

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

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LAW AND RULES

December 12, 2012

Chapter VI EMPLOYMENT LISTS (Rules 635 to 681)

635 APPOINTMENTS FROM ELIGIBILITY LISTS

Education Code 45272

All vacancies in the classified services shall be filled pursuant to this article and the rules of the commission, from applicants on eligibility lists... The commission shall place applicants on the eligibility lists in the order of their relative merit as determined by competitive examinations. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position.

Education Code 45277

Appointments may be made from other than the first three ranks of applicants on the eligibility list when the ability to speak, read, or write a language in addition to English or possession of a valid driver's license is a requirement of the position to be filled. The recruitment bulletin announcing the examination shall indicate the special requirements which may be necessary for filling one or more of the positions in the class. Where such a position is to be filled, using the authority of this section, the appointment shall be made from among the highest three ranks of applicants on the appropriate eligibility list who meet the special requirements and who are ready and willing to accept the position.

If there are insufficient applicants who meet the special requirements, an employee who meets the special requirements may receive provisional appointments which may accumulate to a total of 90 working days. Successive provisional appointments of 90 working days or less each may be made in the absence of an appropriate eligibility lists containing applicants who meet the special requirements if the personnel commission finds that the requirements of subdivisions (a) and (b) of Section 45288 have been met. These appointments may continue for the period of the provisional appointment, but may not be additionally extended if certification can later be made from an appropriate eligibility list

Education Code 45277.5

Notwithstanding Section 45277, in a school district with a pupil population over 400,000, the following shall apply:

(a) An appointment may be made from other than the first three ranks of eligible applicants on the eligibility list if one or more of the following are required for successful job performance of a position to be filled:

- (1) The ability to speak, read, or write a language in addition to English.

CHANGE:

To implement the passage of AB 2125, to allow that offers of employment for specific classifications be made to the eligibles from other than the first three ranks on the eligibility lists.

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- (2) A valid driver's license.
 - (3) Specialized licenses, certifications, knowledge, or ability, as determined by the, personnel commission of the school district, that cannot reasonably be acquired during the probationary period.
 - (4) A specific gender, if it is a bona fide occupational qualification.
- (b) The recruitment bulletin announcing the examination shall indicate the special requirements that may be necessary for filling one or more of the positions in the classification. If a position is to be filled using the authority of this section, the appointment shall be made from among the highest three ranks of eligible candidates on the appropriate eligibility list who meet the special requirements of the position and who are ready and willing to accept the position.
- (c) If there are insufficient applicants who meet the special requirements, an employee who meets the special requirements may receive provisional appointments that may accumulate to a total of 90 working days. Successive provisional appointments of 90 working days or less each may be made in the absence of an appropriate eligibility list containing applicants who meet the special requirements if the personnel commission of the school district finds that the requirements of subdivisions (a) and (b) of Section 45288 have been met. These appointments may continue for the period of the provisional appointment, but shall not be additionally extended if certification can later be made from an appropriate eligibility list.
- (d) This section applies only to the following classifications:
- (1) Principal financial analyst.
 - (2) Principal administrative analyst.
 - (3) Senior administrative analyst.
 - (4) Senior administrative assistant.
 - (5) Senior financial analyst.
 - (6) Information technology electronic communications technician.
 - (7) Senior human resources specialist.
 - (8) Any classifications that have been designated as management or confidential.

CHANGE:

To update the list of classifications this section is applicable to and modify language in paragraph (c).

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- (e) A school district that makes an appointment pursuant to this section shall study the effectiveness of the selection method, the vacancy rates for each class, and the length of time to hire for each class, and submit a report on its findings to any affected labor union.
- (f) This section shall remain in effect only until December 31, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before December 31, 2020, deletes or extends that date.
- A. Employment of personnel from eligibility and other employment lists is subject to action by the Board of Education based upon the recommendations of the Superintendent of Schools and the Superintendent's designees. Official offers of employment shall be made by staff of the Personnel Commission's Classified Employment Services Branch or other administrative personnel designated by the Personnel Director of the Personnel Commission.
- B. An eligible on a list for an executive/administrative, supervisory, or technical class shall be considered "ready and willing" if the eligible is
1. willing and able to appear for an interview within 14 days from the date the availability letter is sent or the availability telephone contact is made, and is
 2. willing and able to report for work within one month from the date the eligible is selected for the job.
- C. Except as provided in Paragraph D, below, an eligible for any other class shall be considered "ready and willing" if the eligible is
1. willing and able, to appear for an interview by the second working day after an availability telephone contact is made.
 2. willing and able to appear for an interview by the second working day after an electronic mail or electronic facsimile is sent.
 3. willing and able to report for work within 14 days from the date the eligible is selected for the job.

As used above, "working day" means any day except Saturday, Sunday, a holiday, or any other day (or portion thereof) the offices may be closed as authorized by the Board of Education.

CHANGE:

To extend effective date in section (f) and correct spelling errors.

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- D. For certification to vacancies of 79 hours a pay period or less, the Personnel Commission's Classified Employment Services Branch shall make a minimum of two telephone calls at least six hours apart in efforts to contact the eligible in regard to availability. If the eligible cannot be contacted, the person shall be considered unavailable for that vacancy. The eligible must contact the Personnel Commission's Classified Employment Services Branch to make themselves available again.
- E. An eligible or a person on a reemployment list may refuse two offers of interview or regular appointment within his/her scope of availability. After the third refusal, no additional offer is required. All offers and refusals shall be noted on the eligibility list record.

If such a person fails to respond to a communication about certification or appointment, his/her name may be passed over until an acceptable explanation has been received by the Personnel Commission's Classified Employment Services Branch.

The provisions of this Paragraph apply only to possible regular appointment; refusal of a limited-term assignment shall not affect eligibility for regular appointment.

- F. When an examination has been administered, the final scores of all candidates shall be rounded to the nearest whole percent. All eligibles with the same percentage score after rounding will be considered as having the same rank. Except as provided in Paragraph G, all eligibles in the highest three ranks, as well as all candidates for transfer and change of location, who have been determined to be available in accordance with Paragraph B or C, shall be certified from the eligibility list.
- G. When a Division Head, Administrator of Operations, or head of an independent branch determines that the possession of a valid California Driver License, or when a site administrator or supervisor determines that the ability to speak, read, or write a language in addition to English; specialized licenses, certifications, knowledge, or ability that cannot reasonably be acquired during the probationary period; and/or specific gender if it a bona fide occupational qualification, is a requirement of a position, to be filled, as listed in Education Code 45277.5, he/she shall indicate in writing to the offices of the Personnel Commission the specific requirement or requirements desired. If the request is approved after a determination that it complies with all relevant laws, rules, procedures, and policy, or if Commission staff determines that special qualifications are required for successful job performance, the special requirements shall be announced in the appropriate examination bulletin, and the Commission staff shall certify the eligibles within the three highest ranks on the eligibility list and all candidates for transfer and change of location who possess such qualifications and who have been determined to be available in accordance with Paragraph B or C and, when bilingual skill, knowledge, or ability is the requirement, have passed the appropriate test or test part. When there are fewer than three ranks of eligibles who possess the special qualifications, a person who possesses the special qualification may be given a provisional assignment in accordance with Education Code Section 45277.5. The provisional assignment is subject to all rule provisions regarding such assignments.

CHANGE:

To update outdated department names and correct spelling errors.

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- H. A person who is appointed under the provisions of Paragraph G for bilingual skill need not be retested for language ability in order to qualify for a language differential as provided for in Rule 588. Such differential shall be automatically established, based upon the approved request for selective certification as required in Paragraph G. The language differential may be terminated in accordance with Rule 588.
- I. When a position previously determined to require the special qualifications becomes vacant, the division head, Administrator of Operations, or head of an independent branch shall indicate in the request for personnel action whether the special requirement is to be continued, subject to review and approval by Commission staff. If the special requirement is continued, the position shall be filled in accordance with Paragraph G above.
- J. If a position being filled by an appointment from an eligibility list is occupied by a provisional employee whose name is not included in the names certified, the continuation of the provisional employee beyond the 15-day period after the eligibility list is established is authorized under the following circumstances:
1. At least one of the eligibles certified is not a District employee.
 2. The limitation of 90 working days or 126 working days for provisional assignments provided by the Education Code is observed.
 3. The applicable limitation prescribed in Paragraph B or Paragraph C, within which the selected eligible is "ready and willing" to accept the position is observed.
 4. The applicable limitations prescribed in the Education Code Section 45288 have been met.

CHANGE:

To implement the passage of AB 2125, to allow that offers of employment for specific classifications be made to the eligibles from other than the first three ranks on the eligibility lists.

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