

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

537

LAW AND RULES

November 9, 2022

537 PART-TIME EMPLOYEES

Education Code Sections

88035. All probationary and permanent part-time classified employees shall be entitled to sick leave, and all other benefits conferred by law on classified employees. Part-time employees shall be entitled to all leaves and benefits granted by the governing board to a majority of the regular full-time employees in the classified service of the district or to regular full-time employees in the same classified positions or general class of positions; but such leaves and benefits may be prorated in the same ratio as the regular work hours per day, days per week, weeks per month, or months per year of such part-time employees bear to 8 hours per day, 40 hours per calendar week, 4 calendar weeks per month, or 12 calendar months during the school year.

Except for prorating benefits for part-time employees as herein authorized, the governing board shall provide at least the same benefits for all regular employees in the classified service as it provides for majority of such employees.

Nothing in this section shall be construed to prohibit the granting of additional benefits for some employees in recognition of nature of work, level of classification, or length of service.

This section shall not apply to employees properly designated as substitute, short-term, or limited-term employees, as defined in Sections 88003 and 88105, unless such employees are specifically included by a governing board, or by a personnel commission for those districts included under the provisions of Article 3 (commencing with Section 88060) of this chapter.

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.

This section shall not apply to those benefits authorized under the provisions of Article 1 (commencing with Section 53200) of Chapter 2 of Part 1, of Division 2 of Title 5 of the Government code.

88036. A classified employee who works a minimum of 30 minutes per day in excess of his or her part-time assignment for a period of 20 consecutive working days or more shall have his or her basic assignment changed to reflect the longer hours in order to acquire fringe benefits on a properly prorated basis as specified in Section 88035.

If a part-time employee's average paid time, excluding overtime for which the employee receives compensation at a rate at least equal to time and one-half, exceeds his or her average assigned time by 50 minutes or more per working day in any quarter, the hours paid per day for compensable leaves of absence and holidays in the succeeding quarter shall be equivalent to the average hours paid per working day in the preceding quarter, excluding overtime.

Except where vacation entitlement is accrued on the basis of actual hours of paid regular service, vacation entitlement shall be based on the average number of hours worked per working day during the portion of the college year in which the employee is assigned to duty.

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It is the intent of the Legislature, in enacting this section, to ensure that part-time employees are accorded fringe benefits on an appropriate prorated basis with full recognition given to the number of hours worked by the part-time employee, rather than on the basis of time fixed to the position when the fixed time is not reasonably correlated with the actual time worked. This section is to be liberally construed in order that Section 88035 may not be circumvented by requiring employees to work in excess of the regularly fixed hours for a position on an overtime basis but for which premium pay is not provided nor appropriate adjustment is not made in fringe benefit entitlement.

88076. (a) The commission shall classify all employees and positions within the jurisdiction of the governing board of the community college district or of the commission, except those that are exempt from the classified service, as specified in subdivision (b). The employees and positions shall be known as the classified service. "To classify" shall include, but not be limited to, allocating positions to appropriate classes, arranging classes into occupational hierarchies, determining reasonable relationships within occupational hierarchies, and preparing written class specifications.

(b) The following positions and employees are exempt from the classified service:

- (1) Academic positions.
- (2) Full-time students employed part time.
- (3) Part-time students employed part time in a college work-study program or in a work experience education program conducted by a community college that is financed by state or federal funds.
- (4) Apprentice positions.
- (5) Positions established for the employment of professional experts on a temporary basis for a specific project by the governing board of a community college district or by the commission when so designated by the commission.

(c) Employment of either full-time or part-time students in a college work-study program or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.

(d) Nothing in this section shall prevent an employee, who has attained regular status in a full-time position, from taking a voluntary reduction in time and retaining his or her regular status under the provisions of this law.

(e) A person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exceptions listed above shall not be employed outside the classified service.

(f) A part-time position is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87 1/2 percent of the normally assigned time of the majority of employees in the classified service.

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(g) An employee employed by a community college district in a part-time playground position as of the effective date of the laws placing part-time playground positions into the classified service shall be deemed a permanent employee of the community college district without placement on an eligibility list under Section 88091 or examination under Section 88092.

- A. A part-time position is one for which the assigned time is less than 87 ½ percent of one full-time equivalent position (1 FTE) position in the classified service.
- B. An employee with regular status in a part-time position or positions, shall become a permanent employee when they have met the time requirements of Rule 701, PROBATIONARY AND PERMANENT STATUS. Permanency shall be granted only as a part-time employee.
- C. Regular part-time employees are entitled to the same leaves and benefits granted to regular full-time employees in their job classification except that the leaves and benefits will accrue on a prorated basis consistent with the employee's assigned time.

In order to receive health benefits, the employee needs to be assigned to a minimum of .5 FTE position.

- D. A part-time employee may be assigned to a full-time position in their class, if:
 - 1. they are permanent in the class; and
 - 2. the eligibility list from which they were appointed to the class has expired or the employee is reachable on the active eligibility list for the class; and
 - 3. there is no person available from the reemployment list for the class.
- E. A part-time employee who has gained full-time status shall not be involuntarily returned to part-time status except through regular layoff or demotion procedures.
- F. A part-time employee's salary shall be proportional to the salary of a full-time employee in the same position and based on the employee's assigned time. This rule shall not nullify other rules and regulations or acts of the Board of Trustees authorizing pay to employees when absent from duty.
- G. A regular employee in the classified service who works a minimum of 30 minutes per day in excess of their part-time assignment for a period of 20 or more consecutive working days, shall have their basic assignment changed to reflect the longer hours in order to acquire fringe benefits on a properly prorated basis.