

CLASSIFIED PERSONNELSubstitute, Temporary and Part-time Personnel

Qualified temporary staff shall be employed by the Office of Education when one or more of the following conditions exist:

1. During peak work periods
2. As a condition of emergency response
3. In lieu of an absent regular staff member

The employment of temporary personnel shall be subject to the Superintendent's authorization, and all expenditures for such personnel shall be appropriately reflected in the budget adopted by the Board of Education. Substitute and temporary personnel who serve less than one year in a given assignment shall not be considered a part of the classified service.

Persons hired solely for purposes which are exempted from the classified service shall nevertheless fulfill the obligations of classified employees related to physical examinations pursuant to Education Code 45122, fingerprinting pursuant to Education Code 45125, and tuberculosis tests pursuant to Education Code 49406.

Individuals hired solely for the following purposes shall not be part of the classified service: (Education Code 45256)

1. Apprentices
2. Professional experts employed by the Governing Board or the personnel commission on a temporary basis for a specific project
3. Full-time students employed part time
4. 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 pursuant to Education Code 51760-51769.5 that is financed by state or federal funds

Salary and Benefits

The Superintendent shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of classified employees of the office.

Substitute and temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.

Except for a retired annuitant who is not reinstated to the retirement system, any temporary or substitute employee who works for 30 or more days within a year of his/her employment shall accrue, on a regular basis, paid sick leave up to 24 hours by the 120th calendar day of his/her employment or each calendar year or 12-month period. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

Any temporary or substitute employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. (Labor Code 246)

A temporary or substitute employee may use accrued sick leave for absences due to:

1. His/her own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care.
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking.

Part-time personnel may also be needed to fill vacant positions when full-time employment is not warranted. Part-time personnel who are not on temporary status as described above shall be considered members of the classified service and shall be eligible for all related benefits on a pro-rated basis.

Legal reference

EDUCATION CODE

45135 *Employment of retired classified employee*

45136 *Benefits of probationary and permanent part-time classified employees*

45286 *Limited-term employees*

45287-45289 *Provisional appointments*

45290 *Emergency appointments*

LABOR CODE

245-249 *Healthy Workplaces, Healthy Families Act of 2014*