

AP 7120-6 Employment of NonClassified Short-Term Employees and Substitute Employees

Reference: Healthy Workplaces, Healthy Families Act of 2014 (AB1522)

1.0 Use of Temporary NonClassified Short-Term Employees and Substitute Employees

- 1.1 The Short-Term Employee category is used for the *temporary* employment of a person 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 (e.g., temporary increase in workload or special project).
- 1.2 The Substitute Employee category is used for the *temporary* employment of a person to replace a classified employee who is temporarily absent from duty or to take the place of a classified employee in a vacant position while the District is actively engaged in recruitment for the position. The maximum period for which a vacant position may be filled through the employment of one or more Substitute Employees is sixty (60) working days. A "working day" is defined as a weekday on which the central administrative office of the District is regularly open for business.
- 1.3 A classified employee of the District who replaces an absent classified employee or who takes the place of a classified employee in a vacant position is not a Substitute Employee for the purposes of this procedure.

2.0 Criteria for Employment

- 2.1 The employment must be for a service or project that will not be needed on a continuous basis (Short-Term Employee) or to temporarily replace classified employee (Substitute Employee), as specified above. The service to be performed must have defined starting and ending dates and the requested period of employment must be for the actual period of time during which services are required.
- 2.2 The service to be performed may not be of a type designated as "academic" in Title 5 of the California Code of Administrative Regulations (i.e., service which requires state-mandated minimum qualifications.)

3.0 Conditions of Employment

3.1 Terms of Employment: Short-Term Employees and Substitute Employees are temporary employees. They are employed on an "as needed" basis, subject to termination at will by either the District or the employee.

3.2 Period of Employment

3.2.1 Short-Term Employees

3.2.1.1 A person may be employed as a Short-Term Employee-for two or more separate time periods within a fiscal year. Each period of employment shall not exceed thirteen (13) weeks. Each period of employment must be separated by a break in employment of at least nine (9) weeks. Exceptions to these provisions may be approved by the Vice Chancellor of Human Resources or designee

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where employment for more than thirteen weeks during a semester is reasonably necessary to ensure the continuity of an educational program (e.g., tutors, art models).

3.2.1.2 Upon approval of the Vice Chancellor of Human Resources or designee, a person may be employed as a Short-Term Employee to perform a specific, limited-term project requiring employment in excess of thirteen (13) weeks, provided the employment does not exceed thirty-eight and one-half (38-1/2) weeks in a fiscal year. Any subsequent employment as a Short-Term Employee must be separated by a break in employment for a period at least equal to the period of employment.

3.2.1.3 The cumulative duration of employment for all periods of employment of a person as a Short-Term Employee shall be limited to not more than thirty-eight and one-half (38-1/2) weeks within any fiscal year, including all time employed during the fiscal year as a Substitute Employee, Student Employee, or Professional Expert. Employment will be automatically terminated if this limit is exceeded.

3.2.1.4 All calendar days during a specified employment period as a Short-term Employee will count toward the specified employment limits, irrespective of the number of days worked during the employment period or the number of hours worked per day.

3.2.2 Substitute Employees

3.2.2.1 A person may be employed as a Substitute Employee for a period of not more than thirty-eight and one-half (38-1/2) weeks within any fiscal year, including all time employed during the fiscal year as a Short-term Employee, Student Employee, Professional Expert, or Substitute Employee in other positions. Employment will be automatically terminated if this limit is exceeded.

3.2.2.2 All calendar days during a specified employment period as a Substitute Employee will count toward the specified employment limits, irrespective of the number of days worked during the employment period or the number of hours worked per day.

3.3 Employment Limitations

3.3.1 The employment of a Short-term Employee or Substitute Employee shall be limited to not more than twenty-six (26) hours per week. Employment will be automatically terminated if this limitation is exceeded.

3.3.2 A person employed as a Short-term Employee or Substitute Employee shall not be concurrently employed in any other capacity within the District.

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3.3.3 The employment of a Short-term Employee or Substitute Employee during any period of service shall be limited to work under the direction of one immediate management supervisor. The supervising manager shall be responsible for ensuring that the employment limitation of twenty-six (26) hours per week is not exceeded.

4.0 Compensation

4.1 Short-term Employees and Substitute Employees will be compensated at the appropriate hourly rate according to the NonClassified Short-Term Hourly Employee Rate Schedule, for the actual hours of service rendered in performance of the specified duties.

4.2 Persons employed as Short-Term Employees and Substitute Employees are not eligible to participate in the District's Health and Welfare plan or optional fringe benefit plan in conjunction with their employment as a Short-Term Employee or Substitute Employee.

4.3 Beginning July 1, 2015, employees will accrue one (1) hour of paid sick leave for every thirty (30) hours worked. This sick leave will carry over from year to year but is limited to a maximum balance of forty-eight (48) hours. Employees are eligible to use this leave once it has been accrued, however, it must be used in whole hour increments. When separating from the District, employees will not be provided compensation for any accrued, unused paid sick leave hours. If an employee separates from the District and is rehired within one year from the date of separation, any previously accrued and unused paid sick days will be reinstated.

4.3.1 Upon oral or written request, the District shall permit an employee to use paid sick leave for the following purposes:

4.3.1.1 For the diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employee's family member. "Family member" means any of the following:

4.3.1.1.1 A child, which for this purpose means a biological, adopted or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of child is applicable regardless of age or dependency status.

4.3.1.1.2 A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.

4.3.1.1.3 A spouse or registered domestic partner.

4.3.1.1.4 A grandparent or grandchild.

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4.3.1.1.5 A sibling.

4.3.1.2 For an employee who is the victim of domestic violence, sexual assault, or stalking, the purposes described in subdivision (c) of Section 230 and subdivision (a) of Section 230.1.

4.4 If the need for sick leave is foreseeable, employees shall notify the Immediate Management Supervisor not less than two (2) working days in advance of the day and time of the appointment. If the need for paid sick leave is unforeseeable, employees shall contact the supervisor's office as soon as possible, but not later than the scheduled time the employee would be required to report for duty.

4.5 Persons employed as Short-Term Employees or Substitute Employees do not receive paid holidays, paid vacation days, or paid leaves of absence in conjunction with their employment as a Short-term Employee or Substitute Employee.

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