

CLASSIFIED PERSONNEL

Note: The following Board policy may be revised for consistency with district collective bargaining agreements and, for districts that have incorporated the merit system pursuant to Education Code 45220-45320, with the rules and regulations of the personnel commission.

The Governing Board recognizes that classified personnel provide essential services that support and enhance the district's educational program. The Board shall fill each of its classified positions with qualified persons, consistent with position requirements.

(cf. 0200 - Goals for the School District)
(cf. 4211 - Recruitment and Selection)

Note: The following paragraphs reflect requirements of Education Code 45103-45104 and are for use by non-merit system districts. In merit system districts, classification of positions is a responsibility of the personnel commission pursuant to Education Code 45256.

The Board shall classify all employees and positions not requiring certification qualifications as the classified service, except for those employees and positions specifically exempt from classified service. (Education Code 45103)

Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position. (Education Code 45104)

(cf. 4211 - Recruitment and Selection)
(cf. 4212 - Appointment and Conditions of Employment)

Each classified position shall have a designated title and regular minimum number of assigned hours per day, days per week, and months per year.

Classified employees shall be assigned by their immediate supervisors with the approval of the Superintendent or designee. They shall be required to perform those duties prescribed by the Board for the position the employee holds, in accordance with applicable job descriptions and collective bargaining agreements.

(cf. 4141/4241 - Collective Bargaining Agreement)

Each classified employee shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with collective bargaining agreements.

(cf. 4215 - Evaluation/Supervision)

Substitute and Short-Term Employees

The district may employ a substitute employee to replace a classified employee who is temporarily absent from duty. (Education Code 45103)

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If the district is in the process of hiring a permanent employee to fill a classified position, the Board may fill the vacancy with one or more substitute employees for no more than 60 calendar days, unless the applicable collective bargaining agreement provides for a different period of time. (Education Code 45103)

Note: Pursuant to Education Code 45103, the district may employ short-term employees for no more than 75 percent of the school year. As defined in Education Code 45103, 75 percent of the school year is 195 work days, which is equivalent to 75 percent of the number of work days in a full year.

The district may employ a short-term employee to perform a service for the district when that service or similar services will not be extended or needed on a continuing basis. Before employing a short-term employee, the Board, at a regularly scheduled meeting, shall specify the service required to be performed by the employee and shall certify the ending date of the service. The Board may shorten or extend the ending date, but the date shall not be extended beyond 195 work days per year, including holidays, sick leave, vacation, and other leaves of absence, irrespective of the number of hours worked per day. (Education Code 45103)

*Legal Reference:*EDUCATION CODE

45100-45139 *Employment of classified staff*
 45160-45169 *Salaries and differential compensation*
 45190-45210 *Resignation and leaves of absence*
 45220-45320 *Merit system*
 49406 *Examination for tuberculosis*
 51760-51769.5 *Work experience education*

*Management Resources:*WEB SITES

California School Employees Association: <http://www.csea.com>

CLASSIFIED PERSONNEL

Exemption from Classified Service

Note: Education Code provisions related to exemption from the classified service vary depending on whether or not the district has incorporated the merit system pursuant to Education Code 45220-45320. The district should select the appropriate option below.

OPTION 1: Districts Not Incorporating the Merit System

Note: Pursuant to Education Code 45103, all positions not requiring certification qualifications are part of the classified service, unless specifically exempted by law. AB 670 (Ch. 582, Statutes of 2017) amended Education Code 45103 to eliminate the exemption for part-time playground positions, thereby making such positions a part of the classified service.

Individuals hired solely for the following purposes are exempt from the classified service: (Education Code 45103)

1. Substitute or short-term employees who are employed and paid for fewer than 195 work days per year, including holidays, sick leave, vacation, and other leaves of absences, irrespective of the number of hours worked per day
2. Apprentices and professional experts employed on a temporary basis for a specific project regardless of length of employment
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, and which is financed by state or federal funds

OPTION 2: Merit System Districts

Individuals hired solely for the following purposes are exempt from the classified service: (Education Code 45256, 45258)

Note: Although AB 670 (Ch. 582, Statutes of 2017) amended Education Code 45103 to eliminate the exemption of part-time playground positions from the classified service in non-merit system districts, as described in Option 1 above, part-time playground positions continue to be exempt from classified service in merit system districts pursuant to Education Code 45256.

1. Part-time playground positions (noon duty aides), when the employees are not otherwise employed in classified positions in the district
2. Apprentices
3. Professional experts employed on a temporary basis for a specific project

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4. Full-time students employed part time
5. 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 et seq. and which is financed by state or federal funds
6. Positions established for the employment of community representatives in advisory or consulting capacities for not more than 90 work days or 720 hours in a fiscal year, provided the authorized duties are not those normally assigned to a class of positions in the classified service, are approved by the personnel commission in advance of employment, and a regular classified district employee does not receive a concurrent appointment to such a position

Note: The following paragraph is for use by all districts. Pursuant to Education Code 45106, persons hired solely for purposes which are exempted from the classified service are subject to the requirements of Education Code 45122-45125 and 49406 as described below. Education Code 45106 **mandates** the Governing Board, by rule or regulation, to provide for the implementation of this law.

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. (Education Code 45106)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4212 - Appointment and Conditions of Employment)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Restricted Positions

Note: The following section is for use by either merit system or non-merit system districts that have established "restricted" positions, pursuant to Education Code 45105 or 45108, which are available only to persons in low-income groups or residing in specific areas of the community.

Persons employed in restricted positions shall be classified employees for all purposes except that they shall not be subject to the provisions of Education Code 45272 and 45273 related to promotional examinations and the filling of vacancies, and shall not acquire permanent status or seniority credit. They shall be eligible for promotion into the regular classified service only after completing six months of satisfactory service, and only upon the subsequent satisfactory completion of the qualifying examinations required of all other persons serving in the same class in the regular classified service. (Education Code 45105, 45108)

Policy
adopted:

WHEATLAND SCHOOL DISTRICT
Wheatland, California