

**LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION**

LAW AND RULES

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April 10, 2019

671 LIMITED-TERM ASSIGNMENTS AND APPOINTMENTS

Education Code Section(s)

88105. Limited-Term Employees. Whenever the appointing power requires the appointment of a person to a position, the duration of which is not to exceed six months, or, in case of an appointment in lieu of an absent employee, is not to exceed the authorized absence of that employee, he or she shall submit a request in which the probable duration of the appointment is stated. Eligible persons shall be certified in accordance with their position on the appropriate employment list and their willingness to accept appointment to such a position as limited-term employees. Limited-term employees shall be subject to those conditions affecting status and tenure during and after the employment as the commission may by rule determine.

88106. Provisional Appointments. When no eligibility list exists for a position in the classified service, an employee may receive provisional appointments which may accumulate to a total of 90 working days. A 90-calendar-day interval shall then elapse during which the person will be ineligible to serve in any full-time provisional capacity. No person shall be employed in provisional capacities under a given governing board for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position, as defined in Section 88076, successive 90 working days provisional appointments may be made to the part-time position for a total of more than 126 working days in any one fiscal year.

88107. Provisional Assignment: Extension. The personnel commission may authorize the extension of a provisional employee's assignment for a period not to exceed 36 working days, if all of the following requirements are met:

(a) An examination for the class was completed during the first 90 working days of his or her provisional assignment.

(b) Evidence satisfactory to the personnel commission is presented indicating all of the following:

(1) That an adequate recruitment effort has been and is being made.

(2) That extension of the provisional assignment is necessary to carry on vital functions of the district.

(3) That the position cannot be satisfactorily filled by use of other employment lists or procedures.

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88108. Successive Provisional Appointments. Successive provisional appointments of 90 working days or less each may be made in any class in the absence of an appropriate eligibility list; provided, that continuous examination procedures for the class have been authorized by the commission. Such successive provisional appointments may be made and persons employed in temporary capacities under a given governing board for a total of more than six months in any one year. Such appointments may continue for the length of time for which they were made, but may not be extended if a certification can be made from an appropriate eligibility list. While this section is in effect, it shall supersede any other provisions of this article which are in conflict with this section, but only to the extent there is a conflict.

88109. Emergency Appointments. The appointing power may, to prevent the stoppage of public business when an actual emergency arises and persons on eligibility lists are not immediately available, make appointments for a period not to exceed 15 working days, in accordance with commission rule.

Government Code Section

20480. (a) An out-of-class appointment by a contracting agency employer or a school employer shall not exceed a total of 960 hours in each fiscal year.

(b) A contracting agency employer or school employer shall track the hours worked by an employee serving in an out-of-class appointment and report that service to the system no later than 30 days following the end of each fiscal year.

(c) The compensation for an appointment described in subdivision (a) shall be pursuant to a collective bargaining agreement or a publicly available pay schedule.

(d) (1) An employer who violates this section shall pay penalties to the system according to the following:

(A) An amount of money equal to three times the employee and employer contributions that would otherwise be paid to the system for the difference between the compensation paid for an appointment described in subdivision (a) and the compensation paid and reported to the system for the member's permanent position, for the entire period or periods the member serves in an out-of-class appointment.

(B) Reimbursement for administrative expenses incurred in responding to this situation.

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(2) Penalties paid to the system pursuant to this subdivision are not normal contributions or additional contributions that would stand to the credit of a member's individual account.

(e) The member shall bear no liability, obligations, or expense as a result of the unlawful actions of the employer with respect to this section.

(f) For purposes of this section, "out-of-class appointment" means an appointment of an employee to an upgraded position or higher classification by the employer or governing board or body in a vacant position for a limited duration.

(g) For purposes of this section, "vacant position" refers to a position that is vacant during recruitment for a permanent appointment. "Vacant position" does not refer to a position that is temporarily available due to another employee's leave of absence.

- A. Substitute, relief, and special limited-term assignments and provisional and emergency appointments are made for a limited period of time to accommodate temporary and special workforce needs.
- B. Any continuing assignment in the classified service with a duration in excess of six months, except for substitute assignments, shall be filled by regular appointment procedures in accordance with Education Code provisions and Personnel Commission Rules relating to certification and appointment.

All applicable continuous limited-term assignments are included in the determination of whether an employee's assignment record has reached the six month limit.

- C. Substitute, relief, and special limited-term assignments shall be filled in accordance with Personnel Commission rules relating to certification and appointment except when a special job classification has been established exclusively for use in making limited-term assignments.

Limited-term positions that begin during the summer shall be filled, insofar as practicable, by the appointment of employees who are regularly assigned on other than a 12-month assignment basis, provided that:

- 1. The employees are regularly assigned in a class where all the positions in the class have other than a 12-month assignment basis.
- 2. The employees express a willingness to serve the full term of the limited-term, summer assignment.

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- D. When a permanent employee has established eligibility for a class, the employee may request that their name be certified to limited-term assignments in that class.
1. If the limited-term assignment is for less than 20 working days, the employee may be given leave to accept the appointment, at the discretion of their division head or college president. If leave is denied, the employee shall be considered unavailable, and the employee's name shall be passed over on the employment list.
 2. If the limited-term assignment is of 20 working days' or longer duration, the employee shall be given leave to accept the appointment. A certification to a limited-term assignment under this subparagraph may be rescinded only at the request of the employee, and a name shall be passed over only if the employee refuses the appointment.
 3. Each assignment shall stand alone in the determination of whether subparagraph 1. or 2., is applicable; however, a limited-term assignment shall not be fragmented in order to avoid application of subparagraph 2., above.
- E. If a regular employee is to be assigned from an eligibility list, limited-term assignments of six months or more shall be filled by regular appointment.
- F. A substitute assignment is an assignment to a regular position in the absence of a regular employee who is expected to return to their regular position.
- Substitute assignments may be made in the same job classification or a lower classification provided that the duties and responsibilities of the position are appropriately changed to reflect the appropriate job classification for the period of the assignment.
- G. A relief assignment is an assignment which temporarily augments the number of positions in a given organizational unit. Relief assignments are for the purpose of completing a specific project, or to meet a peak workload demand.

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- Relief positions must be established for a specific duration which shall not exceed six months in any one fiscal year. Each request to establish a relief position shall set forth the probable duration of the position and the type of duties to be assigned to the position.
- H. A special limited-term assignment is an assignment to a regular vacant position which will facilitate an impending reclassification, reorganization, layoff, reduction in hours, concerted labor action, or resolution of an employee appeal or investigation.
1. The Personnel Director shall authorize special-limited term assignments, subject to ratification by the Personnel Commission.
 2. The maximum duration of special limited-term assignments shall not exceed six months.
 3. Employees on special limited-term assignments have the same rights and obligations as provided by rule for employees on relief assignments.
 4. A special limited-term assignment shall be terminated when the reason for its authorization no longer exists.
- I. A provisional assignment is an appointment to a vacant regular position or limited-term assignment which is made in the absence of an eligibility list or the availability of a sufficient number of eligibles on an appropriate eligibility list.
1. A provisional appointee to any class shall meet the entrance qualifications specified in the appropriate class description.
 2. An applicant who has failed an examination for a class for which a provisional assignment opportunity exists is ineligible for such an appointment for a period of six months from the date they failed the examination.
 3. If no available person meets the entrance qualifications, a conditional provisional assignment may be made. The request for each such conditional provisional assignment shall be accompanied by the appointing authority's explanation of the existing need, and is subject to approval by the Personnel Director. Upon approval of the conditional provisional assignment, the conditional appointee shall be notified in writing that he or she does not meet the entrance qualifications for the class and, therefore, is not qualified at that time to compete in the examination for the class.
 4. Full-time provisional assignments are limited to 90 working days or if the conditions outlined under paragraph I. 5.c. are met to 126 working days in a

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fiscal year. A 90-calendar-day interval shall then elapse during which the person will be ineligible to serve in any full-time provisional capacity.

When a regular employee is appointed to a provisional assignment in a regular vacant position in a higher job classification than the employee's current position, the employee's total work hours in the provisional assignment shall be limited to 960 hours in a fiscal year. This limit does not include hours paid for holidays, vacation, sick leave, and other paid absences.

5. A provisional appointee shall be terminated from the limited-term assignment within 30 calendar days after the date on which certification can be made for the class except as provided below:
 - a. The provisional appointee is serving in a regular or limited-term position and there are less than three ranks with eligibles who are ready and willing to accept the assignment; or
 - b. An appointment has been made from an eligibility list within the 30 calendar day period and the appointee will not report until after the 30 calendar day period. In such instances the provisional employee may continue until the day before the selected appointee reports for work except that the foregoing shall not extend any full-time provisional assignment beyond the 126-working-day limitation imposed by Education Code Section 88106.
 - c. In the absence of continuous examination procedures for a class, the Personnel Director may authorize the extension of a full-time provisional assignment for not more than 36 working days beyond the original 90-working-day limitation, upon receipt of a request for the extension and satisfactory evidence that the following conditions apply:
 1. An examination for the class was completed during the first 90 working days of the provisional assignment.
 2. An adequate recruitment effort has been and is being made as determined by the Personnel Director.
 3. Extension of the provisional assignment is necessary to carry on vital functions of the district.
 4. The position cannot be satisfactorily filled on a regular basis by use of other employment lists or procedures.

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6. No provisional appointment shall be granted if a recruitment and examination process for a job classification has commenced except for cases where it can be demonstrated by the hiring authority that a provisional appointment is critical to avoid the disruption of vital services in a department. Such requests shall be subject to approval by the Personnel Director.
- J. Emergency appointments may be made in order to prevent the stoppage of public business when an actual emergency arises and there is not enough time to canvass employment lists, provided that:
 - a. The emergency appointment does not exceed 15 working days.
 - b. Service under emergency appointments shall be credited for purposes of layoff, vacation, illness leave, and salary adjustment, only if and as provided by Personnel Commission rule.
 - c. Each such emergency appointment shall be reported in writing by the appointing authority to the Personnel Commission. The report shall include a description of the emergency, the date of vacancy, the date of appointment, and the name of appointee.

An emergency appointment cannot be used to extend the applicable limit on the employment of any person in provisional status.