

Intent of Policy

This purpose of this policy is to define the categories of employees which are exempt from the classified service.

Exempt Classified Employees

A person employed by the District in any of the following capacities is exempt from classified service:

1. Substitute Employees

Any substitute employee who is employed and paid for less than 75 percent of a school year is exempt from classified service. The “substitute employee” may be either:

- a. A person employed to replace a classified employee who is temporarily absent from duty; or
- b. A person hired to fill a vacancy in any classified position while the district is in the process of hiring a permanent. An employee is only exempt if the period of employment of one or more employees does not exceed 60 calendar days, unless the applicable collective bargaining agreement provides for a different period of time.

For the purpose of this section, “Seventy-Five percent of a school year” is 195 working days including holidays, sick leave, vacation, and other leaves of absence, irrespective of the number of hours worked per day.

2. Short-Term Employees

Any “short-term employee” who is employed and paid for less than 75 percent of a school year is exempt from classified service. A “short-term employee” is someone hired to perform a service for the District and there is no continuing basis or need for that service. Prior to hiring someone for “short-term” employment, the Board, at one of its regular meetings, shall specify the nature of the “short-term” work to be performed, and shall also certify the ending date for that work. The Board may change the ending date as long as the “short-term” work period does not extend beyond 75 percent of the school year.

For the purpose of this section, “Seventy-Five percent of a school year” is 195 working days including holidays, sick leave, vacation, and other leaves of absence, irrespective of number of hours worked per day.

3. Apprentices and Professional Experts

An apprentice or professional expert employed on a temporary basis for a specific District project, regardless of length of employment, shall not be a part of the classified service. Students employed in this manner shall not displace any classified personnel in the District or impair any existing service contracts.

4. Full Time College Students Employed Part-Time

Full-time college students working part-time in the District are exempt from classified service.

5. Part-Time College Students Employed Part-Time in Work Study/Experience Programs

Part time college students employed part-time in a college work-study or work experience program are exempt from classified service.

Listed Categories Are the Only Exempt Categories

Unless otherwise permitted, a person whose position does not require certification qualifications shall not be employed by the District, except as authorized by this section.

Physical Examination/Fingerprinting/TB Screening Still Required

Individuals who are exempt from the classified service pursuant to applicable law and Board policy must still meet the requirements for physical examinations, fingerprinting, and a tuberculosis risk assessments as set forth in the Education Code. (Ed. Code §§ 45101, 45103, 45106, 45256, 45122, 45125, 49406, 51750.)