

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

518

LAW AND RULE

January 1, 2001

518 POSITIONS CLASSIFIED AS "RESTRICTED"

Education Code 45105

(a) Positions not requiring certification qualifications 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 11 300 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 45103 or 45256.

Persons employed in these 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) (1) Notwithstanding subdivision (a), if specially funded positions are restricted to employment of persons in low-income groups, from designated impoverished areas or other criteria which restricts the privilege of all citizens to compete for employment in the positions, all these 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 positions that are a part of the regular school program, except that persons employed in the following categories of restricted positions shall not be subject to Section 45272 or 45273:

(A) The position of instructional aide, as defined in Section 45343.

(B) Any other position involving personal contacts with pupils 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.

(2) 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 45113 or 45301, whichever is applicable.

(B) They shall not acquire seniority credits for the purposes of Sections 45298 and 45308 or, in a district not having the merit (civil 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.

CHANGE:

To reflect changes in the law.

Remove: (Reissue) August 28, 1978, page 1 of 7. Add: January 1, 2001, page 1 of 4.

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(C) Sections 45287 and 45289 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 45241, 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 qualifying examinations that 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 6 (commencing with Section 45240) 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 in the classified service 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.

Education Code 45108

If the governing board of any school 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 45272 or 45273, 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 45105.

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

CHANGE:

To reflect changes in the law.

Remove: (Reissue) August 28, 1978, page 2 of 7. Add: January 1, 2001, page 2 of 4.

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- (a) The position of instructional aide, as defined in Section 45343.
- (b) Any other position involving personal contacts with pupils 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.

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 6 (commencing with Section 45240) of this chapter.

Education Code 45259

If the governing board of any school 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 they shall not be subject to the provisions of Section 45272 or 45273, 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 45105.

- A. Employees of the District employed under Section 45105, 45108, or 45259 of the Education Code are governed by the rules of the Personnel Commission and shall enjoy all the rights, burdens, and benefits accorded other classified employees, except that "restricted" employees shall not be accorded any of the benefits of permanency.
- B. Positions established pursuant to Education Code Sections 45105, 45108, or 45259 shall be classified as "restricted," in addition to the title of the appropriate class. All requests for such classification shall be subject to appropriate evidence of action or agreement by the Board of Education as required by law.
- C. Vacant positions described as "restricted" by Education Code Section 45105 (b) (1) subsections (A) and (B), shall be filled without competitive procedures. Although persons employed in "restricted" positions of this type are not required to take an entry examination, they will, when eligible, be subject to examination in order to enter the regular classified service, as detailed in Paragraph H. of this Rule. "Restricted" positions established under Education Code provisions not cited above shall be subject to the provisions of Education Code Sections 45272 and 45273; selection and appointment shall be made in accordance with Paragraph D, E, and H of this Rule.
- D. No provisional appointments shall be made to any "restricted" positions exempt from competitive procedures.

CHANGE:

Rule amended to improve clarity.

Remove: January 15, 1985, page 3 of 7. Add: (Reissue) January 1, 1985, page 3 of 4.

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June 23, 1986

- E. If area of residency is the sole basis for restriction of eligibility for initial employment in positions subject to Section 45105 (b) or Section 45108, the area shall be determined as follows:
1. Elementary and Secondary Schools (with the exceptions noted in No. 2 below):

A circular area with the school as the center and the radius determined by the lineal distance from the school to the farthest point in the school's attendance area.
 2. Early Education Centers, Opportunity High Schools, all schools and centers of the Division of Adult and Career Education and the Special Education Division, and all other locations:

A circular area with the place of employment as the center and a radius of five miles.
- F. Separate eligibility lists by designated geographic areas may be established for "restricted" classes. When required by federal law, eligibles on a specific geographic list must reside in that geographic area at the time of the examination and must be assigned within that geographic area. "Restricted" positions subject to federal law but not subject to competitive procedures must be filled by persons residing, at the time of appointment, within the geographic area of the position to be filled. For purposes of Rule 642, each eligibility list established under this rule will be treated as an eligibility list for a separate class. Paragraph D of Rule 642 is not applicable to eligibility lists established pursuant to Education Code Sections 45105, 45108, and 45259.
- G. Separate eligibility lists based upon the criteria of the pertinent specially funded program may be established for "restricted" classes. Certification of eligibles from a list for a "restricted" class shall be determined by the specific criteria of the program.
- H. After completion of six months of satisfactory service, a person serving in a "restricted" position shall be given the opportunity to take the same or comparable examination required of all candidates for the same class. If the candidate satisfactorily completes the qualifying examination, regardless of ranking on the list, that person shall be accorded the full rights, benefits, and burdens of any other classified employee serving in the regular classified service. Seniority credit for purposes of layoff or promotion shall be computed from the original date of employment, or from January 1, 1976, if prior to that date the employee was in provisional status in a position meeting the requirements for exemption from competitive procedures.
- I. When a person serving in a "restricted" position has attained permanent status the person may be transferred, promoted, or otherwise assigned to another "restricted" position without loss of permanent status.

CHANGE:

Deleting Paragraph I. Relettering Paragraph J. to I.

Remove: January 25, 1982, page 4 of 4. Add: June 23, 1986, page 4 of 4.

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