

ACE  
Agreed 4/16/15  
District

**Filling Vacancies:  
Temporary Hires and Working Out of Class Opportunities**

The following terms for hiring a Temporary Employee or offering a Working Out of Class assignment to fill a vacancy shall be implemented with a review of the process following an 24-18-month period. Following and during the 24-18 months the parties shall review the process to evaluate its effectiveness. The ACE and the District may negotiate changes subject to agreement of the parties. Continuation of the program at the end of the 18 month period shall be subject to mutual agreement.

**Purpose:**

- To improve opportunities for current Classified employees to be considered for temporary assignments through a "working out of class" status.
- To provide a consistent framework for announcing such opportunities and considering interested employees.
- To allow for a temporary employee to remain employed for a reasonable time while proceeding with:
  - recruitment to fill a vacancy.
  - review of the position or department that may result in changes affecting the position which have not yet been determined.

**Applies to:**

These terms and conditions apply to hiring of temporary employees and the hiring of current classified employees for a Working out of Class Announcement (WOCA) applicable to a vacant position. These processes apply while waiting to complete a recruitment to fill the position with a regular/probationary status employee, or while conducting a review of the position or department that may result in changes affecting the position which have not yet been determined.

If a position is left vacant without hire in order to capture "float" savings, the district shall not employ a temporary employee in the vacancy. This does not, however, preclude short-term temporary hires to fulfill limited special projects or responsibilities that otherwise would be provided under Ed Code 88003 as short-term employees. It is recognized however that such hires are not intended to circumvent a WOCA opportunity or recruitment procedures.

This process does not apply to:

- Short-term temporary employees who may be hired to fulfill special projects or responsibilities;
- Substitute temporary hires to fill a position while an employee is on leave from the position or absent to fulfill other duties.

**Definitions:**

*Vacant position:* is defined as a position that is vacant due to promotion, transfer, demotion, reassignment, separation, resignation, or retirement of the prior incumbent.

*Temporary employee:* a person hired under Ed Code 88003.

*Classified employee:* a non-probationary classified or classified hourly employee who has otherwise attained regular status with the district.

**Terms and Conditions:**

- Temporary hires are not intended to serve as long term substitutes to fill vacancies.

- This process shall not change the terms of Article 8.9 Working out of Class, including a hiring manager's discretion to make a Working Out of Class assignment to a current employee.
- This process shall not change the terms of Article 7.6 Reorganization.

#### *Hiring a Temporary Without a WOCA*

- In accordance with current practices and Article 4.4 regarding temporary hires and the terms of the Agreement, a hiring manager may proceed with hiring a temporary employee without conducting a WOCA. In that event:
  - The temporary employee may be employed to fill the vacancy up to ~~120~~90 days while recruiting to fill the vacancy.

#### *Implementing a WOCA*

- Alternatively, a hiring manager may proceed with announcing a Working out of Class opportunity. In that event:
  - A Working out of Class Announcement (WOCA) shall be made available to all ACE classified employees of the district.
    - A WOCA shall normally be made via the district's recruitment and applicant tracking system (currently Taleo). ~~During the initial 24-month period the district shall also include an email blast to announce a WOCA. The District shall provide notice of a WOCA to employees by email blast. The District may continue its review of more efficient and effective alternatives to email such as an applicable WOC pool, or by employees registering in the recruitment and applicant tracking system to receive automated notices of opportunities. The parties will continue dialogue and may make changes to the notification process during the 18-month period by mutual agreement. Following the 24-month period WOCAs will be announced using the district's recruitment system.~~
    - Employees shall have a minimum of 5 business days to indicate their interest by submitting the documents, such as a resume and/or application and/or cover letter, requested by the WOCA.
  - The hiring manager shall consider each qualified employee who has properly submitted the requested documents indicating his/her interest in the WOCA
    - An employee shall be deemed qualified if he/she meets the minimum education and experience requirements as well as other qualifications expressly identified as essential to the position.
    - Such consideration shall normally be made by conducting an interview with qualified employees.
    - Consideration of current Classified employee applicants shall be concluded prior to the review of any non-Classified employee applicant.
- The hiring manager shall retain full discretion to determine which employees are deemed qualified and will receive further consideration, and to make the hiring decision.
- The hiring manager may, but shall not be obligated to, re-interview an employee who has been interviewed for the same ~~or similar position~~classification with the same hiring manager within the last ~~24~~12 months, unless such employee has demonstrated a substantial change in education, training, or experience relevant to the position. The hiring manager shall retain discretion to determine if a substantial change has occurred.
- ~~The hiring manager may, but shall not be obligated to, consider an employee who has been issued discipline, or whose most recent performance evaluation, if completed with the last 24 months, indicates less than "Good Solid Performance".~~

.....*Resulting in a WOC Hire*

April 16, 2015 v3

- In the event an employee is hired to fill a WOCA, Article 8.9 of the Agreement shall apply.

.....*Resulting in No WOC Hire*

- In the event there are no successful candidates for a WOCA, the hiring manager may proceed to consider non-employees and non-Classified employees for the position.
  - A temporary employee may then be employed to fill the vacancy:
    - up to ~~8-150 days~~~~months~~ while recruiting to fill the vacancy; or
    - up to ~~12-10~~ months if proceeding with a review of the position (classification review) or department (reorganization) that may result in changes affecting the position which have not yet been determined.
      - Reclassification requests shall normally be submitted within 75 days of the temporary hire. Failing to do so shall convert the time limit to ~~8-165 days~~~~months~~ from date of hire of the temporary employee while recruiting to fill the vacancy.
      - A review of the department for possible reorganization shall include notice of the intended review to the Union within 75 days. Failing to do so shall convert the time limit to ~~8-165 days~~~~months~~ from date of hire of the temporary employee while recruiting to fill the vacancy. All other steps regarding reorganization shall follow Article 7.6.

*Timelines*

- In accordance with the current Agreement, timelines may be extended by mutual agreement between ACE and the district.