

Administrative Regulation

Personnel

AR 4200

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. The district should select the appropriate option below.

Districts Not Incorporating the Merit System

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

1. Substitute or short-term employees, as defined, who are employed and paid for less than 75 percent of the school year

Substitute employee means any person employed to replace any classified employee who is temporarily absent from duty. In addition, if the district is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the Governing Board may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.

Short term employee means any person who is employed to perform a service for the district, upon the completion of which the service required or similar services will not be extended or needed on a continuing basis.

Seventy-five percent of the school year means 195 working days, including holidays, sick leave, vacation and other leaves of absences, irrespective of the number of hours worked per day.

***Note: As amended by AB 2849 (Ch. 1100, Statutes of 2002), Education Code 45103 provides that part-time playground employees are exempt from classified service only when they are not otherwise employed in classified positions at the district. Pursuant to non-codified Section 4 of AB 2849, effective January 1, 2003, districts may not reduce the hours or terminate a part-time playground position as a result of this legislation. ***

2. Part-time playground positions (noon duty aides), when the employees are not otherwise employed in classified positions in the district
3. Apprentices and professional experts employed on a temporary basis for a specific project regardless of length of employment
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. and which is financed by state or federal funds

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 still are subject to the requirements of Education Code 45122-45125 and 49406 as described below. Education Code 45106 mandates the 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. 4212 - Appointment and Conditions of Employment)

(cf. 4212.5 - Criminal Record Check)

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

(10/96) 11/02

ADOPTED: November 9, 2005

**GRAVENSTEIN UNION SCHOOL DISTRICT
Sebastopol, California**