



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 7 – Human Resources

4200.9 - TEMPORARY PROMOTIONS OF STAFF

This procedure defines and regulates the responsibilities applicable to (a) temporary promotions and (b) certain out-of-class assignments of staff. This procedure does NOT include vacation replacements.

1.0 FUNCTION

The chancellor is responsible for the recruitment, selection, and recommendation of staff candidates for temporary promotions. The board, acting upon the recommendation of the chancellor, makes all appointments.

2.0 POSITIONS COVERED

- a. Does cover classified, supervisory, and management positions in "acting," "interim," "out-of-class," "short term," "temporary" or comparable designations in which the employee receives additional compensation.
- b. Does NOT pertain to academic appointments, as they are covered by other district procedures.

3.0 TITLE 5-REGULATIONS (California Code of Regulations, Section 53021)

- a. Except as otherwise provided in this section, community college districts shall actively recruit from both within and outside the district work force to attract qualified applicants for all new openings. This shall include outreach designed to ensure that all persons, including persons from monitored groups, are provided the opportunity to seek employment within the district. The requirement of open recruitment shall apply to all new full-time and part-time openings in all job categories and classifications including, but not limited to, faculty, classified employees, categorically funded positions, the chief executive officer, and all other executive/administrative/managerial positions. Recruitment for full-time faculty and educational administrator positions shall be at least statewide and, at a minimum, shall include seeking qualified applicants listed in the Community Colleges Equal Employment Opportunity Registry. Recruitment for part-time faculty positions may be conducted separately for each new opening or by

- annually establishing a pool of eligible candidates, but in either case full and open recruitment is required consistent with this section.
- b. "In-house or promotional only" recruitment shall not be used to fill any new opening except when the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment; provided however, that no interim appointment or series of interim appointments exceed one year in duration. The chancellor may approve an extension of up to one additional year if the district demonstrates "business necessity" as defined in Section 530001(b).
 - c. If a district believes justification exists for use of the exception listed in subsection (b), it shall so notify the Equal Opportunity Advisory Committee established pursuant to Section 53005 and the chancellor at least ten (10) working days prior to offering the position to a candidate.
 - d. Even where in-house or promotional only recruitment is permitted pursuant to subsection (b), the district shall comply with its established hiring procedures and all qualified district employees shall be afforded the opportunity to apply.
 - e. For purposes of this section, a new opening is not created when:
 - 1. there is a reorganization or series of transfers that does not result in a net increase in the number of employees;
 - 2. a position which is currently occupied by an incumbent is upgraded, reclassified, or renamed without significantly altering duties being performed by the individual;
 - 3. the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term; or
 - 4. the position is filled by a temporary, short-term, or substitute employee appointed pursuant to Education Code sections 87422, 87480, 87482.5(b), 88009, 88106 or 88109; or
 - 5. a part-time faculty member is assigned to teach the same or fewer hours he or she has previously taught in the same discipline without a substantial break in service. For purposes of this section "a substantial break in service" means more than one calendar year or such different period as may be defined by a collective bargaining agreement.

4.0 IMPLEMENTATION

a. LENGTH OF ACTING/INTERIM POSITIONS:

For acting positions, the length of the term must coincide with the length of time needed to conduct any open recruitment process. If the initial recruitment is not successful, and must begin again, the second recruitment cycle should not exceed the one (1) year period. In those rare cases when a one year period is not sufficient to recruit even a second time, the State Chancellor's Office shall be contacted to see what provisions can be made to accommodate an extension.

b. SHORT-TERM APPOINTMENTS WITHOUT A SEARCH:

Even if the recruitment is expected to take only two (2) or three (3) months, and an acting appointment is needed for that period of time, the regulations require that, at the minimum an internal recruitment go forth. This means that employees of the district must be notified of the opportunity and given an

opportunity to apply for the short-term, temporary, acting, interim, or out-of class appointments.

c. APPOINTMENTS OF CONSULTANTS INTO VACANT POSITIONS:

If individuals hired as consultants perform duties of executives, administrators, managers, supervisors, or classified staff with respect to daily duties of the position, then an employment relationship exists and the district is subject to the requirements of Title 5 Regulations with respect to affirmative action.

Conversely, a consultant who determines his/her own schedule, does not work in a space provided by the district, does not supervise employees, and is paid for a specific product, is likely to be considered an independent contractor and the Title 5 requirements would not apply. Where an employment relationship does exist, an appointment cannot be made without at a minimum, an internal search, except under certain very limited circumstances described in Title 5, Section 53021 (e).

d. DISTRICT TEMPORARY PROMOTIONS AND CERTAIN OUT-OF-CLASS ASSIGNMENTS OF STAFF:

1. Short term, interim, acting, or out-of-class appointments shall use the hiring procedures of designating a chairperson, EEO representative, and other of the Chancellor's cabinet.
2. This interim hiring selection committee shall review the minimum qualifications and related job criteria (paper screen), interview and recommend candidates to be considered by the cabinet member.
3. This appointment process shall follow the procedures for an interim period not to exceed one (1) year and will be open to all qualified contract district employees who meet the minimum qualifications.
4. Interim appointees will be prohibited from applying for the subsequent permanent appointment.
5. Out-of-class assignments performing less than fifty percent (50%) of the duties normally assigned to the position may apply for the job.

5.0 FORMS/REFERENCES

- a. Appropriate forms are available from Human Resources
- b. Commitment to Diversity Board Policy BP 7100
- c. Recruitment and Hiring Board Policy BP 7120
- d. Education Code Sections 87480, 87481, 87482, 87482.5

Adopted: October 30, 2007

SUPERSEDES:
10/14/1998