

Book	Administrative Procedures
Section	Chapter 7: Human Resources
Title	Acting, Interim, and Direct Appointments
Code	AP 7121
Status	Active
Legal	Title 5, Section 53021(c)(7)
Adopted	December 3, 2019

1.0 Purpose

The purpose of this procedure is to ensure uniform and transparent utilization of Acting, Interim, and Direct Appointments (collectively "Temporary Appointments," for purposes of this procedure, only). This procedure cannot be used to temporarily fill CSEA represented, classified positions. At all times, primary considerations must include:

1.1 Business Reason

There must be a business reason, as determined by the Chancellor or designee, for not running a full, open recruitment.

1.2 Equal Opportunity and Diversity

Consideration of equal opportunity and diversity requirements.

1.3 Perceptions

Potential and/or actual perceptions about the lack of open recruitment and a business reason for not having an open recruitment must exist.

1.4 District Commitment

The District is committed to fairness, diversity, and equal opportunity.

2.0 Title 5 Requirements

Title 5 requires community college districts to actively recruit from both within and outside the District work force to attract qualified applicants for all vacancies. Title 5 allows an exception to a full internal/external recruitment in

cases where the District has an operational need to timely fill positions on a temporary basis. This procedure shall not be utilized to permanently fill any position.

3.0 Collective Bargaining Agreements

If a term of this procedure conflicts with a term in an applicable collective bargaining agreement, the term in the collective bargaining agreement shall govern. However, if a current employee accepts a Temporary Appointment outside of their current bargaining unit, only the collective bargaining agreements (if any) and/or policies applicable to the Temporary Appointment shall apply during the Temporary Appointment. See, 5.0, below.

4.0 Individuals Appointed

Temporary Appointments pursuant to this procedure involve either:

4.1 Current Employees

The temporary placement of a current appointee into a different position, reserving a right for that appointee to return to their underlying position at (or prior to) the conclusion of the Temporary Appointment.

4.2 Temporary Employment of an External Individual

The temporary employment of an individual not otherwise employed by the District pursuant to this procedure. However, such an individual is a District employee (i.e., not an independent contractor) when appointed pursuant to this procedure.

5.0 Out-of-Class Assignments Distinguished

Temporary appointments for those otherwise employed by the District involve the temporary placement of an individual into a different classification and/or position, which may be outside an employee's normal bargaining unit. An out-of-class assignment is utilized where an employee remains in their position and may receive compensation for the performance of duties inconsistent with the duties of their current classification.

6.0 Approvals

All appointments pursuant to this procedure must be approved in advance by the Chancellor or designee. Where this procedure is applied to the position of Chancellor, such appointment must be approved in advance by the President

of the Board. All such appointments must be approved by the Board, as discussed in more detail below.

7.0 Minimum Qualifications

7.1 Generally

All appointees must meet or exceed the relevant minimum qualifications of the position they are temporarily appointed to.

7.2 Academic Positions

Any individual temporarily appointed to an academic position, including Educational Administrator positions, shall possess at least the minimum qualifications prescribed for the position by the Board of Governors of the California Community Colleges and/or as stated in the job description.

8.0 Temporary Appointment Types

8.1 Acting and Interim Appointments

8.1.1 Generally:

8.1.1.1 An Acting Appointment is a temporary appointment wherein the acting appointee is temporarily appointed to a position in which the incumbent remains in the position but is unavailable to perform the duties of their position for any reason. Examples of unavailability include, but are not limited to, an incumbent that is on leave or the incumbent has accepted another Temporary Appointment.

8.1.1.2 An Interim Appointment is a temporary appointment where a position is vacant (including newly created positions) and the District is preparing for and/or running a recruitment.

8.1.1.3 The nature of the appointment is determined at the outset of the appointment or reappointment/extension.

8.1.1.4 Individuals working in Acting/Interim Appointments are employees of the District (i.e., not independent contractors) and are subject to all applicable

policies, procedures, and/or collective bargaining agreements.

8.1.2 Duration

Acting/Interim appointments shall be made in six (6) month increments, not to exceed two (2) years. The Chancellor may approve an initial appointment of one (1) year where the Chancellor determines that a full and open recruitment will take more than six (6) months.

8.1.3 Method of Appointment

Acting/Interim appointments shall be normally made by appointment, not by contract. The appointment letter shall specify the right to return to a position, if applicable, and the District's right to terminate the Acting/Interim Appointment at any time.

8.1.4 Board Approval:

Acting/Interim appointments must be approved by the Board in advance (i.e., prior to the employee commencing work in the Acting/Interim Appointment). Acting/Interim appointees shall normally be placed on the Personnel Consent Agenda. Salary and other compensation must be read aloud in the Board meeting if required by Government Code section 54953(c)(3).

8.1.5 Qualifications: Acting/Interim appointees must meet or exceed the relevant minimum qualifications of the position they are temporarily appointed to.

8.1.6 Compensation:

8.1.6.1 Current Employee

The Acting/Interim appointee shall be placed on the range of the temporary appointment at the step that is closest to, but not less than, a 5% increase, adjusted as needed based on adjustments to the underlying appointment. In no event shall placement be above the range or at a longevity step.

8.1.6.2 External Hire

The Acting/Interim appointee shall not be placed above the range or at a longevity step. Careful consideration must be given to the compensation paid to previous incumbents and other District employees in the same/similar positions.

8.1.6.3 HR Approval Required

HR will determine the appropriate compensation in consultation with the appropriate administrators. No offers will be made prior to HR approval.

8.1.7 Recruitment

The Appropriate Administrator may choose to run a truncated internal or a truncated internal/external recruitment as follows. This process only applies to appointments pursuant to this procedure:

8.1.7.1 Announcement

Announce the position to the District and post online (if internal/external) for a minimum of five (5) days, soliciting, at minimum, a cover letter and resume/curriculum vitae.

8.1.7.2 Screening for Minimum Qualifications

At the conclusion of the time frame identified in 6.2.7.1, Human Resources will screen the applicants for minimum qualifications. Only those applicants meeting minimum qualifications will be forwarded to the screening committee.

8.1.7.3 Screening Committee

8.1.7.3.1 The Appropriate Administrator shall designate and convene a committee of at least three (3) members, one of which can include the Appropriate Administrator. For Educational Administrator recruitments, the Appropriate Administrator shall designate at least one (1) faculty member, preferably from a related field. For Classified Administrator recruitment, the

Appropriate Administrator shall designate at least one (1) rank-and-file classified employee, preferably from the same functional area.

8.1.7.3.2 An HR appointed EEO Representative must also participate in the activities of the screening committee.

8.1.7.3.3 The Screening Committee shall review all of the application materials and determine which applicants will be interviewed.

8.1.7.3.4 After interviewing the applicants, the Screening Committee shall forward the finalists to the Appropriate Administrator.

8.1.7.4 Final Decision

The Appropriate Administrator shall make a final selection and submit the appropriate paperwork to Human Resources.

8.2 Direct Appointments

8.2.1 Definition:

8.2.1.1 A Direct Appointment is a temporary appointment that would qualify for either an Acting or Interim Appointment but needs to be filled in the case of emergency as determined by the Chancellor.

8.2.1.2 Individuals working in Direct Appointments are employees of the District (i.e., not independent contractors) and are subject to all applicable policies, procedures, and/or collective bargaining agreements.

8.2.2 Duration:

8.2.2.1 Direct appointments shall not exceed three (3) months. Notwithstanding this limitation, a three (3) month appointment may be extended by one (1) month.

8.2.2.2 A Direct Appointment is limited to the time needed to prepare and implement the Acting or Interim recruitment processes described in this policy or to prepare and/or implement a full and open recruitment.

8.2.3 Method of Appointment

Direct appointments shall be made by appointment letter. The appointment letter shall specify the right to return to a position, if applicable, and the District's right to terminate the Direct Appointment at any time.

8.2.4 Board Approval:

8.2.4.1 Direct appointments may be ratified by the Board after a Direct Appointment is made. (See, BP 2436.9.) The Board must ratify all Direct Appointments, even where the Direct Appointment commences and ends prior to Board ratification.

8.2.4.2 Direct appointees shall be placed on the Personnel Consent Agenda. Salary and other compensation must be read aloud in the Board meeting if required by Government Code section 54953(c)(3).

8.2.5 Qualifications

Direct Appointees must meet or exceed the relevant minimum qualifications.

8.2.6 Compensation:

8.2.6.1 Current Employee

The direct appointee shall be placed on the range of the acting appointment at a step that is closest to, but not less than, a 5% increase. In no event shall placement be above the range or at a longevity step.

8.2.6.2 External Hire

The direct appointee shall not be placed above the range or at a longevity step. Careful consideration must be given to the compensation paid to previous

incumbents and other District employees in the same/similar positions.

8.2.6.3 HR Approval Required

HR will determine the appropriate compensation in consultation with the appropriate administrators. No offers shall be made prior to HR approval.

8.2.7 Recruitment

The Appropriate Administrator will:

8.2.7.1 Announcement

Announce the position to the District and post online for a minimum of seventy-two (72) hours, soliciting, at minimum, a cover letter and resume/curriculum vitae.

8.2.7.2 Screening for Minimum Qualifications

At the conclusion of the time frame identified in 6.3.7.1, Human Resources will screen the applicants for minimum qualifications. Only those applicants meeting minimum qualifications will be forwarded to the Appropriate Administrator.

8.2.7.3 Screening Committee

The Appropriate Administrator shall review the application materials with an EEO Representative designated by Human Resources and make a final selection. If the Appropriate Administrator elects to interview some or all of the applicants, the EEO Representative shall be present for all interviews.