

## **Exempt Classified Employees and Fingerprinting**

### **Intent of Policy**

This purpose of this policy is to define the categories of employees which are exempt from the classified service.

### **Exempt Classified Employees**

A person employed by Encore in any of the following capacities is exempt from classified service:

#### **1. Substitute Employees**

Any substitute employee who is employed and paid for less than 75 percent of a school year is exempt from classified service. The “substitute employee” may be either:

- a. A person employed to replace a classified employee who is temporarily absent from duty; or
- b. A person hired to fill a vacancy in any classified position while Encore is in the process of hiring a permanent. An employee is only exempt if the period of employment of one or more employees does not exceed 60 calendar days.

For the purpose of this section, “Seventy-Five percent of a school year” is 190 working days including holidays, sick leave, vacation, and other leaves of absence, irrespective of the number of hours worked per day.

#### **2. Short-Term Employees**

Any “short-term employee” who is employed and paid for less than 75 percent of a school year is exempt from classified service. A “short-term employee” is someone hired to perform a service for Encore and there is no continuing basis or need for that service. Prior to hiring someone for “short-term” employment, the Board, at one of its regular meetings, shall specify the nature of the “short-term” work to be performed, and shall also certify the ending date for that work. The Board may change the ending date as long as the “short-term” work period does not extend beyond 75 percent of the school year.

For the purpose of this section, “Seventy-Five percent of a school year” is 195 working days including holidays, sick leave, vacation, and other leaves of absence, irrespective of number of hours worked per day.

#### **3. Apprentices and Professional Experts**

An apprentice or professional expert employed on a temporary basis for a specific Encore project, regardless of length of employment, shall not be a part of the classified service. Students employed in this manner shall not displace any classified personnel in Encore or impair any existing service contracts.



#### **4. Full Time College Students Employed Part-Time**

Full-time college students working part-time in Encore are exempt from classified service.

#### **5. Part-Time College Students Employed Part-Time in Work Study/Experience Programs**

Part time college students employed part-time in a college work-study or work experience program are exempt from classified service.

#### **Listed Categories Are the Only Exempt Categories**

Unless otherwise permitted, a person whose position does not require certification qualifications shall not be employed by Encore, except as authorized by this section.

#### **Physical Examination/Fingerprinting/TB Screening Still Required**

Individuals who are exempt from the classified service pursuant to applicable law and Board policy must still meet the requirements for physical examinations, fingerprinting, and a tuberculosis risk assessments as set forth in the Education Code. (Ed. Code §§ 45101, 45103, 45106, 45256, 45122, 45125, 49406, 51750.)