

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

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LAW AND RULES

(Reissue) January 1, 1975

537 PART-TIME EMPLOYEES

Education Code 45136

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 eight hours per day, 40 hours per calendar week, four 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 the 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 45103 and 45286 of this code, unless such employees are specifically included by a governing board, or by a personnel commission for those districts included under the provisions of Article 6 (commencing with Section 45240) 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 6 (commencing with Section 45240) 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.

CHANGE:

Minor change.

Remove: January 1, 1975, page 1 of 3. Add: (Reissue) January 1, 1975, page 1 of 3.

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Education Code 45137

A classified employee who works a minimum of 30 minutes per day in excess of his part-time assignment for a period of 20 consecutive working days or more, shall have his basic assignment changed to reflect the longer hours in order to acquire fringe benefits on a properly prorated basis as specified in Section 45136.

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 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 school year in which the employee is assigned to duty.

It is the intent of the Legislature, in enacting this section, to insure 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 the provisions of Section 45136 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.

- A. A part-time employee shall become permanent when the time requirements of Rule 701 have been met.
- B. An employee who gains permanency as a part-time employee in a class may be given a full-time assignment in that class or the equivalent full-time class, provided that, if a reemployment list exists for the full-time class or positions, the employee must have greater seniority than the highest available person on that list. A part-time employee in probationary status may be given a full-time assignment only if reachable on the eligibility list for the class.

CHANGE:

Editorial changes.

Remove: (Reissue) November 8, 1967, page 2 of 3. Add: June 23, 1986, page 2 of 3.

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- C. No person who has gained full-time status shall be involuntarily placed on a part-time schedule except through regular layoff or demotion procedures.
- D. Persons employed at a fixed salary rate, who for any cause serve only a portion of the time used as a basis for such salary rate, shall be paid only the proportional part of the salary earned for the time actually worked; provided, however, that this Rule shall not nullify other rules or acts of the Board of Education authorizing pay to employees when absent from duty.

CHANGE:

Editorial changes:

Remove: January 2, 1972, page 3 of 3. Add: June 23, 1986, page 3 of 3.

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