

TO: BOARD OF TRUSTEES
FROM: SUPERINTENDENT

INFORMATIVE REPORT NO. 6-2009/10-IR/S

Prepared by the Office of the Superintendent
for Presentation to the Board of Trustees
September 14, 2009

SUBJECT: REVISION OF ADMINISTRATIVE PROCEDURE (AP) 7236 SUBSTITUTE
AND SHORT TERM EMPLOYEES

A. Background

In order to ensure compliance with Education Code § 88003, administrative procedure 7236 has been revised to include the steps for hiring short-term employees. Added language is indicated by bold, underlined text.

Respectfully submitted,

Jackie L. Fisher, Sr.
Superintendent/President

AP 7236 Substitute and Short Term Employees

Reference:

Education Code Section 88003

Classification of Positions (EC 88001)

Substitute (EC 88003)

"Substitute employee," means any person employed to replace any classified employee who is temporarily absent from duty. In addition, if the district is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the governing board may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees.

Substitute employees are not considered part of the classified service and hence not eligible for permanency.

Short Term (EC 88003)

A "short-term" employee," means any person who is employed to perform a service for the District, upon the completion of which, the service required, or similar services, will not be extended or needed on a continuing basis.

Short-term employees shall be paid on a separate salary schedule. Short-term employees do not accrue vacation leave or leave of absence for illness or receive pay for holidays. They are not eligible for retirement or health insurance benefits.

If a short-term employee is injured on the job, he/she is covered under workers compensation. Also, if a short-term employee is laid off by the District, in some cases the employee may be eligible for unemployment.

Dismissal

Dismissal of Substitute, Short-Term, and Restrictive Employees

Classified employees listed as substitute, short-term and restricted are at-will employees and may be dismissed at the discretion of the President.

Such employees are not entitled to due process, in the form of progressive discipline, or a hearing afforded permanent employees.

Procedures For Hiring "Short-Term" And "Substitute" Temporary Employees (Non-Academic, Non-Continuing Assignments)

OVERVIEW

This procedure details the process used for departments to specify the service required to be performed by "short-term" employees prior to employment of such individuals. The employment of "short-term" employees is intended to address the needs of the District for appropriate time periods while maintaining the integrity of the bargaining unit. It is not intended to provide a method of unreasonably increasing relative use of such employees.

The District shall maintain a hiring pool of applicants for “short-term” and “substitute” temporary positions. “Short-term” employees will be hired out of the District pool. All “short-term” and “substitute” employees must meet the minimum qualifications of the temporary assignment.

FORMS USED

Short-Term and Substitute Temporary Employment Request – Non-academic, Non-continuing Assignment

Human Resources Personnel Action Form (PAF)

CODES, REGULATIONS, AND DISTRICT POLICIES RELATED TO THIS PROCEDURE

Education Code 88003

Section 88003 of the Education Code requires that, before employing a “short-term employee,” the Governing Board, at a regularly scheduled Board meeting, shall specify the service to be performed by the employee pursuant to the definition of “classification” in subdivision (a) of Section 88001, and shall certify the ending date of the service. The ending date may be extended by the Governing Board, but shall not extend beyond 75 percent of a school year.

“Substitute employee” means any person who is employed to replace any classified employee who is temporarily absent from duty. In addition, if the district is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the governing board may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees. No “substitute” employee can be employed for more than 75 percent of a school year.

Seventy-five percent of a college year means 195 working days, including holidays, sick leave, vacation and other leaves of absences, irrespective of number of hours worked per day.

<u>STEP</u>	<u>TASK PERFORMED BY</u>	<u>DESCRIPTION</u>
<u>1</u>	<u>Supervisor/Manager</u>	<u>The initial number of days that a “short-term” employee can work in one assignment cannot exceed 100 days. If the number of days previously approved for a temporary assignment does not meet</u>

		<p><u>the department work requirements, the supervisor/manager must submit a “Request for Extension of Short-Term and Substitute Temporary Non-academic Assignment” form (Step 6).</u></p> <p><u>When hiring a “substitute” employee for a unit position where the unit member is off of work due to medical or other temporary leave, the substitute will be employed for a period no longer than the time the unit member is on leave.</u></p> <p><u>When hiring a “substitute” employee to fill a unit position vacated by a former unit member, the maximum number of days in which a substitute can be used is 60 days, regardless of the number of substitutes assigned to the vacancy during that period</u></p> <p><u>If a prospective “short-term” employee is to be hired, subject to approval by the Board, the supervisor must complete and provide the “Short-Term and Substitute Temporary Employment Request” form to the Human Resources Office to determine if the hire is consistent with the law. Education Code Section 88003.</u></p> <p><u>The “Short-Term and Substitute Temporary Employment Request” form shall include a brief description of services required, recommended title, recommended pay range, budget code, hours per week, and beginning and ending dates of temporary assignment.</u></p> <p><u>The form must be approved by the appropriate Vice President and the Vice President of Business Services. Submit the approved form to the Human Resources Office no later than the 15th of</u></p>
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		<u>each month</u>
<u>2</u>	<u>Human Resources</u>	<p><u>The Human Resources Office will review the “Short-Term/Substitute Temporary Employment Request” form to determine if the proposed assignment is consistent with Education Code Section 88003.</u></p> <p><u>Once the determination has been made that the proposed assignment is consistent with the law, the Human Resources Office will verify that the recommended employee was drawn from a District “short-term/substitute” pool; that the individual meets the minimum qualifications of the temporary assignment; and that the rate of pay is appropriate for the assignment.</u></p> <p><u>If the proposed assignment and/or the recommended employee do not meet the requirements, the Human Resources Office will consult with the originating supervisor.</u></p> <p><u>After verification, the form will be forwarded to the Superintendent/President for approval/disapproval.</u></p>
<u>3</u>	<u>Superintendent/ President</u>	<p><u>Superintendent/President will approve/disapprove temporary assignment as submitted. The form will be returned to the Human Resources Office for further processing.</u></p>
<u>4</u>	<u>Human Resources</u>	<p><u>The Human Resources Office will place the approved temporary assignment and recommended employee on the Personnel Schedule for ratification by the Governing Board. The Human Resources Office will process the Personnel Action Form and other necessary employment paperwork for the recommended temporary employee</u></p>

		<u>to begin working.</u>
<u>5</u>	<u>Governing Board</u>	<u>Governing Board will ratify temporary assignment/ recommended employee as submitted.</u>
<u>6</u>	<u>Supervisor/Manager</u>	<u>If before the ending date previously approved by the Board, the department work requirements exceeds the initial 100 days allowable for a “short-term” employee, the supervisor/manager must submit a “Request for Extension of Short-Term (Non-Academic) Assignment” form, approved by the appropriate vice president, to the Human Resources Office.</u>
<u>7</u>	<u>Payroll Department</u>	<u>Monthly reports will be generated and distributed to the supervisors, indicating the number of hours and days worked and the remaining balances for each “short-term” employee.</u>
<u>8</u>	<u>Human Resources/Payroll</u>	<u>Human Resources /Payroll will terminate “short-term” and “substitute” employees as of the ending date of their temporary assignment.</u>
<u>9</u>	<u>Supervisor/Manager</u>	<u>If a “short-term” or “substitute” employee terminates prior to their scheduled assignment end date, supervisor/manager must complete a Personnel Action Form and submit it to the Human Resources Office for processing.</u>

4/14/08

Revised: 9/14/09