

PERSONNEL COMMISSION RULES & REGULATIONS

50.300 PCRR

50.300 Provisional Appointments**50.300.1** **Restrictions**

- A. The appointing authority may make a provisional appointment when the Director of Classified Personnel certifies that:
 - 1. No eligibility list exists for the class, or
 - 2. An eligibility list exists, but there is an insufficient number of available eligibles (i.e. less than 3) and the appointing authority refuses to appoint an available eligible.
- B. An employee may receive a provisional appointment or appointments which may accumulate to a total of 90 working days, after which a 90-calendar day interval shall elapse during which he shall be ineligible to serve in any full time provisional capacity.
- C. 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 when no one is available on an appropriate eligibility list for a part-time position as defined in Section 4526, successive 90 working day provisional appointments may be made to the part time position for a total of more than 126 working days in a fiscal year.
- D. Insofar as possible, provisional appointees shall be required to meet the minimum qualifications for the class of the appointment as stated in the class specifications.
- E. Notwithstanding Rules A and B, above, the Commission may extend the 90-working day provisional appointment for a period not to exceed 36 additional working days provided.
 - 1. An examination for the class was completed during the initial 90 work days of the employee's provisional assignment.
 - 2. Satisfactory evidence is presented indicating:
 - a. Adequate recruitment effort has been made and is being made.
 - b. Extension of this provisional assignment is necessary to carry on vital functions of the district.
 - c. The position cannot be satisfactorily filled by use of the eligibility list or other employment lists or procedures such as reinstatement, transfer, or other appropriate eligibility lists.
(*Education Code* 45287, 45288 & 45289)

50.300.2 **Terminating Provisional Appointments**

- A. The services of a provisional appointee shall be terminated within 15 calendar days after the date on which an eligibility list has been established, provided that this 15-day period does not extend beyond the 90 working day provisional assignment.
- B. A provisional appointment may be terminated at any time, at the discretion of the appointing power.
(*Education Code* 452870)

50.300.3 **Limited-Term Assignments**

- A. The appointing authority may make a limited-term appointment when the Director of Classified Personnel certifies that:
 - 1. The Board of Trustees has established a position the duration of which is six months or less; or
 - 2. A substitute assignment may be made not to exceed the duration of the authorized absence of a regular employee; however, the assignment need not coincide with the dates of the absence.

This substitute assignment may be made in a lower class related to that of the absent employee if the assigned duties are reduced in level accordingly.

- B. Eligibles shall be certified in accordance with their position on the appropriate employment list and their willingness to accept appointment to such position as limited term employees. (*Education Code 45286*)

If an eligible has been appointed from an eligibility list to a substitute assignment or limited term position, he shall continue to be eligible for limited-term appointments in the same or related lower class after the eligibility list has expired. The same privilege of continued eligibility shall apply to a former employee who resigned in good standing and who accepted a limited-term appointment within 39 months after resignation. The names of such persons shall be ranked in order of seniority on a special list used for limited-term appointments and shall be certified therefrom before the current eligibility list is used. Names may be removed from this list for any of the causes listed in Rule 40.100.3 or Rule 60.100.1, subject to appeal to the Personnel Commission.

- C. Limited-term appointments shall be subject to termination at any time except during an assigned shift.
- D. Limited-term employees may be dismissed for cause, which cause shall be made known to them and to the Personnel Director in writing. The Director of Classified Personnel may remove the employee's name from the special list for limited-term appointments, if an investigation supports such an action.

50.300.4 Emergency Appointments

- A. If it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Board of Trustees, may, acting as a body, inform the Commission regarding the nature and necessities of the emergency.
- B. If such an emergency exists, it would be possible for the Board of Trustees, in order to prevent the stoppage of public business when an actual emergency arises and persons on eligibility lists are not immediately available, to make emergency appointments, for a period not to exceed 15 working days.
- C. When such emergency appointments are made, it shall be the duty of the Board of Trustees to notify the Director of Classified Personnel in writing, naming the appointee or appointees, date of appointment, the probable duration of the appointment (not to exceed 15 days), and nature of duties performed and giving a statement justifying the emergency nature of such appointments. Time served under such emergency appointments shall be considered as part of the period permitted under the *California Education Code* for provisional appointments. (*Education Code 45290*)
- D. The Personnel Commission may authorize the extension of emergency appointments if, in the Commission's judgment, the situation warrants such action.

OXNARD SCHOOL DISTRICT

Personnel Commission Rules and Regulations

Adopted: October 23, 1968

50.300.1 Revised: November 16, 1999

50.300.2 Revised: March 5, 1992

50.300.3 Revised: March 23, 1972; March 5, 1992

50.300.4 Revised: March 5, 1992

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