

SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT

CLASSIFIED SHORT-TERM TEMPORARY AND SUBSTITUTE EMPLOYMENT POLICY & PROCEDURES

Employment of temporary, at will employees will comply with applicable provisions of the California Ed. Code section 88003, law AB 500 implemented effective January 1, 2003, and District policy (section 4.25)

SHORT TERM, NON-CONTINUING, SEASONAL, INTERMITTENT

Definition

A "short-term employee" is narrowly defined as an employee hired to perform a service which once completed will not be extended or needed on a continuing basis. The term from Ed. Code section 88003, "seventy-five percent of a college year," means 195 working days, including holidays, sick leave, vacation, and other leaves of absence, irrespective of the number of hours worked per day. The District does not exceed 184 worked days in a fiscal year. In addition, CalPERS membership becomes mandatory upon reaching 1,000 hours of employment in a fiscal year.

Short-term hourly employees are hired as "at will" employees and are not part of the "classified service." They are hired to perform "as needed" service for the District.

Requirements for Certification of Short-Term Employee Assignments

There are several steps that must be taken before hiring employees on a short-term basis. Departments must ensure the following:

- The service to be done is one that once completed will NOT be extended or needed on a continuing basis.
- A personnel requisition form is processed within the necessary timeline to seek Board approval for both employment and extension of previously approved employment. The employee will not begin working until Board approval is granted and employment paperwork is complete.
- The employee will be working less than 75% of the college year or 184 working (paid) days (regardless of hours per day).

Procedures

1. Complete a Classified Short-Term Personnel Requisition Form (PRF) for each **DIFFERENT** type of temporary short-term service. When a specific department is requesting the service of more than **ONE** short-term employee for the same type of service, one PRF should be submitted for multiple positions of the same type. Within the start and end date stated on the PRF, the department will be able to hire the short term employees and schedule the work on "as needed" basis.
2. Short-term hourly employees may not begin working before the start date approved by the Board of Trustees.
3. Following Board approval, the "New Short-term Temporary and Substitute Welcome Packet" should be completed by the temporary employee and hiring manager and submitted to the campus Business/Payroll Office and to the District Office/Human Resources. Included in the packet is a Personnel Action Form (PAF). This form is required for establishment of a job assignment by Human Resources and setup in payroll.
4. The appropriate manager or administrator will determine the applicable step on the short-term hourly classified salary schedule. Short-term hourly employees may be paid up to step 5. EXCEPTION: For employment of classified retirees, please review the bottom of this document. If a COLA (cost of living adjustment) is authorized by the Board of Trustees, the effective date will be the first day of the following month after Board approval.
5. Managers are accountable for tracking work time, length of assignment, type of work assigned, etc. Classified retirees are responsible to track their total hours worked each year (maximum of 960 hours) in order to avoid jeopardizing their retirement with PERS.
6. You may have more than one person in the same position board approved if they work less hours to the full 37.5 hours.

7. Employees may begin employment prior to the board approval –but the board approval must be retro to the date of hire.

SUBSTITUTES

Definition

A “substitute” employee is narrowly defined as an employee hired to replace a classified employee temporarily absent from duty. Seventy-five percent of a college year for substitutes also means 195 working days, including holidays, sick leave, vacation, and other leaves of absence, irrespective of the number of hours worked per day. For SMCCCD purposes, the number of days worked in a fiscal year should not exceed 184. The 184 days must be all in the same school year. If the district is in the process of trying to fill a permanent position, the vacancy can be filled with a substitute employee on a temporary basis, provided that the employment does not exceed 60 calendar days, by one or more substitute employees.

Substitute employees are hired as “at will” employees and are not part of the “classified service.” They are hired to perform “as needed” service for the District.

Requirements for Certification of Short-Term Employee Assignments

There are several steps that must be taken before hiring employees on a substitute basis. Departments must ensure the following:

- The service to be done is required to replace a classified employee temporarily absent from duty or to fill a vacancy for not more than 60 calendar days, by one or more substitute employees.
 1. A substitute may be required to replace a regular classified employee absent due to jury duty, illness, maternity leave, Workers’ comp injury, vacation, personal business leave, bereavement OR any other reason that means THEY WILL RETURN TO THEIR JOB afterwards.
 2. When a regular classified employee has RESIGNED, RETIRED, been reassigned or otherwise VACATES the position permanently and the job is currently posted. The length of employment is a maximum of **60** calendar days by one or more substitute employees. Extension of the 60 calendar day limit will require approval from CSEA.
- The employee will be working less than 75% of the college year or 184 working (paid) days (regardless of hours per day), including holidays, sick leave, vacation, and other leaves of absence.

Procedures

1. Per CSEA contract Section 8.3.4, the District will post notices of detail opportunities which are expected to last more than 30 days. Any unit member may apply for the detail assignment within five (5) working days of posting. If a person is selected through the detail process, the assignment shall not extend beyond 100 working days or for the term of the leave of absence. Please note a temporary substitute employee is limited to working 184 days; however, an employee on detail assignment may work for the entire term of the leave of absence.
2. If a detail employee is reassigned, a PAF is required. If a temporary substitute is hired, the “Short-term Temporary and Substitute Employment Packet” should be completed by the substitute employee and hiring manager and submitted to the campus Business Office or for the District Office the Office of Human Resources. Included in the packet is a Personnel Action Form (PAF). This form is required for establishment of a job assignment by Human Resources and setup in payroll.
3. The appropriate manager or administrator will determine the applicable step on the regular classified salary schedule. Substitute employees are paid at the full hourly rate and may be placed up to step 5, depending upon experience. EXCEPTION: For employment of classified retirees, please review the bottom of this document. If a COLA (cost of living adjustment) is authorized by the Board of Trustees, the effective date will be the same as is the case for regular employees.
4. Managers are accountable for tracking work time, length of assignment, type of work assigned, etc. Classified retirees are responsible to track their total hours worked each year (maximum of 960 hours) in order to avoid jeopardizing their retirement with PERS.

EXCEPTION:

Classified Returning Retiree Short Term & Substitute Employment

Classified retirees who are hired into temporary positions in classifications that are the same, similar, or lower than the classification from which they retired, are entitled to salary and step placement at the highest step of that grade plus applicable LSI.

Classified retirees who are employed in classifications that are different/higher than their last regular position, will be compensated at 100% of the appropriate step of the salary grade recommended by the division and approved by Human Resources, plus applicable LSI.

Definition of Retiree (Article 3.28 of CSEA Contract): An employee in the bargaining unit who at time of separation of employment from the District immediately becomes an annuitant of the PERS or STRS.

A new law that took effect in 2004 prohibits a CalPERS employer from hiring a retired annuitant—a *retiree who is receiving pension payments*—who received any unemployment insurance compensation related to that employer in the previous 12 months.