Update Guidesheets

December 2018 Update Guidesheet

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

Classified Personnel
AR 4200

(AR revised) Regulation updated to reflect NEW LAW (AB 2160) which eliminates the exemption of part-time playground positions from the classified service in merit system districts, thereby making those positions part of the classified service. Regulation also reflects NEW LAW (AB 2261) which eliminates the exemption from the classified service, in merit system districts, of community representatives employed in advisory or consulting capacities for not more than 90 working days per fiscal year. Paragraph moved to emphasize that employees in either merit or non-merit system districts who are exempted from the classified service must fulfill obligations related to physical examinations, fingerprinting, and tuberculosis tests.

CSBA Sample
Administrative Regulation
Classified Personnel

AR 4200
Personnel

Exemption from Classified Service

Note: Education Code 45106 mandates the Governing Board to adopt a rule or regulation that contains the following paragraph.

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. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4212 - Appointment and Conditions of Employment)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Note: Positions that are exempted from the classified service vary depending on whether or not the district has incorporated the merit system pursuant to Education Code 45220-45320. The district should select the appropriate option below.

OPTION 1: Districts Not Incorporating the Merit System

Individuals hired solely for the following purposes shall not be part of the classified service: (Education Code 45103)

1. Substitute or short-term employees who are employed and paid for fewer than 195 work days per year, including holidays, sick leave, vacation, and other leaves of absences, irrespective of the number of hours worked per day

2. Apprentices and professional experts employed on a temporary basis for a specific project regardless of length of employment

3. Full-time students employed part time

4. 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 pursuant to Education Code 51760-51769.5 that is financed by state or federal funds

OPTION 2: Merit System Districts

Note: AB 2160 (Ch. 488, Statutes of 2018) amended Education Code 45256 to eliminate the exemption of part-time playground positions (noon duty aides) from the classified service in merit system districts, thereby making those positions part of the classified service. Persons who were employed in part-time playground positions as of January 1, 2019 must be deemed permanent employees of the district without having to serve a probationary period. These employees also are not subject to placement on an eligibility list and cannot be required to undergo examination through the personnel commission for such placement. Employees hired for part-time playground positions after January 1, 2019 may be required to serve a probationary period in accordance with BP 4216 - Probationary/Permanent Status.

Note: In addition, AB 2261 (Ch. 297, Statutes of 2018) amended Education Code 45258 to eliminate the exemption from the classified service for positions established for the employment of community representatives in advisory or consulting capacities for not more than 90 working days, or a total of 720 hours, in a fiscal year.

Individuals hired solely for the following purposes shall not be part of the classified service: (Education Code 45256)

1. Apprentices

2. Professional experts employed by the Governing Board or the personnel commission on a temporary basis for a specific project

3. Full-time students employed part time

4. 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 pursuant to Education Code 51760-51769.5 that is financed by state or federal funds

Restricted Positions

Note: The following section is for use by any district that has established "restricted" positions, pursuant to Education Code 45105 or 45108, which are available only to persons in low-income groups or residing in specific areas of the community.

Persons employed in restricted positions pursuant to Education Code 45105 or 45108 shall be classified employees for all purposes except that they shall not be subject to the provisions of Education Code 45272 and 45273 related to promotional examinations and the filling of vacancies, and shall not acquire permanent status or seniority credit. Such persons shall be eligible for promotion into the regular classified service only after completing six months of satisfactory service and satisfactorily completing the qualifying examinations required of all other persons serving in the same class in the regular classified service. (Education Code 45105, 45108)

(11/02 12/17) 12/18

CLASSIFIED PERSONNEL

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

l. Substitute or short-term employees who are employed for less than 75 percent of the school year to replace any classified employee who is temporarily absent from duty

2. Part-time playground positions (noon duty aides)

3. Apprentices and professional experts employed on a temporary basis for a specific project

4. Full-time day students employed part time

5. Part-time students employed part time in any program conducted by a community college district pursuant to Education Code 51760 et seq. and which is financed by state or federal funds

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. Employment for such purposes after conviction of a sex or controlled substance offense shall be subject to the provisions of Education Code 45123 and 45124. (Education Code 45106)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4212.5 - Criminal Record Check)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)