

TABLE OF CONTENTS

8-12 C

INTRODUCTION	1
ADJUNCT FACULTY	
SECTION 1	
General Principles.....	3
A. Limitations on the Number of Adjuncts	3
B. Classification of Adjuncts	3
1. Faculty Employed to Fill Positions of Regularly Employed Persons Absent from Service—87478.....	3
2. Faculty Employed to Fill a Position for Which No Regularly Employed Person is Available—87478 ..	3
3. Faculty Employed to Serve Day-to-Day During 1st 3 Months of School Term—87480.....	4
4. Faculty Employed in Case of Emergency—87480	4
5. Faculty Employed Due to Need for Additional Faculty During a Particular Semester, Quarter or Year—87481	4
6. Faculty Employed Based upon Need for Additional Faculty During a Particular Semester or Quarter Due to Higher Enrollment—87482	5
7. Faculty Employed up to 67% of Full-Time Hours Per Week—87482.5.....	6
SECTION 2	
Historical Background	6
SECTION 3	
Case Law Since <i>Peralta</i>	7
SECTION 4	
Basic Rules	11
SECTION 5	
When Adjunct Hours May Advance an Employee Toward Tenure	12
SECTION 6	
Other Relevant Education Code Statutes.....	12
SECTION 7	
Impact of Collective Bargaining Agreements.....	13
SECTION 8	
Conclusion	13
GOING OUTSIDE THE CLASSIFIED SERVICE: SHORT-TERM EMPLOYEES, SUBSTITUTES, AND PROFESSIONAL EXPERTS	
SECTION 1	
What is Classified Service?	15
A. Non-Academic Employees	15
B. Definition of “Classification”	15
1. Classification Means That Each Position in the Classified Service Has:	15
2. Establishment of Classified Service in Merit Districts.....	16
C. Rights and Responsibilities of Classified Employees	16

SECTION 2

Why Go Outside the Classified Service?.....17

SECTION 3

When Can You Go Outside the Classified Service?.....17

- A. Merit vs. Non-Merit Distinction.....17
- B. Temporary Employment Positions Specifically Excluded from Classified Service.....18
 - 1. Substitutes (Non-Merit Systems)18
 - 2. Short-Term Employees (Non-Merit Systems).....19
 - 3. Part-Time Playground Positions (Merit and Non-Merit Systems)21
 - 4. Apprentices (Merit and Non-Merit Systems)21
 - 5. Professional Experts (Merit and Non-Merit Systems)22
 - 6. Full-Time Students Employed Part-Time (Merit and Non-Merit Systems)26
 - 7. Part-Time Students Employed Part-Time on Work Study (Merit and Non-Merit Systems).....27
 - 8. Architectural and Engineering Firms (Merit Systems).....27
 - 9. Community Representatives in Advisory or Consulting Capacities (Merit Systems).....27
 - 10. Professional Services and Advice to District (Both Merit and Non-Merit Systems)27
- C. Employee in Regular Status Who Reduces Time.....28
- D. Must All Work That is Neither Academic nor Exempt Be Performed by Classified Employees?.....28
 - 1. Non-Merit Districts:28
 - 2. Merit System Districts:29
- E. A Note on Employees in Categorically Funded Programs29

SECTION 4

Personal Services Contracts.....30

- A. To Achieve Cost Savings When All of the Following Conditions Are Met:31
- B. Contract Mandated by the Legislature.....32
- C. Services Not Available Within the District32
- D. Services Incidental to a Contract for Purchase or Lease of Real Property32
- E. Contracts Necessary to Accomplish Community College District Goals and Purposes33
- F. Emergency Appointments33
- G. Equipment or Materials Not Available from District33
- H. Services are of Urgent, Temporary, or Occasional Nature.....33

SECTION 5

Under What Circumstances Can an Exempt Employee Become a Classified Employee?34

SECTION 6

Conclusion34

APPENDIX A

Sample Checklist for Hiring and Assigning Workers Other Than Academic and Classified Workers35

- A. Student Workers35
 - 1. Total Hours of Employment.....35
 - 2. Overlap of Classified Bargaining Unit Position36
 - 3. Full-Time Students.....36
 - 4. Part-Time Students.....37
- B. Short-Term Workers39
 - 1. Total Days of Employment39
 - 2. The Nature of the Services Performed39
- C. Substitutes40
 - 1. Total Days of Employment40
 - 2. Replacing a Temporarily Absent Classified Worker.....41
 - 3. Temporarily Filling a Permanent Vacancy in the Classified Service41

D. Professional Experts	42
1. The Nature of the Services Performed	42
2. Bargaining Unit Work.....	42

APPENDIX B

Sample Checklist for Hiring and Assigning Workers Other Than Academic and Classified Workers [Student Worker Condensed Version]	44
A. Student Workers	44
1. Total Hours of Employment.....	44
2. Overlap of Classified Bargaining Unit Position.....	45
3. Full-Time Students.....	45
4. Part-Time Students.....	47

APPENDIX C

Sample Checklist for Hiring and Assigning Workers Other Than Academic and Classified Workers [Short-Term Worker Condensed Version]	50
B. Short-Term Workers	50
1. Total Days of Employment	50
2. The Nature of the Services Performed	51

APPENDIX D

Sample Checklist for Hiring and Assigning Workers Other Than Academic and Classified Workers [Substitute Employee Condensed Version].....	53
C. Substitutes	53
1. Total Days of Employment	53
2. Replacing a Temporarily Absent Classified Worker.....	54
3. Temporarily Filling a Permanent Vacancy in the Classified Service.....	54

APPENDIX E

Sample Checklist for Hiring and Assigning Workers Other Than Academic and Classified Workers [Professional Expert Condensed Version].....	57
D. Professional Experts	58
1. The Nature of the Services Performed	58
2. Bargaining Unit Work.....	58

APPENDIX F

Sample Student Unit Verification Form [_____] Community College District	60
--	----

ENDNOTES	61
-----------------------	----