



SAN JOSÉ · EVERGREEN
Community College District

HUMAN RESOURCES
DEPARTMENT

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Use of Short-Term Employees, Substitutes, and Professional Experts

The Education Code provides some flexibility for a Community College District to employ persons outside the classified service for certain situations, as noted below:

- 1. Short-Term Employee**
- 2. Substitute Employee**
- 3. Professional Expert Employee**

Short-Term Employee

Education Code 88003 defines a short-term employee as one that is hired to perform a service that once completed will not be extended or needed on a continuing basis.

The Education Code states that districts must ensure that all short-term service that is performed and completed will not:

- Be extended; or
- Needed on a continuing basis.

The employee will be working less than 75% of the college year (i.e. July 1 to June 30 of the following year). Seventy-five percent means 195 working days, including holidays and sick leave, regardless of the number of hours worked per day. The 195 days must be all within the *college year*.

Short-term employees employed by San Jose Evergreen Community College District may not exceed 185 working days within a *college year*.

SJECCD limits short-term employees to 185 working days each college year (July 1-June 30)

Substitute Employee

Substitute A (to cover temporary leave of a classified member):

The Education Code defines a “substitute” employee as an individual who is hired to replace a classified employee temporarily absent from duty. The employee must be employed and paid for less than 75% of the college year (i.e. July 1 to June 30).

Substitute A employed by San Jose Evergreen Community College District may not exceed 185 working days within a college year.

SJECCD limits substitute A employees to 185 working days each college year (July 1 to June 30).

Substitute B (Recruitment):

The Education Code allows a Community College District, which is in the process of trying to fill a permanent position, to hire a substitute employee on a temporary basis, providing that employment does not exceed 60 calendar days, unless a collective bargaining agreement provides otherwise.

SJECCD limits substitute B employees to 60 calendar days.

Professional Expert Employee

The Education Code permits Community College Districts to hire professional experts, who are exempt from the classified service when the needs arise for work on a discrete and finite project that falls outside the skills and knowledge of positions within the classified service.

While the duration of employment is not limited, the work must be temporary in nature, and for a specific project.

General Guidelines for Professional Expert work:

- The work requires specialized knowledge or skills that fall outside the classified service

- The work can be described in terms of a specific project. Specific projects may include one-time projects and work for which the on-going need is uncertain because the funding source is unpredictable or is demand driven. If the work cannot be described in terms of a specific, temporary project, Professional Experts should not be used.
- If the hiring of a Professional Expert entails regular and on-going work of the Community College District, the Community College District should consider other staffing options.

These options include:

- Assignment to existing classified staff positions consistent with their duties
- Creating or redefining classifications to cover the on-going work
- Contracting out as permitted by law