

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

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LAW AND RULES

January 1, 2001

671 LIMITED-TERM ASSIGNMENTS

Education Code 45286

Whenever the appointing power shall require the appointment of a person to a position, the duration of which is not exceed six months, or, in case of an appointment in lieu of an absent employee, is not to exceed the authorized absence of said employee, the appointing power shall submit a request in which the probable duration of the appointment is stated. Eligibles shall be certified in accordance with their position on the appropriate employment list and their willingness to accept appointment to such positions as limited-term employees. Limited-term employees shall be subject to conditions affecting status and tenure during and after such employment as the commission may rule determine. Notwithstanding these limitations on the duration of these positions, the commission may, based on a declaration of an emergency by the President of the United States or the Governor, authorize an extension that may not exceed one year. The duties of the extended position must be related to the emergency.

Education Code 45287

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 45256, successive 90 working days provisional appointments may be made to the part-time position for a total of more than 126 working day in any one fiscal year.

Education Code 45288

The personnel commission may authorize the extension of a provisional employee's assignment for a period not to exceed 36 working days provided the following requirements are met:

- (a) An examination for the class was completed during the first 90 working days of his provisional assignment.
- (b) Evidence satisfactory to the personnel commission is presented indicating:
 - (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.

CHANGE:

Reissue of page. No change in text.

Remove: (Reissue) December 1, 1968, page 1 of 5. Add: January 1, 2001, page 1 of 5.

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(Reissue) January 1, 1975

Education Code 45289

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 (commencing at Section 45240) which are in conflict with this section, but only to the extent there is conflict.

Education Code 45290

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.

CHANGE:

Reissue of page. No change in text.

Remove: January 1, 1975, page 2 of 5. Add: (Reissue) January 1, 1975, page 2 of 5.

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LAW AND RULES

September 8, 2008

A. DEFINITIONS

1. A "regular position" is a position that is established with an expected duration of more than six months.
2. A "substitute assignment" is an appointment in a regular position to provide a temporary replacement for the regular employee.
3. A "relief assignment" is an assignment to a limited-term position that is established for not more than six months, except that the Commission may, based on a declaration of an emergency by the President of the United States or the Governor, authorize an extension that may not exceed one year, provided the duties of the extended position relate to the emergency.
4. A "special limited-term assignment" is an appointment of not more than six months to a vacant regular position, authorized only under the conditions prescribed in Paragraph E, below.
5. The term "provisional" means that the employee has not qualified by examination or other means for regular appointment or for election to the substitute and relief list for the class.

B. A substitute or special limited-term assignment may be made in a lower-paid classification in the same Series as the regular position provided that the duties and responsibilities are appropriately altered for the period of that assignment.

C. Certification to substitute, relief, or special limited-term assignments shall be made in the order prescribed below, provided that persons on employment lists have contacted the Employment Transactions Services Branch of the Personnel Commission and indicated their availability for limited-term employment and are available for the specific assignments. Upon authorization of a special limited-term assignment by the Personnel Commission, all persons on the eligibility list and reemployment list for the class shall be contacted by the Employment Transactions Services Branch of the Personnel Commission to determine their availability for assignment.

1. Reemployment list for the class.
2. Most appropriate reemployment list, as designated by the Personnel Commission.
3. An unranked list of regular employees in the same or related classes provided that they meet the entrance qualifications for the class of the assignment and their regular assignments do not include the period of the limited-term assignment.
4. The eligibility list for the class.
5. The substitute or relief list established in accordance with Rule 647.

CHANGE:

To reflect changes in the law and language.

Remove: May 22, 2002, page 3 of 5. Add: September 8, 2008, page 3 of 5.

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September 8, 2008

D. An assignment may be made in provisional status in a regular or limited-term position or in a substitute or special limited-term assignment in the absence of eligibles with higher precedence as prescribed in Rule 659 or in Paragraph C., above. A provisional assignment may also be made to a regular position between the time that a regular appointee has been selected and the time that employee reports for duty.

1. If a provisional appointee does not meet the entrance qualifications of the class of the assignment, the appointee must sign an acknowledgment that he/she does not meet the entrance qualifications and, therefore, is not qualified at that time to compete in the examination for the class.
2. An "emergency appointment" is a provisional appointment of not more than 15 working days, made when an actual emergency exists and there is insufficient time to canvass employment lists. Each emergency appointment shall be accompanied by
 - a. the Personnel Commission staff's certification that an emergency exists and that canvassing has commenced, and
 - b. the initial date of vacancy in the position, the date on which the Employment Transactions Services Branch of the Personnel Commission was notified of the vacancy, and the date canvassing commenced.

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

3. In the absence of continuous examination procedures for a class, the Personnel Commission may authorize extension of a full-time provisional assignment for not more than 36 working days beyond the original 90-working day limitation, if the Personnel Commission receives a request for the extension and if there is evidence satisfactory to the Personnel Commission that
 - a. an examination for the class was completed during the first 90 working days of the provisional assignment
 - b. an adequate recruitment effort has been and is being made
 - c. extension of the provisional assignment is necessary to carry on vital functions of the District
 - d. the position cannot be satisfactorily filled on a regular basis by use of other employment lists or procedures

The Personnel Commission shall act on the request at its regularly scheduled meeting next following receipt and public announcement of the request.

CHANGE:

Rule amended to update outdated language and clarification of existing procedures.

Remove: August 31, 1987, page 4 of 5. Add: September 8, 2008, page 4 of 5.

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August 10, 1994

4. The assignment of a provisional appointee who fails to establish regular status in the class shall be terminated within 30 working days after an eligibility list is established, provided that at least three eligibles are available for the position, and that this 30 day period does not extend beyond the limitation of 90 working days or 126 working days for provisional assignments. The aforementioned 30 working day limitation does not apply to successive provisional appointments, which include the initial provisional appointment, made in classes where continuous examinations are being conducted. Such appointments may continue for the length of time for which they were made, but may not be extended if there are at least three eligibles available for the position. The 90 working day or 126 working day provisional assignment limitation does not apply in classes where continuous examinations are being conducted nor to part-time positions.
- E. Subject to ratification by the Personnel Commission, the Personnel Director may authorize special limited-term assignments in vacant regular positions or in regular positions that may become vacant during the period of authorization. A special limited-term assignment may be authorized in order to avoid making a regular appointment in a position or class that may be affected by reorganization, reclassification, layoff, or reduction in hours, or during concerted labor actions or the evaluation of an examination protest.
1. A special limited-term assignment shall be terminated when the reason for its authorization no longer exists. Also, it may be terminated if the appointing authority is dissatisfied with the employee. If the employee has regular status in the Classified Service, early termination of a special limited-term assignment requires sufficient advance notice for the Personnel Commission staff to effect reassignment.
 2. The acceptance of a special limited-term assignment confers upon the employee status or rights in the position or class under the following conditions:
 - a. when the employee could have been certified for regular appointment in the class at the inception of or at any time during the special limited-term assignment
 - b. when the position remains in the same class and open for regular appointment after the special limited-term assignment is terminated
 - c. when the appointing authority requests that the employee continue in the same position and the employee accepts.

Under the conditions described above, the special limited-term assignment shall be converted to a regular appointment retroactive to the date when the employee could have been given a regular appointment in the position.

CHANGE:

To provide clarification of Education Code requirements regarding provisional assignments.

Remove: August 31, 1987, page 5 of 5. Add: August 10, 1994, page 5 of 5.

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