) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

(e) It is the intent of the Legislature in enacting this section to clearly set forth that positions normally a part of the classified service are included therein regardless of the source of income to sustain the positions and to effectively implement specially funded programs intended to provide job opportunities for untrained and impoverished persons but to do so in a manner that will not be disruptive nor detrimental to the normal employment procedures relating to classified school service.

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88008. If the governing board of a community college district establishes positions in the categories described below and restricts initial appointments of new employees to persons in low-income groups or residing in specifically designated areas of the community, then such positions shall, in addition to the regular class title, be classified as “restricted.” The positions shall be part of the classified service and persons so employed shall be classified employees for all purposes except that (1) they shall not be subject to the provisions of Section 88091 or 88092, and (2) they shall not acquire permanent status or seniority credit and shall not be eligible for promotion into the regular classified service until they have complied with the provisions of subdivision (c) of Section 88005.

The categories of positions for which the governing board may establish restrictions under this section are:

- (a) The position of instructional aide, as defined in Section 88243.
- (b) Any other position involving personal contacts with students or parents, that is established to assist college staff personnel responsible for college-community relations; educational support services for such areas as counseling, library, or health; or the correction or prevention of behavioral problems.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060).

88079. If the governing board of any community college district establishes positions and restricts initial appointment of new employees to mentally, physically, or developmentally disabled persons, then such positions shall, in addition to the regular class title, be classified as “restricted.” The positions shall be part of the classified service and persons so employed shall be classified employees for all purposes except that they shall not be subject to the provisions of Section 88091 or 88092, and that they shall not acquire permanent status or seniority credit and shall not be eligible for promotion into the regular classified service until they have complied with the provisions of subdivision (c) of Section 88005.

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- A. “Restricted” classes may be established by the Personnel Commission for the following purposes only:
1. Employment of mentally, physically, or developmentally disabled persons; or
 2. When a specially funded program agreement between the District and the appropriate granting agency states that, in order for the program to be carried out effectively, persons must be hired from low income groups, from designated impoverished areas, or who meet other criteria established by the granting agency.
- B. Individuals employed in “Restricted” positions shall enjoy all of the rights, burdens, and benefits accorded other classified employees, including health benefits, except that they shall not be accorded any of the benefits of permanency until reclassified into the counterpart unrestricted class as prescribed in Paragraph F. Upon being granted permanency in the counterpart unrestricted class, seniority credit shall be counted from the original date of employment in the “restricted” position.
- C. Satisfactory documentation from an appropriate authority certifying that a person meets the requirements for employment in a “restricted” class must be submitted to the Personnel Commission for review and approval prior to the person’s appointment to a “restricted” class.
- D. Vacant positions designated as “restricted” shall be filled without competitive procedures.
- E. Appointments to a restricted class from an appropriate eligibility list may be made any time on or after the promulgation date of the applicable eligibility list.
- F. After completion of 130 days of paid, satisfactory service, an employee serving in a “restricted” position shall be reclassified to the counterpart unrestricted class provided that:
1. The employee satisfactorily completes a qualifying examination for the counterpart unrestricted class which is the same or comparable to the examination required for all other persons; or
 2. The employee was appointed to a “restricted” position from an eligibility list for a counterpart unrestricted class; or
 3. The employee's name appears on a current eligibility list for a counterpart unrestricted class.

An employee who meets the aforementioned requirements shall be reclassified with their position regardless of their ranking on the eligibility list.

- G. No provisional appointment shall be made to a “restricted” position.