The unrepresented management employees handbook contains the rules and regulations governing the employment practices relating to all Gavilan College employees that are not represented by collective bargaining agreements. All designated certificated and classified personnel employed by the district on 7/1/85 are covered under the terms and conditions stated in this handbook.

Adopted by the Board: 1/1/86
Approved by the Board: 2/11/86
Effective 85/86 school year

Compiled by: Earl Orum, Secretary to the Board
Edited by: Iris Bliss, Personnel Services Officer
I. DELEGATION OF AUTHORITY IN PUBLIC SCHOOLS IN CALIFORNIA

STATE OF CALIFORNIA
State Constitution - State Laws

provides for

STATE PUBLIC SCHOOL SYSTEM
(includes Community Colleges)
Education Code delegates some authority to

LOCAL DISTRICTS
(Gavilan Joint Community College District)
people elect and delegate some authority to

GOVERNING BOARDS
(Gavilan College Board of Trustees)
appoints and delegates some authority to

DISTRICT SUPERINTENDENT AND PRESIDENT
appoints and delegates some authority to

DESIGNATED MANAGEMENT EMPLOYEES

NOTES:

The Community Colleges of California are a part of the State system of education.

All authority held by agencies or agents, under the State itself, is limited to that which is specifically delegated; no additional authority may be assumed, the Education Code being a "permissive" type of code.

The Education Code provides for the authority which is delegated to the local Districts and Governing Boards. Title 5 of the State Administrative Rules and Regulations further explains authority, but cannot amplify it.

The local Board delegates authority to the Superintendent; the Board cannot delegate any authority which it does not itself have as delegated authority from the State.

The District Superintendent, in the establishment of rules and regulations and/or job descriptions, delegates authority to the Designated Management Employees.

When authority is delegated, corresponding responsibility is delegated. It should be recognized, however, that when the State, agency, or agent, delegates authority and responsibility that does not free the State, agency, or agent from the basic responsibility.
II. BOARD'S AUTHORITY FOR DELEGATION OF RESPONSIBILITY

The exercise of the express and implied legal powers, rights, duties and responsibilities by the Board, e.g., the adoption of policies, rules, regulations and practices in furtherance of these powers, and the use of judgment and discretion in connection herewith shall be limited only by the specific and express terms of this Handbook and then only to the extent that such specific and express terms are in conformance with law.

The District's powers, rights, authority, duties and responsibilities include, among others, the exclusive right (1) to manage its operation; (2) to direct, select, decrease or increase the work force, including but not limited to the decisions and procedures concerning hiring, demotion, promotion, suspension, layoff or discharge and the effects of all decisions and procedures concerning hiring, demotion, promotion, suspension or discharge; (3) to maintain discipline and efficiency of members, to prescribe the rules to that effect, to establish and change standards, to determine the qualifications of members; (4) to make all plans and decisions on matters involving its operations; (5) to determine solely the extent to which the facilities of any department thereof shall be operated, the additions thereto, the removal of equipment, the outside purchase of products or services, the scheduling of operations, the means and processes of operations, the material to be used, and the right to introduce new or improved methods and facilities, and to change or alter any existing methods and facilities; (6) to regulate quantity of services and to otherwise take any actions desired to run the entire operation efficiently; (7) to determine job titles and descriptions after consultation with appropriate employees; (8) to require an employee at District expense, as a condition of continued employment, to be examined by a physician designated by the District; and (9) to determine compensation, hours, and other working conditions.

The District retains its rights to amend, modify, or rescind policies and practices referred to in this Handbook in case of emergency, provided, however, that such rights shall be for the duration of the emergency.

III. MANAGEMENT PHILOSOPHY

(to be developed by Supt./Pres.)
STATEMENT OF ETHICS

A Definition of Ethics

Ethical behavior is often defined as "right" or "good" behavior as measured against commonly accepted rules of conduct for a society or for a profession. The ethical person is often described in absolute terms as one who is fair, honest, straightforward, trustworthy, dispassionate, unprejudiced. If, however, one is inconsistently fair or honest, one loses credibility and is perceived to be unethical. The ethical person must be conspicuously consistent in the exercise of integrity to sustain the credibility which is an expectation of office.

Importance of Ethics

The credibility of college management employees may well be in direct relation to whether or not they are perceived as honest men and women. If integrity contributes to credibility, then ethical behavior is a singular prerequisite to successful management. When the people are convinced that public institutions are administered by honest men and women, questions of credibility and demands for public accountability rarely arise.

Statements of ethical standards do not necessarily ensure ethical behavior. Yet public statements of intent surely create an expectation that public officials will indeed act with integrity in the public interest.

Expectations for Ethical Behavior

Management Employees of community colleges shall be committed to the principles of honesty and equity. They shall not seek to abridge for any purpose the freedoms of faculty, staff and students. At the same time, they shall not willingly permit the rights and privileges of any members of the college community to override the best interests of the public served by the college.

As appointed managers of the college community, administrators shall exercise judgments which are dispassionate, fair, consistent and equitable. They shall exhibit openness and reliability in what they say and do as leaders. They shall confront issues and people without prejudice. They shall do everything they can to demonstrate a commitment to excellence in education and without compromise of the principles of ethical behavior.

The consistent exercise of integrity is ethical behavior.
V. RESPONSIBILITIES OF MANAGEMENT EMPLOYEES

Management Employees respond to many constituencies: to elected or appointed governing boards; to colleague administrators, faculty and staff; to their professions; and, ultimately, to the students and the community. The following statements of responsibilities are intended as guidelines:

1. With respect to students, the community college Management Employee has the responsibility:
   A. To remain continuously informed of the characteristics, preferences and educational needs of the local community.
   B. To provide and protect student access to the educational resources of the community college.
   C. To protect human dignity and individual freedom, and assure that students are respected as individuals, as learners, and as independent decision-makers.
   D. To invite students to contribute to college decisions and directions.
   E. To protect students from disparagement, embarrassment or capricious judgment.
   F. To keep foremost in mind at all times that the college exists to serve students.

2. With respect to colleagues and staff, the community college Management Employee has the responsibility:
   A. To develop a climate of trust and mutual support through the governance processes characterized by the participation of people affected, a focus on objectives rather than personalities, respect for reason, freedom of expression, and the right to dissent.
   B. To foster openness by encouraging and maintaining two-way communication.
   C. To encourage, support and abide by written policies and procedures and to communicate clearly to new staff members the conditions of employment, work expectations and evaluation procedures.
   D. To provide opportunities for professional growth.
   E. To provide due process with opportunity for appeal and review of employee evaluation.
3. With respect to the governing board, the community college Management Employee has the responsibility:

A. To keep the board informed so that it can act in the best interests of the district or college and the public.

B. To act in the best interest of the district or college even when that action conflicts with an interest of the Manager or individual colleagues.

C. To be guided by the principles and policies established by the board.

D. To represent the board in official statements only when formally designated to do so.

4. With respect to the profession, the community college Management Employee has the responsibility:

A. To improvement performance through participation in professional activities.

B. To be informed about developments in education in general and in the community college in particular.

C. To encourage and assist new professionals toward growth and effectiveness.

VI. Management Employee

A community college manager should have the right:

1. To be considered for employment without regard to race, sex, creed, age, national origin, or physical limitation.

2. To a clear written statement of the philosophy, goals, and objectives of the institution; of the duties and responsibilities of the position; and of the conditions of employment including, but not limited to, statements on salary and fringe benefits, term of office, process of review, date of notification of action regarding renewal or continuance.

3. To work in a setting of institutional support and a climate of professional respect.

4. To be assigned authority commensurate with responsibilities and resources adequate to carry out assigned functions.
5. To act independently within the scope of authority to carry out responsibilities assigned.

6. To perform duties and carry out responsibilities without disruption or harassment.

7. To be provided with legal and financial protection from liability in carrying out duties of the position.

8. To participate in formulating and implementing institutional policy at a level appropriate for the position held.

9. To speak for the institution at the level of assigned authority.

10. To participate in associations and to support causes of his or her choice.

11. To privacy regarding personal matters.

12. To participate in and to be supported at an appropriate level in activities providing for professional growth such as career advancement and promotion, sabbatical leaves, other leaves, and conference attendance.

13. To loyal support from supervisors for the proper performance of work assigned.

14. To be evaluated in a professional manner on a regular and systematic basis, and to receive adequate notice of dissatisfaction with performance or of action to terminate in accordance with existing statutes.
VII. CERTIFICATED AND MANAGEMENT ORGANIZATION CHART

(to be developed by the Superintendent)
VIII. CLASSIFIED AND MANAGEMENT ORGANIZATION CHART

(to be developed by the Superintendent)
IX. DESIGNATED MANAGEMENT EMPLOYEES

LIST-CERTIFICATED MGR./SUPERVISORS

[Signature: delete]
SECTION TWO - UNREPRESENTED MANAGEMENT EMPLOYEES - DRAFT

RULES AND REGULATIONS HANDBOOK

I. PREFACE

This handbook has been prepared to give Unrepresented Management Employees basic information regarding personnel procedures, and provide the rules and regulations adopted by the Board of Trustees. This handbook does not confer any rights, benefits or privilege to temporary, substitute or short term employees.

The Board of Trustees selects and appoints the executive head of the District (District Superintendent/President), determines the policies which will govern the operation of the District, and functions as the legislative and policy-making body charged with the control of the District.

The District Superintendent/President is the administrative head of the District and is responsible for the effective organization and functioning of the District. The Campus Services Manager serves as liaison with legal counsel for personnel affairs and as Affirmative Action Officer. All recommendations to the Board of Trustees are transmitted through the Superintendent/President, who acts as Secretary to the Board.

II. EMPLOYEE STATUS

Unrepresented Management Employees are those employees, certificated or classified, who have either management, supervisory, or confidential status. The term Management Employee as used in this handbook, refers to all of the above. Some sections make specific references to:

- Certificated Management/Supervisory,
- Classified Management/Supervisory/Confidential,
- Certificated and Classified Managers,
- Certificated and Classified Supervisors,
- Confidential Employees, or
- Classified Supervisors

The context of those paragraphs is intended to clarify specific provisions which relate to that particular classification of unrepresented Management Employee. Specific rights regarding certificated and/or classified employees relate to the appropriate Education Code sections for each type of employee, certificated or classified. Nothing in this document should be construed as pre-empting the authority of the Education Code or Title 5 of the Administrative Rules and Regulations as they relate to matters and conditions of employment.
All employees designated as Management Employees by the Board of Trustees of the Gavilan Joint Community College District shall be covered by the provisions of this handbook. Management Employees are not subject to the provisions of any collective bargaining agreement between the District and any recognized unit such as CSEA or GCFRA, unless these are granted to Management Employees by the Board.

III-A. Management Responsibility

Certificated and classified managers are assigned specific functions within the organization. Under the supervision of the Superintendent/President and/or delegated authority, they are given the responsibility for managing that function on behalf of the Board. All of the District's powers, rights, authority, duties and responsibilities delegated to the Superintendent/President and through him/her to management employees, are the responsibility of the individual managers.

III-B. SUPERVISORY RESPONSIBILITY

Certificated and Classified Supervisors have major responsibilities for promoting leadership, administering District programs and policies, adjudicating grievances, and supervising and evaluating District employees.

III-C. CONFIDENTIAL RESPONSIBILITY

Classified Confidential employees are delegated the authority and responsibility of maintaining security of information with which they are entrusted while performing their assigned duties for officers of the District. Employees designated Confidential are privy to the collective bargaining information. Sensitive personnel information regarding employees and private papers of management and supervisory officers and District Board members fall within the security domain of the Confidential employee's area of responsibility.

III-D. MANAGEMENT/SUPERVISORY/CONFIDENTIAL ASSIGNMENT RESPONSIBILITY

Pursuant to the effective accomplishment of the above objectives and responsibilities, Management Employees are not constrained by the usual time and productivity measurements such as an eight-hour day or a forty-hour week; for it is recognized that these levels of participation shall be accepted as a standard of performance by all employees designated as Management. Because of the duties, flexibility of hours, salary and authority, Management Employees are exempt from overtime provision, except as stated in Section XVII. Management Employees shall not receive cash or time and one-half off for overtime, but are encouraged to take hour-for-hour time off when convenient and appropriate and are not expected to average more than 40 hours per week.
IV. - PROBATIONARY PERIOD

Certificated Managers/Supervisory employees new to the District are hired as probationary contract employees for the first two years, becoming regular status with the beginning of the third year of service.

The probationary period for Classified Managers/Supervisors/Confidentials is one (1) year for new hires and six (6) months for employees promoted to such status. In the event an employee’s services are not satisfactory after promotion to the new classification, within a six month period, he/she shall be entitled to reinstatement to his/her original position, if vacant, or a position in his/her former classification.

V. PERSONNEL FILES

Such employee files as are desirable for the management of the District shall be kept by the Personnel Services Officer and/or the employee’s supervisor, with the exception of payroll/benefit file information. Personnel files will be kept in confidence and shall be available for inspection, except as otherwise provided by law, only to the employee and to appropriate management employees of the District when necessary in the proper administration of the District’s affairs or the supervision of the employee.

Materials in the personnel file of the employee which may serve as the basis for affecting his/her employment are to be made available to the employee(s) for inspection upon written request, providing that the request is made at a time that the employee is not required to render service to the district.

The employee shall have the right to review and comment on any derogatory materials before such material is placed in the personnel file, and to have such comments attached to the material in question.

An employee may authorize the release of information from his/her personnel file to a third party by specific written and signed authorization.

Upon request, an employee may receive copies of materials in his/her personnel file within a reasonable time. A fee may be charged for the cost of reproduction.

VI. CONDITIONS OF EMPLOYMENT

Prior to assuming their duties, management employees new to the District must submit evidence of negative chest X-ray or intradermal tuberculosis test, sign a loyalty oath and complete W-4 form and provide a Social Security Card or evidence of application for a Social Security Card. Classified employees
are required to be fingerprinted within ten (10) days of employment. Employees may be required to be examined by a physician designated by the District at any time. Any examination requested of an employee will be at the expense of the District.

VII. PERFORMANCE EVALUATION

The evaluation process will serve as an instrument to measure the effectiveness and efficiency of each employee. Evaluations shall be made by the immediate supervisor of the Management Employee at least annually, or as may be initiated by the Campus Services Manager or the Superintendent/President. Conditional Probationary employees shall be evaluated before the end of six (6) months. Probationary employees will be evaluated at the end of six (6) months and eleven (11) months. Provision shall be made for review and discussion by the supervisor and employee. The employee will sign the report to indicate review and receipt of a copy. The original evaluation will be placed in the employee’s personnel file. Should the employee disagree with the evaluation, he/she may submit a statement in writing within five (5) working days which will be attached to the evaluation document.

VIII. CLASSIFICATION OF A POSITION

The Governing Board may, upon the recommendation of the Superintendent/President, reclassify a Management Employee position to a more appropriate class, range, step, or title.

IX. WORKING OUT OF CLASSIFICATION

Management Employees may be required to perform duties other than those reasonably related to their regular position. If the extra duties are assigned for more than five (5) work days, within 15 calendar days, appropriate compensation shall be provided.

X. TRANSFER

The District may require, or the Management Employee may request, a move to another position. Consideration shall be given to such factors as the comparable duties and responsibilities, levels of compensation, minimum qualifications, and employee performance. Should a position vacancy be opened to standard recruitment and selection procedures, applicants for transfer shall be considered along with the other candidates.

XI. PROMOTION

Promotion means appointment of a Management Employee to a higher position. The employee being considered for the promotion must meet the qualifications of the higher position.
When a Management Employee is promoted to a higher position within the group, placement on the salary schedule will be at a step which ensures not less than a 5% increase. When an employee is promoted to a Management Employee position from a position outside the group, he/she will be placed on the appropriate Range at a step which will ensure not less than a 5% increase in salary.

XII. REASSIGNMENT

The reassignment of Certificated Management Employees is at the discretion of the Board, subject to the provisions of Education Code Section 87744. The employee will receive ninety (90) days notice of reassignment.

When a Management Employee is reassigned to a position included in a bargaining unit, he/she shall be granted year-for-year credit on the salary schedule for each year of employment in paid status with the district.

Certificated Managers/Supervisors may be required to show proof of competency before being reassigned to the Bargaining unit.

XIII-A. COMPENSATION-CERTIFICATED MANAGEMENT/SUPERVISORY

Certificated Management/Supervisory employees will be paid off the Salary Schedule (Appendix B-1) at a rate commensurate with their classification and months of assignment.

Salaries will be adjusted by any percentage change in the Certificated Instructional Salary Schedule as determined through the bargaining process, or by an amount recommended by the Superintendent/President to the Board of Trustees. Effective dates of adjustments shall be equitable compared to those granted to other certificated personnel.

XIII-B. COMPENSATION-CLASSIFIED MANAGEMENT/SUPERVISORY/CONFIDENTIAL

Classified Management/Supervisory/Confidential employees will be paid off the Classified Management/Supervisory/Confidential Salary Schedule (Appendix B-2) at a rate commensurate with their classification. Salaries will be adjusted by any percentage change in the Classified Employees Salary Schedule as determined through the collective bargaining process or by an amount recommended by the Superintendent/President to the Board of Trustees. Effective dates of adjustments shall be equitable compared to those granted to other Classified Personnel.

XIV. SALARY PLACEMENT

Initial placement of Management Employees on the salary schedule(s) will be consistent with the recommendation of the Superintendent/President and the approval of the Governing Board.
If the employee is moving from a lower classification to a higher classification on the salary schedule, placement will be at a step which ensures not less than a 5% increase.

If the employee is moving from a higher to a lower classification on the salary schedule, placement will be on the same step on the lower range as had been reached on the higher range.

For those employees who do not work an entire month, payment will be computed on a daily rate of pay based on a 174 hour work month. Deductions from pay will be made on the basis of the hourly rate.

**STEP INCREMENTS**

Step increments are awarded each July 1 for those Certificated/Management Employees who have been in paid status for more than six (6) months in the preceding fiscal year.
Classified Management employees step increments are effective on the date the employee is appointed to District employment by the Board of Trustees. Salary increments will be paid to the Classified Management employee beginning with the first day of the anniversary month, except for employees hired prior to July 1, 1976, whose anniversary date shall be July 1.

**LONGEVITY AWARD - Classified**

Classified Management employees receive one additional 5% increment after nine consecutive years service with the District, overall evaluations of average or above for the past two consecutive years.

A second longevity award will be received after 13 years service and a third longevity award will be received after 17 years service with the same conditions as the first increment. A maximum of three career increments may be accumulated.

**Career Increment - Certificated**

(This section to be developed by Supt/President)

**SHIFT DIFFERENTIAL**

Classified Supervisors who begin their work day at or after 3:00 p.m. and before 5:59 a.m. shall receive differential premium of 5% above their regular rate of pay. The shift differential premium shall be paid only for those hours worked after 5:00 p.m. and before 8:00 a.m.

**CALL BACK**

Classified Supervisors who are required to work on the sixth or seventh day of the work week will receive a minimum of two (2) hours straight-time pay. Any work performed in excess of two hours shall be paid at straight-time for the number of hours actually worked.

**OVERTIME**

Classified Supervisors, positions are exempt from overtime compensation. See III-B.

**LOST WARRANTS**

In the event a pay warrant is lost by an employee, the Business Office should be notified immediately so that payment can be stopped on the warrant. A replacement warrant will be issued within twenty (20) days from the date the warrant is reported missing.
During the 85-86 Academic year, the District shall contribute $2673.48 toward the present fringe benefit programs, including medical, dental, vision, life insurance coverage, cancer policies, accident plans, salary continuation and annuities for employee, spouse and dependents according to the plans made available to all employee groups.

The District provides SDI (State Disability Insurance) at the employee's expense. Other disability plans are available within the Health and Welfare package, subject to carrier acceptance of application.

Employees on paid leave status are considered to be continuous employees and no interruption to the insurance program shall be imposed upon employees on paid leave. The Board, at its discretion, may continue District paid contributions to health and welfare benefits for an employee on a Board approved leave of absence.

No benefits can begin until the employee completes the enrollment form required by each individual insurance carrier.

If the Board does not continue District paid contributions to health and welfare benefits for an employee on a Board approved leave of absence, the employee may continue coverage by paying the full premium(s) each month in advance.

* See retirement section for benefits after retirement.

A. WORKER'S COMPENSATION AND OTHER INSURANCE BENEFITS

Upon completion of one (1) year continuous service with the District, employees shall receive a maximum sixty (60) days of leave with pay in any one fiscal year for an industrial accident or illness. An industrial accident or illness is defined as one where the employee becomes ill or is injured while he/she is serving the carrier in accordance with their regulations and the insurance carrier accepts responsibility for the treatment of the employee. After sixty working days, that portion of the day not paid by worker's compensation is charged to the accumulated sick leave and/or vacation.

III. PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) AND SOCIAL SECURITY COVERAGE STATE RETIREMENT SYSTEM (STRS)

All/Regular Classified employees become members of the Public Employee's Retirement System on the first day of employment and are also covered at the same time by Social Security. Membership of eligible employees is compulsory. A deduction consistent with the rates established by PERS and Social Security will be made from the employee's monthly pay warrant.
All Certificated Employees become members of the State Teacher’s Retirement System which also is compulsory for eligible employees. (Exceptions to membership requirements stated above may be made for employees previously employed under PERS who are Certificated employees at Gavilan College and employed previously under STRS who are Classified employees at Gavilan College. Such employees may elect to remain in the system to which they have already contributed through other employment)

The District will contribute toward the retirement allowance of the employee at the rates established by Social Security, PERS and STRS.

**BASIC DEATH BENEFIT**

PERS or STRS members may have a basic death benefit which is paid at the death of a member to his/her named beneficiaries. The PERS and STRS systems may be contacted directly for correct beneficiary information. The Personnel Office can assist you with information provided by PERS and STRS and/or the appropriate contact person.

**RETIREMENT BENEFIT**

A PERS member may apply for a service retirement at age fifty (50) if he/she has earned at least five (5) years service
credit. An STRS member may apply for service retirement at age fifty-five (55) with (5) years service credit.

Upon disability, a member may apply for disability retirement at any age provided he/she has at least five (5) years service credit. Application for retirement may be made through the Santa Clara County Superintendent of Schools Office.

Withdrawal of Contributions

If an employee leaves school employment before retiring, the employee’s contributions, plus interest, may be withdrawn. The refund form may be signed at the Personnel Office upon termination of employment. Refunds are processed through the Santa Clara County Superintendent of Schools Office and any questions regarding refunds should be directed to that office. The employee’s contributions may be left on deposit only if the employee has five (5) years of service credit. (CONSULT PERS OR STRS FOR INDIVIDUAL BENEFITS)

Redeposit Rights

Present members of PERS or STRS have the right to redeposit contributions previously withdrawn to establish previous service credit. The member must redeposit the amount withdrawn plus interest at the annual interest rate in effect on the date of election, from the date of withdrawal to date of final payment. Payments may be made in one lump sum or by payroll deductions or by a combination of an initial partial lump sum payment and the balance by payroll deductions.

Statutory Beneficiaries

If you do not name other beneficiaries, the basic death benefit will be paid to your survivors in the following order:

1. Your spouse.
2. If no spouse, your children—share and share alike.
3. If no spouse or children, then your parents, share and share alike.
4. If you have none of the above, then the death benefit will be paid to your estate.

You may name a different beneficiary(s) or in a different order than those listed above by notifying your Retirement Agency in writing. Forms are available in the Personnel Office.

RETIREMENT WITH DISTRICT PAID BENEFITS

Retirement pursuant to this section, is the act of terminating regular employment with the District, combined with accepting service retirement benefits with either PERS or STRS by an employee as defined below:

Eligibility for Retirement With District Paid Benefits
Health and Welfare Benefits for Retired Employees

The District will continue to provide the fringe benefit package (excluding tax sheltered annuities) to Management Employees retiring after June 30, 1986 who have served the District 50% or more for ten (10) or more consecutive years immediately prior to retirement. Certificated Management Employees will continue to receive the fringe benefit package (excluding tax sheltered annuities) until age sixty-five, or earlier, if the retired employee accepts Medicare benefits. In order to remain eligible for fringe benefits, retired certificated management employees shall annually verify that they are retired under the State Teachers’ Retirement System and not receiving Medicare benefits. Classified Management Employees hired prior to July 1, 1985 will continue to receive the fringe benefit package (excluding tax sheltered annuities) until age sixty-five, or earlier, if the retired employee accepts Medicare benefits. In order to remain eligible for fringe benefits, retired classified employees hired after July 1, 1985 shall annually verify that they are retired under the Public Employees’ Retirement System and not receiving Medicare benefits.

Post Retirement Employment

Subject to District policy, eligible retirees will be considered for post-retirement employment opportunities until the retiree attains age seventy (70). Such post-retirement employment opportunity will be consistent with the retiree’s abilities, skills and recent experience and with the need of the District, and shall be subject to the maximum supplemental earnings laws and regulations of Social Security, PERS or STRS.
XXVI. LEAVES

All Management Employees must complete a Report of Absence form for any type of leave taken, immediately upon return to duty. All leaves are prorated as the days and hours for which they are assigned relative to full-time employment. An employee must work or be on paid leave in order to earn full leaves for that month.

XXVII. SICK LEAVE

Management Employees will be granted twelve (12) days of sick leave per fiscal year. At the beginning of each fiscal year, or the commencement of employment, the full amount of estimated sick leave will be credited to each employee. Sick leave may be accumulated without limitation and may be transferred to or from any District in California as provided by law. The District reserves the right to require medical verification for any absence charged to sick leave.

Sick leave need not be earned prior to taking such leave, and such leave may be taken at any time during the year. However, a new employee of the District with less than six (6) months of service will not be eligible to take more than six (6) days until the first of the calendar month after completion of six months of active service with the District. Sick leave must be used in 1/2 hour increments. Unused sick leave will be cancelled upon termination of employment. Whenever the employee has used all available illness absence credit, including extended sick leave, the employee’s absence will be charged against accrued vacation, if any. When both sick leave and vacation have been exhausted, deductions for time lost will be made from the employee’s salary.

Sick Leave Credited to Retirement

Classified employees hired prior to July 1, 1980, and whose effective date of retirement is within four (4) months of separation from employment with the District, shall be eligible for all unused sick leave to be credited at retirement with .004 years of service credit for each day of sick leave in accordance with Government Code 20862.5. New employees of the District hired July 1, 1980 or after, who do not have current PERS membership from previous employment, are not eligible to accumulate sick leave for use as service credit for retirement. Certificated Management employees receive full day for day credit toward retirement of accumulated sick leave, if hired prior to July 1, 1980 and the retirement within four months of separation from employment with the District does not apply. (ECS 22719 governs credit for sick leave for Certificated Staff)

XXVII. Difference Pay - Extended Illness

Page 21
After a Certificated Management Employee has exhausted all sick leave, he/she is entitled to difference pay for the balance of any remaining period within five (5) months or less, commencing with the first day of absence on account of illness or accident, irrespective of whether or not the leave arises out of or in the course of employment. The amount deducted from salary due the employee for any month in which absence occurs, shall not exceed the sum actually paid a substitute employee to fill the employee’s position.

After a Classified Management Employee has exhausted all sick leave, he/she is covered by the 50%, 100 day sick leave option of Education Code Section 88196, which means that the employee will be given 50% pay for the remainder of a (total) 100 day period.

During the above stated periods of absence, Board granted benefits will continue. A medical release from the employee’s physician will be required before the employee can resume work. One month prior to return to work, the employee must notify the Personnel Office in writing of their intention to return to work.

XXIX-A. VACATION

Management Employees will be granted twenty one (21) days vacation leave per fiscal year, at the beginning of each year, or the commencement of employment. Vacation taken but not earned will be deducted from the employee’s final pay should the employee leave before the end of the fiscal year. Vacation leave must be used in 1/2 hour encrements. No employee shall accrue more than two (2) years vacation benefits at termination of employment or June 30 of each year. Prior to such accumulation, if necessary, employees shall receive lump sum payment for any leave over the maximum allowed. If, during the first six months of employment, the employee has used vacation, such vacation used will be deducted from his/her final pay warrant.

At the option of the Governing Board, an employee may elect to receive payment for all or part of accumulated vacation at the end of the fiscal year. A written request should be submitted to the Personnel Office on or before the 10th of June.

XXIX-B. HOLIDAYS

Management Employees shall be entitled to all legal holidays and any other holidays designated by the Board of Trustees.

XXX. PERSONAL BUSINESS

Employees may be excused for up to one (1) day each school year or the proration thereof if employed on a part-time basis or for a partial year, to conduct personal business. Personal business must be used in one (1) hour increments. Personal
business does not accumulate from year to year.

XXXI. ADMINISTRATIVE LEAVE

Management Employees are entitled to three (3) days Administrative Leave or the proration thereof if employed on a part-time basis or for a partial year. Administrative leave must be used in one (1) hour increments. Administrative leave does not accumulate from year to year.

XXXII. PERSONAL NECESSITY

A maximum of seven (7) days of absence in any school year may be granted for cases of personal necessity. Such leave will be deducted from accumulated sick leave. Personal necessity leave must be used in 1/2 hour increments. Personal necessity leave is limited to serious illness or death of a member of the employee's immediate family; an accident involving the employee's person or property, or the person or property of a member of his/her immediate family; or appearance in court as a litigant or as a witness under an official order.

Leave for reasons other than those listed may be granted at the discretion of the Superintendent/President or her/his designee. She/he may grant such leave only, if in her/his opinion, the matter is of such urgency that it cannot be taken care of at a time other than working hours.

Upon return from a Personal Necessity Leave, employees shall be required to complete a Report of Absence Form and to submit verification as may be required.

XXXIII. BEREAVEMENT LEAVE

Each Management Employee shall be granted, without loss of salary or other benefits, leaves of absence not to exceed three (3) working days, or five (5) working days if out-of-state travel is required, per occurrence on account of death of any member of the employee's immediate family. "Member of the immediate family" as used in this section, means mother, father, step-parent, grandmother, grandfather, or grandchild of the employee or the employee's spouse, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, sister, or any immediate relative living in the immediate household of the employee. Bereavement leave stands alone and shall not be deducted from other leave entitlements.

XXXIV. JURY DUTY

A Management Employee ordered to appear in court (personal business excluded) will receive full salary provided he/she reimburses the District any monies earned as a juror (excluding mileage) or appearance as a witness under subpoena. Court appearance for personal business is covered under Personal Necessity Leave.
the employee’s shift begins at 6:00 p.m. or after and he/she has served all day on jury duty, he/she will not be required to work that evening.

The Report of Absence form shall be submitted upon return to duty with a copy of the jury duty notice attached. The District may require verification of jury duty prior to, or subsequent to, providing compensation.

When jury service is not required during the employee’s regular assigned working hours the employee is required to return to work.

MATERNITY LEAVE

An employee may use sick leave for disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery herefrom. Such leave shall not be used for child care, child caring, or preparation for child bearing. The length of such leave, including the beginning and ending dates, shall be determined by the employee and attending physician. The District may require and pay for an additional medical report verifying the extent of disability if any.

MILITARY LEAVE

Management Employee shall be granted military leave as required by law.

LEAVE OF ABSENCE

Leaves of absence (with or without pay) may be granted to a permanent employee at the sole discretion of the superintendent/President. If the leave exceeds two months, it must be approved by the Governing Board also. The request for a leave of Absence should be submitted in writing, stating the reason for the leave and the duration of the leave. A leave of absence may not be granted for more than one (1) year duration. Any unpaid leave of absence longer than thirty (30) calendar days will be considered a break in service. During such a break in service, seniority, transfer rights, vacation and sick leave accrual will be suspended. Advance payment by the employee for insurance benefits may be arranged with the Business Office to cover the employee while on unpaid leave. Upon return from such a break in service, the benefits will be restored as if for a new employee. (see Section XXI Fringe Benefits)

A (1) month prior to the ending date of a leave of absence, the employee shall send written notice to the Personnel Office of intent to return to work. Failure to notify the District in writing of intent to return from leave will be deemed abandonment of position and will result in termination.

The Board may, upon the determination that it is in the best need of the District, cancel any leave of absence and the employee shall be required to report for duty as soon as possible.

If the employee desire an extension of a leave of absence, she should request in writing stating the reason for such extension and the desired ending date of the leave. Such request shall be made one (1) month prior to ending date of the leave.
STAFF DEVELOPMENT LEAVE/ACTIVITIES

Management Employees may submit a proposal for a staff development leave, and requests will be considered on an individual basis. The Superintendent/President will have the sole discretion of approving such paid leave. The leave activity must benefit the District. Management Employees are encouraged to participate in Classified and Certificated Staff Development Activities.

RESIGNATION/RETIREMENT

Requests for resignation or retirement will be submitted through the Personnel Office to the Superintendent/President.

REDUCTION IN STAFF/LAYOFF

The Board of Trustees reserves the right to reduce staff and/or abolish a position or positions. This may result in the release of personnel. Layoff of Classified Management employees shall be pursuant to ECS 88117 and 88127. Certificated employees shall be laid off pursuant to ECS 87740 and 87743.

DISMISSAL PROCEDURE

At any time prior to the expiration of the probationary period, the Superintendent/President may, at his/her discretion, dismiss a probationary Management Employee from the employ of the District.

A probationary Classified Employee shall not be entitled to a hearing. Dismissal or non-renewal of probationary/contract Certificated Management employees and dismissal or suspension of permanent/regular employees shall be generated by applicable provisions of the Education Code (See Appendix D)

In addition, the discipline of permanent Classified Employees is governed by District rules and regulations. (See Policy Manual Chapter III, Section K.)

This policy also covers demotion of Classified Employees.

Conditions for reasonable cause and/or any form of dismissal are provided for in the Education Code Sections as they relate to Classified and Certificated employees (see also Section XII, Reassignment, and Appendix D for excerpts of Education Code Sections that may apply)

GRIEVANCE PROCEDURES

Management Employees shall be subject to the same grievance procedures as provided to all other District employees, Certificated or Classified, except that Level IV shall be an appeal to the Board rather than arbitration.