

SECTION XI
GUIDELINES
FOR TEMPORARY
REPLACEMENTS

GUIDELINES FOR TEMPORARY REPLACEMENTS

These guidelines are to clarify the policies and procedures used to fill vacancies on a temporary basis and to fill positions of employees who are on an extended leave. Note that there are distinct requirements that apply to vacant positions as opposed to positions of employees on leave. These requirements are not interchangeable. Temporary replacements may be hired for vacant positions and in some exceptional cases, for positions whose incumbents may be on extended leave (usually one year).

ADMINISTRATIVE POSITIONS

1. Vacant Positions/Interim Appointments

Vacant **administrative positions** may be filled via interim appointments in accordance with Title 5 regulations.

Title 5 regulations (Section 53021) require community colleges to actively recruit to attract qualified applicants for all new openings. The regulations prohibit “in house or promotional only” recruitment to fill a position except when “the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment...provided that no interim appointment...exceeds one year in duration.” If these requirements are met, the regulations require that “all qualified district employees...be afforded the opportunity to apply.”

Title 5 clearly states “that no interim appointment or series of interim appointments [may] exceed one year in duration. Therefore, it is critical to begin the search for the permanent replacement as quickly as possible.

Procedure for Interim Appointments

- a. The appropriate administrator notifies Employment Services to create a position announcement for review.
- b. The administrator reviews the announcement and seeks appropriate campus approvals.
- c. Employment Services sends a position announcement to each contract employee in the District. (Part-time faculty, short term, temporary, or student employees are not eligible). Since the recruitment is internal, the application period is short - usually about two (2) weeks.
- d. A Search Committee develops screening criteria and interview questions and reviews all applications to determine interviews for the interim position. A committee may decide to interview everyone who applies, since the pools are usually small.
- e. After interviews, the Committee makes a recommendation to the appropriate administrators.
- f. Appointments require Board approval.

2. Out-Of-Classification Assignments

An administrative position may be filled by assigning a contract employee to work out-of-classification to assume a portion of the duties of the vacant position. Out-of-classification assignments end when the position is filled.

Procedure for Out-of-Classification Assignments

- a. Discuss change in assignment with employee who will work out of classification.
- b. Determine appropriate salary adjustment. Depending on the agreement with the employee's bargaining unit, working out-of-classification requires a salary adjustment to at least the minimum of the pay grade to which the employee is assigned or one step higher, or a 5% increase. Consult with Human Resources to determine the appropriate salary adjustment.
- c. Complete a Contract Change Form and secure appropriate signatures.

3. Reassignment

Administrative responsibilities may be reassigned to another administrator while a position is vacant, in accordance with Chapter III of the Administrators Handbook.

Procedures for Reassignment

- a. Discuss change in assignment with administrator. Determine specific scope of responsibilities.
- b. Determine appropriate salary adjustment, if any.
- c. Complete a Contract Change Form.

4. Professional Services Contract

Title 5 allows interim appointments of individuals not currently employed by the District who are specially trained, experienced, and competent to provide administrative services, and who meet the minimum qualifications for the position. Such individuals are employed through a professional services contract for no more than one (1) year.

5. Funding

Interim appointments are usually funded out of float money. Use of float money must be approved by the appropriate administrator (President or Chancellor) at the time of approval to fill the position on an interim basis.

FACULTY POSITIONS

Vacant **faculty positions** are filled by part-time faculty while the positions are in the search and selection process. There are no interim appointments for vacant faculty positions. However, on occasion, the District may employ a temporary replacement for a faculty member on leave.

1. Temporary Replacements/Leave Positions

Full-time faculty who are on leave are replaced with part-time faculty. However, there may be unusual and/or extenuating circumstances that warrant consideration of a full-time temporary replacement. Some examples are: 1) an unexpected long-term illness in a department where one or more employees are already on approved leaves; 2) an unusually high number of employees on leave at the same time which will have a clear negative impact on student learning; and 3) critical/technical and/or specialized program needs for which there are no qualified part-time faculty or staff available.

Temporary leave replacements must be approved on a case-by-case basis by the President and the Chancellor.

Procedure to fill a faculty leave replacement

a. Approval:

The appropriate administrator must secure approval from the President, who seeks approval from the Chancellor. The documentation must include the following:

- An explanation of the critical need;
- Documentation that students and the program, division, and college will be adversely affected without a replacement; and
- The consequences of not replacing the position.

b. Recruitment:

Even though leave replacement positions are not “new positions” as defined in Title 5, when such replacements are known and approved in advance the approved employment process including full recruitment must be followed. That is, a full search of both internal and external applicants to include outreach to historically underrepresented groups must be conducted to select a qualified applicant who best meets the needs of the students.

If the need for a leave replacement is unexpected and an emergency replacement is required, a full search may not be required if a qualified

individual is identified. This may be a current employee including a part-time faculty member, or an applicant who has completed a formal search process for a similar position. Any individual selected must submit appropriate documentation (transcripts and resume) and meet minimum qualifications.

c. Limits on Employment:

Faculty appointments to temporary contracts are filled in accordance with Education Code Sections 87481 and 87482.

Section 87481 states:

“Any person employed for one complete school year...shall if reemployed for the following school year in a vacant faculty position, be classified...as a contract employee and the previous year’s employment as a temporary employee shall be deemed a year of employment as a contract employee for purposes of acquiring permanent status.”

Section 87482 states:

“No person shall be so employed...for more than two semesters or three quarters within any period of three consecutive years.”

In effect, should a person be subsequently employed in the position, the employee would be a second year tenure track employee. In any case, an employee hired as a full-time temporary contract replacement should be evaluated during the contract year.

d. Funding:

The District budgets funds for some replacement costs. For example, PDL replacements are funded at the part-time faculty rate. Therefore, the cost of a full-time temporary contract exceeds the budgeted amount since the salary is for a full-time replacement with benefits. Requests for a temporary replacement must include the replacement cost and source of funding.

CLASSIFIED POSITIONS

Vacant **classified positions** may be filled using one of the following:

- Casual employee: may be employed for a maximum of 90 days while the position is undergoing a search and selection process (submit a TEA).
- Out-of-classification assignment by another classified employee (submit a WOC form).

Vacant classified positions are not filled by interim appointments because of the limitations of the Education Code and the District’s agreements with CSEA and ACE.

Employees on leave may be replaced by casual employees for the length of the leave up to 180 days (submit a TEA) or via an out-of-classification assignment (submit a WOC form).