

# Temporary Classification Changes and/or Temporary Increases in Hours

When is VP/Cabinet approval required prior to beginning the assignment?

## CSEA 262 Represented positions

Generally, when there is a need to assign **out of class work** to an employee for more than one work week and/or when there is a need to **increase work hours** consistently for more than a few weeks (see “b” below), **division Vice President, Vice President of Human Resources, and Presidential approval is required prior to the beginning of the assignment. The process is initiated using an Employee Status Change form.**

Specifically:

- a. **Temporary Out of Class Work:** a classified employee may only work out of class duties for up to **5 work days in a 15 day period**, unless they are provided out of class compensation (Ed Code 88010).
- b. **Temporary Increase in Hours:** Additional hours may be assigned during the work week when necessary to carry out the business of the District; however, for CSEA 262 represented employees, an employee who works an average of **thirty (30) minutes per day or more in excess of their regular part-time assignment for a period of twenty (20) consecutive working days or more, shall have their regular assignment adjusted to reflect the longer hours,** effective with the next pay period (CBA 10.02).
- c. **Temporary Out of Class Work and/or Temporary Increases in Hours** may be approved for **longer periods under** CSEA 262 Article 14.05 (see reverse side of this document), provided that:
  - o the **Vice President of Human Resources is provided with enough notice in advance of assigning the work to develop a written agreement with the union.** With such an agreement, the work can be assigned for up to a six (6) month period of time without it becoming permanent.

## CSEA 651 Represented Positions

In addition to the requirements of **Ed Code section 88010 described under “a” above**, temporary out of class assignments are established using a **screening and selection process** (see Article XI: Transfers and Related Matters and Article IX: Hours of Work and Related Matters), and are **approved in advance using the Employee Status Change form.**

**What rules apply when a “substitute” is needed to temporarily fill behind an employee or to cover a vacant position while it is being posted for a search?**

## Substitute Employees

Ed Code 88003 defines a "substitute employee," as **any person employed to replace any classified employee who is temporarily absent from duty.** It provides that when a position is

being posted to hire a permanent employee to fill a vacancy, the position may be filled for **not more than 60 calendar days, of one or more substitute employees, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.** If the substitute is a **current classified employee** of the College, then **the rules above (under the headings "CSEA 262 Represented Positions and 651 Represented Positions"** all apply, and the assignment may be for more than the 60 calendar days provided for in Ed Code 88003. If the individual is not a classified employee, then they would also be defined as Short-Term employee (see below) and hired through the Short-Term hiring process.

## References:

### **CSEA 262: Article 14 Transfers and Related Matters**

14.05 Short-Term Transfers: The manager shall contact the Vice President of Human Resources or his/her designee before a unit is temporarily transferred to a position of equal or higher salary range, which may include an increase in percent of employment, in order to substitute for a unit member, or to assist in a special work assignment. These changes in assignment may be made for up to six (6) months upon mutual written agreement between the CSEA 262 President and the Vice President of Human Resources or his/her designee. After six (6) months, the unit member will be returned to their regular assignment, unless otherwise extended by mutual agreement.

### **Education Code**

88001.

(a) "Classification" means that each position in the classified service shall have a designated title, a regular minimum number of assigned hours per day, days per week, and months per year, a specific statement of the duties required to be performed by the employees in each such position, and the regular monthly salary ranges for each such position.

(f) "Reclassification" means the upgrading of a position to a higher classification as a result of the gradual increase of the duties being performed by the incumbent in that position.

88010. Classified employees shall not be required to perform duties that are not fixed and prescribed for the position by the governing board in accordance with Section 88009, unless the duties reasonably relate to those fixed for the position by the board, for any period of time that exceeds five working days within a 15-calendar-day period except as authorized herein.

An employee may be required to perform duties inconsistent with those assigned to the position by the governing board for a period of more than five working days if his or her salary is adjusted upward for the entire period he or she is required to work out of classification and in amounts that will reasonably reflect the duties required to be performed outside his or her normal assigned duties.

Notwithstanding this section, a personnel commission and governing board, or a governing board in a nonmerit system district, by written rule, may provide for an upward salary adjustment

for any classified employee required to work out of classification for any period of time less than that required herein.

It is the intent of this section to permit community college districts to temporarily work employees outside of their normal duties but in so doing to require that some additional compensation be provided the employee during such temporary assignments.

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 3 (commencing with Section 88060).

88003. The governing board of any community college district shall employ persons for positions that are not academic positions. The governing board, except where Article 3 (commencing with Section 88060) or Section 88137 applies, shall classify all those employees and positions. The employees and positions shall be known as the classified service. Substitute and short-term employees, employed and paid for less than 75 percent of a college year, shall not be a part of the classified service. Part-time playground positions, apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment, shall not be a part of the classified service. Full-time students employed part time, and part-time students employed part time in any college work-study program, or in a work experience education program conducted by a community college district and which is financed by state or federal funds, shall not be a part of the classified service. Unless otherwise permitted, a person whose position does not require certification qualifications shall not be employed by a governing board, except as authorized by this section.

"**Substitute employee,**" as used in this section, 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, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.**

"**Short-term employee,**" as used in this section, 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. Before employing a short-term employee, the governing board, at a regularly scheduled board meeting, shall specify the service required 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 shortened or extended by the governing board, but shall not extend beyond 75 percent of a school year.

4/30/15