

HR - Standard Operating Procedures

Hiring and Classification of Short-Term Employees, Professional Experts, College Assistants, and Independent Contractors

1. Purpose

This SOP provides clear guidance to administrators, managers, department chairs, and hiring supervisors on the appropriate use, requirements, and limitations of four common temporary employee classifications at a Kern Community College District: Short-Term Employees, Professional Experts, Student Workers, and Independent Contractors.

Correct classification ensures legal compliance, fiscal responsibility, and alignment with District and Board of Trustees requirements.

2. Scope

This SOP applies to all departments seeking to hire non-permanent personnel for instructional, operational, technical, or specialized services.

3. General Principles

- Classification must be determined before work begins.
- Individuals may not begin work until all required approvals, including Board of Trustees approval, are obtained.
- An individual may not hold overlapping or conflicting classifications at the same time. Some may not be within the same fiscal year.
- Departments are responsible for ensuring duties assigned align with the approved classification.

4. Misclassification Risk Statement

Improper classification of employees presents significant legal, financial, and labor relations risks to the District. Misclassification may result in, but is not limited to:

- Violations of California Education Code provisions governing classified service and temporary employment
- Violations of California Labor Code and Government Code requirements
- Back pay liabilities, benefit costs, penalties, and interest
- Audit findings, grievances, or unfair labor practice claims
- Invalidation of contracts or Board actions

In accordance with **Education Code §§88003, 88004, and 88076, Government Code §53060, Labor Code §2750.3, and Kern Community College District Board Policy 7210**, classified work must be performed by properly classified employees unless a lawful exception applies.

Departments may not use Short-Term Employees, Professional Experts, or Independent Contractors to circumvent the classified hiring process or to perform ongoing, permanent, or bargaining-unit work.

When classification is unclear, departments must consult Human Resources (for employee classifications) or Business Services (for Independent Contractors) before initiating work or submitting documentation.

Failure to follow these requirements may result in cancellation of the assignment, non-payment for services, or corrective action as determined by the District.

5. Classification Overview

a. Short-Term Employees

Definition: Short-Term Employees are temporary employees hired to perform clerical or technical duties for a limited duration when the work is not ongoing or permanent.

Key Characteristics:

- Must be approved by the Board of Trustees prior to the start date.
- Limited to no more than 180 workdays or 1,000 hours per fiscal year, whichever is less.
- Typically scheduled at approximately 19 hours per week to remain within annual limits.
- May not exceed 29 hours per week, including work across multiple departments.
- Eligible for paid sick leave if statutory criteria are met.
- Once an employee reaches 1,000 hours, they become CalPERS eligible, which is permanent and increases departmental costs.

When to Use:

- Temporary operational needs
- Project-based classified support
- Interim coverage when no permanent position exists

Restrictions:

- Cannot work before Board approval
- Cannot simultaneously be employed as a College Assistant

b. Student Workers

Definition: Student Workers are enrolled students employed on campus in part-time roles that provide educational and professional development opportunities.

Key Characteristics:

- Must be a currently enrolled student meeting eligibility requirements.

- Subject to the same hour limitations as Short-Term Employees (generally under 29 hours per week).
- Accrue paid sick leave if eligible.
- Lower-cost staffing option that supports student retention and success.

When to Use (Preferred):

- Clerical, instructional support, tutoring, lab assistance, and administrative tasks
- Positions that provide meaningful student learning opportunities

Restrictions:

- Must remain in student status
- Cannot be concurrently employed as a Short-Term Employee

c. Professional Experts

Definition: Professional Experts are individuals with specialized knowledge or skills hired to provide short-term professional services that are typically advisory, instructional, or technical in nature.

Key Characteristics:

- Services are temporary and specialized, not ongoing classified work.
- May be compensated hourly or by stipend, depending on assignment.
- Generally not subject to the 1,000-hour limitation, but assignments must remain clearly temporary.
- Typically approved by the Board of Trustees.

When to Use:

- Guest lecturers or speakers
- Industry professionals providing short-term expertise
- Specialized training or consultation not available through existing staff

Restrictions:

- Cannot perform routine classified duties
- Assignment scope must be clearly defined and limited

d. Independent Contractors

Definition: Independent Contractors are external individuals or businesses engaged to perform services under a contract and are not employees of the District.

Key Characteristics:

- Must meet IRS and California independent contractor (ABC test) standards.
- Control how the work is performed and typically provide their own tools and materials.
- Paid through Accounts Payable, not Payroll.
- Do not receive benefits, sick leave, or employee protections.

When to Use:

- One-time or infrequent professional services
- Services outside the District's usual course of business
- Clearly defined deliverables with a contract

Restrictions:

- Cannot be used for work that resembles ongoing employee duties
- Misclassification risk if the District controls work hours, methods, or supervision

6. Decision Tree – Selecting the Correct Classification

Use the following decision tree **before initiating any hire**:

1. Is the individual a currently enrolled student?

- **Yes** → Hire as a Student Worker (preferred option).
- **No** → Proceed to Step 2.

2. Will the individual perform ongoing clerical, technical, instructional support, or operational duties under District supervision?

- **Yes** → Proceed to Step 3.
- **No** → Proceed to Step 4.

3. Is the assignment temporary (limited duration, not exceeding 180 days or 1,000 hours in a fiscal year)?

- **Yes** → Hire as a Short-Term Employee.
- **No** → A permanent classified position may be required; consult Human Resources.

4. Is the individual providing specialized, expert-level services on a short-term basis (e.g., guest lecturer, industry expert, consultant) under District direction?

- **Yes** → Hire as a Professional Expert.
- **No** → Proceed to Step 5.

5. Does the individual operate an independent business, control how the work is performed, and provide services outside the District's usual course of business?

- **Yes** → Engage as an Independent Contractor.
- **No** → Consult Human Resources to avoid misclassification.

7. Comparison Summary

Category	Employee Status	Board Approval Required	Hour Limits	Student Required	Typical Use
Short-Term Employee	Yes	Yes	180 days / 1,000 hrs.	No	Temporary clerical or technical work
College Assistant	Yes	Yes	Under 29 hrs./week	Yes	Support roles
Professional Expert	Yes	Typically, yes	Assignment-based	No	Specialized expertise
Independent Contractor	No	Yes	Contract-based	No	External professional services

8. Hiring and Approval Processes (All Classifications Require Board Approval)

a. Short-Term Employees and Student Workers

Rehire (Current Fiscal Year Employee):

- Submit a Short-Term Employment Authorization Form via Adobe Sign.
- Include legal name, updated contact information, job duties, salary schedule/level, budget account(s), start and end dates.
- Confirm attempts to hire a Student Worker first, when applicable.
- Start date must be **after Board of Trustees approval**.

New Hire:

- New Short-Term Employees require pre-approval by Human Resources.
- Department must submit a justification email outlining duties, duration, staffing impact, and confirmation that a College Assistant option was explored.
- Upon HR approval, submit the authorization form and required onboarding documents (Livescan, TB clearance, PAT if applicable).

Ongoing Requirements:

- Monitor hours to ensure compliance with 1,000-hour and weekly limits.
- Submit timesheets timely and accurately.
- Submit Personnel Action Forms (PAFs) for changes to end dates, duties, departments, or pay.

b. Professional Experts

- Departments must define the scope, duration, and nature of the expert services.
- Compensation method (hourly or stipend) must be identified in advance.
- Appointments typically require Board approval.
- Assignments must remain temporary and advisory/specialized in nature.

c. Independent Contractors

- All Independent Contractor agreements require Board of Trustees approval pursuant to Government Code §53060 and applicable District Board Policy.
- Departments must initiate the process through Business Services, not Human Resources.
- Business Services will review scope of work, contract terms, insurance, and compliance with the California ABC Test.
- Contracts are processed through Purchasing/Accounts Payable and paid via Accounts Payable, not Payroll.
- Services must be completed strictly according to approved contract terms and deliverables.

9. Compliance and Oversight

- a. Departments must consult Human Resources before selecting a classification.
- b. Funding availability must be confirmed prior to submitting hiring documentation.
- c. Timesheets and contracts must be submitted accurately and on time.
- d. Any change in duties, hours, funding, or end date must be reported immediately.

10. Roles and Responsibilities

a. Hiring Departments:

- Determine appropriate classification
- Ensure budget availability
- Submit complete and accurate documentation

b. Human Resources:

- Review and approve classifications
- Ensure legal and Board compliance
- Maintain employment records

c. Board of Trustees:

- Approve eligible employee appointments and changes

11. Questions

Departments should contact Human Resources prior to initiating any hire if classification is unclear or circumstances change during the assignment.

Legal and Policy References

The following authorities govern hiring, classification, and approval decisions. Language below reflects key requirements commonly stated in District policy; departments should consult the full Board Policy or Administrative Procedure for complete requirements.

California Education Code

- **Ed. Code §88003 & §88004** – Authorize short-term employment for limited-duration assignments and prohibit use of temporary employees to fill permanent positions.
- **Ed. Code §88076** – Permits the employment of professional experts for special services requiring unique or specialized skills.

California Government Code

- **Gov. Code §53060** – Authorizes governing boards to contract with independent contractors for special services and requires governing board approval.

California Labor Code

- **Labor Code §2750.3 (AB 5)** – Establishes the ABC Test used to determine independent contractor status.
- **Healthy Workplaces, Healthy Families Act of 2014** – Governs paid sick leave accrual for eligible employees.

Kern Community College District Board Policies (paraphrased guidance):

- **BP 7210 – Classified Personnel:** Provides that classified work shall be performed by classified employees unless legally authorized otherwise (e.g., short-term or professional expert appointments).
- **BP 7240 – Professional Experts:** Authorizes the use of professional experts for temporary, specialized services when such expertise is not otherwise available through existing staff.
- **BP 7400 – Student Employment:** Establishes student employment programs to support student success while meeting institutional staffing needs.
- **Associated Administrative Procedures:** Define approval routing, documentation requirements, and oversight responsibilities.