



## **Board Policy No. 244**

### **Temporary Worker Staffing Policy**

**ADOPTED:** 3/22/17

(Implementation eff. 7/1/17)

**RECENT AMENDMENT:** 8/5/2020

**SEE ALSO:** 465

**SUBJECT CATEGORY:** SECTION 200 – HUMAN RESOURCES

**SUBSECTION:** HUMAN RESOURCES, HUMAN RESOURCES

**CONTROL DEPARTMENT:** HUMAN RESOURCES

#### **I. PURPOSE**

The purpose of this policy is to establish standards for the appropriate use of temporary workers at the District, including limitations on said use. The District will strive to fill full time regular budgeted vacancies as quickly as possible and endeavor to minimize the use of temporary workers for budgeted vacancies. All temporary worker assignments shall comply with applicable local, state and federal laws, regulations and collective bargaining agreements.

#### **II. PERSONS AFFECTED**

Persons affected by the policy include all current and prospective temporary workers hired through a contracted staffing agency, direct hires made by the District, and any manager with a need to hire temporary staff.

#### **III. DEFINITIONS**

**“Temporary Worker”** means any staff hired through a staffing agency or directly through the District to address a short-term, interim staffing need.

#### **IV. POLICY**

##### **A. General:**

The General Manager shall exercise discretion and good judgment in the approval and hiring of temporary workers.

1. Temporary workers may be used to address the District’s short-term staffing needs. Reasons for hiring temporary workers may include, but are not limited to:
  - Backfill for a vacant position or when the incumbent is unavailable;
  - Fill a position for a specified project of a short duration;
  - Meet urgent operational needs;
  - Address a need for specialized knowledge, skills, or abilities; or
  - Perform non-recurring seasonal or cyclical work.

##### **B. Limitations:**

1. Temporary workers are not eligible to participate in District benefits programs (including, but not limited to, insurance; holiday; vacation; sick leave; health; and pension) except as required by law, but may be eligible to participate in a staffing agency's benefits programs.
2. Unless otherwise specified in a collective bargaining agreement, temporary workers shall not be union members and are not entitled to representation by any union in disciplinary matters.
3. Temporary workers are W-2 workers who will be provided with a Form W-2, either by a third-party temporary agency or by the District in the case of a Direct Hire temporary worker. Temporary workers should not be confused with 1099 independent contractors who are covered under a separate Board Policy.
4. Temporary workers may be terminated at the discretion of the District for any reason at any time without notice.

**C. Length of Work:**

- a. The following "length of work" limitations apply to all temporary workers:
  - a. Temporary workers are limited to no more than 960 hours of work in a calendar year, and no more than 1,920 hours lifetime with the District.
  - b. Temporary workers are limited to no more than two (2) work assignments at the District (while adhering to the hours worked limitations as stated above).
- b. Retirees:
  - a. A retiree being considered for a temporary work assignment must satisfy a 180-day waiting period before beginning the temporary work assignment. Exceptions may be granted with Board approval.
  - b. A retiree cannot be hired as a temporary worker if he or she received unemployment insurance payments arising out of prior employment with any public employer within the 12 months prior to the temporary hire date. The retiree is required to certify to the employer, in writing, that he or she is in compliance with this requirement. (See Government Code Section 7522.56.(e))

**D. Placement:**

1. All temporary workers shall be hired through the Human Resources Department.
2. All temporary workers hired through a temporary agency shall be hired through the Human Resources Department from an approved staffing agency under contract and in good standing with the District. The contracting of these services is subject to the requirements of Board Policy 465 – Procurement Policy.

**V. AUTHORITY****A. Board Authority**

Consistent with current laws and regulations, the Board of Directors has the authority to grant an exception to the 180-day waiting period for District retirees who are fulfilling a temporary work assignment at the District.

**B. General Manager's Authority**

The General Manager is directed to issue the necessary Administrative Regulations and create the necessary forms and systems required to provide uniform procedures for all departments and oversee and monitor all aspects of a temporary worker staffing program at the District. All temporary worker staffing requests must be approved by the General Manager.

The General Manager may authorize an exception to the length of work limits under exigent circumstances to address critical operational needs. Any and all exceptions authorized by the General Manager shall be reported in the General Manager's Quarterly Report.

**VI. ATTACHMENTS**

None