BP 7100  Commitment to Diversity

Reference:
   Education Code Section 87100 et seq.; Title 5, Section 53000, et seq.

The District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. The Board recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The Board is committed to hiring and staff development processes that support the goals of equal opportunity and diversity, and provide equal consideration for all qualified candidates.

Approved by the Board of Trustees: November 11, 2003
BP 7110  Delegation

Reference:

Education Code Section 70902(d)

The Board delegates authority to the President of the College to authorize employment, fix job responsibilities, and perform other personnel actions provided that all federal and state laws and regulations and board policies and administrative procedures have been followed subject to confirmation by the Board.

See Administrative Procedure 7110

Approved by the Board of Trustees: November 11, 2003
The Vice President of Administrative Services is delegated responsibility from the President of the College to recommend employment, develop job responsibilities, and perform other personnel actions provided that all federal and state law and regulations, Board Policies and Administrative Procedures are followed.

Approved by the Board of Trustees: November 11, 2003
BP 7120   Recruitment and Hiring

Reference:
   Education Code Section 70901.2, 70902(b)(7) & (d), 87100 et seq.; Title 5, Section 53000, et seq.; 51023.5; Accreditation Standard Ill.1.A

The President of the College shall establish procedures for the recruitment and selection of employees including, but not limited to, the following criteria.

An Equal Employment Opportunity plan shall be implemented according to Title 5 and Board Policy 3420.

Academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Governors.

The criteria and procedures for hiring academic employees shall be established and implemented in accordance with board policies and procedures regarding the Academic Senate’s role in local decision-making.

The criteria and procedures for hiring classified employees shall be established after first affording the Professional Support Staff an opportunity to participate in the decisions under the Board’s policies regarding local decision making.

See Administrative Procedures 7120, 7125, and 7126

Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees: November 11, 2003
AP 7120  Recruitment and Hiring

Reference:
Education Code Sections 87100 et seq.; 87400; 88003; Accreditation Standard III.A

Recruitment and hiring processes should include:

Recruitment methods (advertising vacancies, internet postings, etc.)
Positions for which continuous recruitment will occur
Length of time positions will be advertised that are not continuously recruited
Application instruments
Initial selection procedures: application reviews
Testing (as appropriate)
Interview procedures
Composition of selection committees
Pre-selection activities
Reference checks (See AP 7126)
Employment offers
Pre-employment physical examinations

Approved by the Board of Trustees: November 11, 2003
AP 7125 Verification of Eligibility for Employment

Reference:

8 U.S.C Section 1324a

The District will not hire or recruit a person for employment if it knows that the person is not a citizen of the United States and is not authorized to be employed in the United States. Reliable documentation of eligibility is required for employment from all persons hired. “Reliable documentation” as set out in federal law includes one or more of the following:

- A United States passport or a resident alien card or alien registration card containing a photograph of the prospective employee, that indicates the person is authorized to work in the United States

OR

- A social security card or other documentation issued by the United States government showing authorization to work in the United States AND a driver’s license or similar identification document containing a photograph of the prospective employee.

The District will complete for each new employee the verification form or forms required by the United States government. The District will retain such forms for at least three years for persons it does not hire. For persons it does hire, the District will retain such forms for at least three years or until one year after the persons leaves the District’s employment, whichever is later.

The District will protect the privacy of the information it collects pursuant to this procedure.
AP 7126   Applicant Background Checks

Reference:
   Civil Code Section 47, 1785.16, 1785.20, and 1786.16 et seq.; Fair Credit Reporting Act (federal)

Applicants for positions may be subject to background or reference checks. Where a background investigation is performed by a third party, the Director of Human Resources shall make a clear and conspicuous disclosure to the applicant on a separate form before the report is procured. The applicant shall be provided an option to receive or not receive the report. If the applicant is not hired, or the district takes other action that adversely effects any applicant based in whole or in part upon the third-party report, the Director of Human Resources shall provide oral, written, or electronic notice of:

   the adverse action to the applicant;
   the name, address, and telephone number of the third party agency that furnished the report;
   the applicant’s right to obtain a free copy of the report; and
   the applicant’s right to dispute the accuracy or completeness of any of the information in the report.

Approved by the Board of Trustees: November 11, 2003
BP 7130 Compensation

References:

Education Code Sections 70902(b)(4), 87801, and 88160;
Government Code Section 53200; and
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended

Salary schedules, compensation and benefits, including health and welfare benefits, for all classes of employees and each contract employee shall be established by the Board.

Prohibition of Incentive Compensation

[Except as applicable to foreign students residing in foreign countries who are not eligible to receive federal student assistance.] The District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance. Employees covered by this ban shall be referred to as “covered employees” for purposes of this policy.

See Administrative Procedure #7130
AP 7130  Compensation

References:
   Education Code Sections 87801 and 88160;
   Government Code Section 53200;
   U.S. Department of Education regulations on the Integrity of Federal Student
   Financial Aid Programs under Title IV of the Higher Education Act of 1965, as
   amended.

Prohibit of Incentive Compensation
Senior managers and executive level employees who are only involved in the development of
policy and do not engage in individual student contact or the other covered activities will not
generally be subject to the incentive compensation ban.

The Superintendent/President shall identify any covered employees of the District and
determine whether the District’s compensation arrangements comport with the prohibition on
incentive compensation, and to the extent that they do not, make necessary modifications to
comply. Similarly, the Superintendent/President shall identify any covered service providers,
evaluate whether the contract pricing structure is consistent with the prohibition on incentive
compensation, and if not, determine what modifications the District can make to any applicable
contract.
BP 7140  Collective Bargaining

Reference:
Government Code Sections 3540, et seq.

If eligible employees of the District select an employee organization as their exclusive representative, and if after recognition by the District or after a properly conducted election, an exclusive representative is certified as the representative of an appropriate unit of employees under the provisions of the Educational Employment Relations Act, Government Code Section 3540 et seq., the District will meet and negotiate in good faith on matters within the scope of bargaining as defined by law.
AP 7145  Personnel Files

Reference:
   Education Code Section 87031, Labor Code Section 1198.5

Personnel records are private, accurate, complete, and permanent. Every employee has the right to inspect personnel records pursuant to the Labor Code.

Information of a derogatory nature shall not be entered into an employee's personnel records unless and until the employee is given notice and an opportunity to review and comment on that information. The employee shall have the right to enter, and have his or her own comments attached to any derogatory statement. The review shall take place during normal business hours and the employee shall be released from duty for this purpose without salary reduction. The employee shall not have the right to inspect personnel records at a time when the employee is actually required to render services to the district.

Nothing in this procedure shall entitle an employee to review ratings, reports, or records that (a) were obtained prior to the employment of the person involved, (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional examination or interview.
BP 7210 Academic Employees

References:

Education Code Sections 87400 et seq., 87419.1; 87600 et seq., and 87482.8; Title 5 Section 51025

Academic employees are all persons employed by the District in academic positions. Academic positions include every type of service, other than paraprofessional service, for which minimum qualifications have been established by the Board of Governors for the California Community Colleges.

Faculty members are those employees who are employed by the District in academic positions that are not designated as supervisory or management. Faculty employees include, but are not limited to, instructors, librarians, counselors, and professionals in health services, DSPS, and EOPS.

Decisions regarding tenure of faculty shall be made in accordance with the evaluation procedures established for the evaluation of probationary faculty and in accordance with the requirements of the Education Code. The Board reserves the right to determine whether a faculty member shall be granted tenure.

The District may employ temporary faculty from time to time as required by the interests of the District. Temporary faculty may be employed full time or part time. The Board delegates authority to the Superintendent/President to determine the extent of the District’s needs for temporary faculty.

Notwithstanding this policy, the District shall comply with its goals under the Education Code regarding the ratio of full-time to part-time faculty to be employed by it and the Title 5-required District five-year plan for making progress toward the standard of 75% of total faculty work load hours taught by full-time faculty.

See Administrative Procedures #7211, #7212, #7215, and #7216
AP 7211  Faculty Service Areas, Minimum Qualifications, and Equivalencies

Reference:
   Education Code Sections 87001, 87003, 87743.2; Title 5, Section 53400 et seq.

Faculty Service Areas
   Faculty service areas shall be established after negotiation and consultation as required by
   law with the appropriate faculty representatives.

Minimum Qualifications
   Faculty shall meet minimum qualifications established by the Board of Governors, or shall
   possess qualifications that are at least equivalent to the minimum qualifications set out in
   the regulations of the Board of Governors.

Equivalencies
   Equivalency Committee. An academic senate equivalency committee shall be established
   to fulfill the requirement of Education Code Section 87359, which states that the
   equivalency process "shall include reasonable procedures to ensure that the governing
   board relies primarily upon the advice and judgment of the Academic Senate to determine
   that each individual employed under the authority granted by the regulations possesses
   qualifications that are at least equivalent to the applicable minimum qualifications..." In
   order to ensure that the governing board relies primarily on the advice and judgment of the
   Academic Senate, the academic senate equivalency committee shall:

   • Be available to screening and selection committees as a resource regarding
     equivalency determinations.
   • Further clarify the criteria to be used for determining equivalency.
   • Ensure that careful records are kept of all equivalency determinations.
   • Periodically review this procedure and recommend necessary changes to the
     Academic Senate and governing board.
   • In general, ensure that the equivalency process works well and meets the
     requirements of the law.

   Determination of Equivalencies. The following procedure is to be used to determine when
   an applicant for a faculty position, although lacking the exact degree or experience
   specified in the Disciplines List of the Board of Governors that establishes the minimum
   qualifications for hire, nonetheless does possess qualifications that are at least equivalent
   to those required by the Disciplines List. The procedure is intended to ensure a fair and
   objective process for determining when an applicant has the equivalent qualifications. It is
   not intended to grant waivers for lack of the required qualifications.

   All faculty position announcements will state the required qualifications as specified by the
   Disciplines List, including the possibility of meeting the equivalent of the required degree or
   experience.
District application forms for faculty positions will ask applicants to state whether they meet the minimum qualifications of the Disciplines List or whether they believe they meet the equivalent. Those claiming equivalency will then be asked to state their reasons and to present evidence. It will be the responsibility of the applicant to supply all evidence and documentation for the claim of equivalency at the time of application.

The Director of Human Resources will first screen all applicants. Those claiming equivalency will have their claims examined by the equivalency committee prior to being screened for an interview. Only applicants who are found to meet the test of equivalency shall be selected for interview.

The District may elect to award equivalency for faculty teaching in vocational disciplines that do not require the master's degree using the following state standards:

A. Recognized expertise in the field, or
B. A Bachelor's Degree in the discipline from an accredited college or university or appropriate foreign institution and experience in the field, or
C. Any Bachelor's Degree and enrollment in a discipline specific Master’s program in the discipline, or
D. An Associate Degree plus five (5) years of current experience directly related to the discipline, or the number of years of direct experience in the field that are determined by Advisory Committees, State Licensure Bodies/Boards, or departmentally defined standards, as being equivalent to five (5) years of education.

Rare exceptions: In the rare case that an individual does not specifically meet the equivalency provisions as stated in the above, and the department chair, the full-time faculty in that discipline (if applicable), supervising instructional administrator and the Vice President of Instructional Services agree that the person is otherwise qualified to teach in that discipline, that individual's qualifications may be recommended to the academic senate equivalency committee chair as deemed "equivalent" for that discipline. The equivalency committee considers the recommendation and makes the final decision.
AP 7212   Temporary Faculty

References:
   Education Code Sections 87481, 87482, 87482.5, and 87482.8

The District may employ any qualified individual as a temporary faculty member for a complete school year, but not less than one semester or quarter during a school year unless the date of rendering first paid service begins during the second semester or third quarter and prior to March 15th. The employment of these persons shall be based upon the need for additional faculty during a particular semester, quarter, or year because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need.

The District may employ any qualified individual as a temporary faculty member for a complete school year but not less than a complete semester or quarter during a school year. The employment of those persons shall be based upon the need for additional faculty during a particular semester or quarter because of the higher enrollment of students during that semester or quarter as compared to the other semester or quarter in the academic year, or because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need. Such employment may be pursuant to contract fixing a salary for the entire semester or quarter. No person, other than a person serving as clinical nursing faculty, shall be so employed for more than two semesters or three quarters within any period of three consecutive years.

A person serving as a temporary clinical nursing faculty may be employed for up to four semesters or six quarters within any period of three consecutive years between July 1, 2007 and June 30, 2014, as long as the hiring of that person does not result in an increase in the ratio of part-time to full-time nursing faculty in the district.

Any person who is employed to teach classes for not more than 67 percent of the hours per week that are considered a full-time assignment for regular employees having comparable duties shall be classified as a temporary employee, and shall not become a contract employee. However, any agreement prior to January 1, 2009, to limit temporary faculty members to 60 percent of the hours per week that are considered a full-time assignment will govern until the expiration of the agreement. Service as a substitute on a day-to-day basis shall not be used for purposes of calculating eligibility for contract or regular status.

Screening for temporary faculty shall, insofar as possible, be conducted in accordance with District practices and procedures for employment of regular faculty. In particular, there shall be consideration given to principles of selection that assure the greatest opportunity for participation by underrepresented groups as required by District policies and procedures.

Amended by the Board of Trustees: August 14, 2012
Amended by the Board of Trustees: November 13, 2007
Approved by the Board of Trustees: November 11, 2003
AP 7215  Academic Employees: Probationary Contract
Faculty
Reference:
   Education Code Section 87600 et seq.

The District shall employ a faculty member for the first academic year of his or her employment by contract. Any person who, at the time an employment contract is offered to him or her by the district, is neither a tenured employee of the District nor a probationary employee then serving under a second or third contract shall be deemed to be employed for "the first academic year of his or her employment."

A faculty member shall be deemed to have completed his or her first contract year if he or she provides service for 75 percent of the first academic year.

Before making a decision relating to the continued employment of a contract employee, the following requirements shall be satisfied:

- The employee shall be evaluated in accordance with the evaluation standards and procedures established in accordance with law. (Reference Collective Bargaining Agreement)
- The board shall receive statements of the most recent evaluations.
- The board shall receive recommendations of the President of the College.
- The governing board shall consider the statement of evaluation and the recommendations in a lawful meeting of the board.

If a contract employee is working under his or her first contract, the board, at its discretion, shall elect one of the following alternatives:

- Not enter into a contract for the following academic year.
- Enter into a contract for the following academic year.
- Employ the contract employee as a regular employee for all subsequent academic years.

If a contract employee is working under his or her second contract, the board, at its discretion, shall elect one of the following alternatives:

- Not enter into a contract for the following academic year.
- Enter into a contract for the following two academic years.
- Employ the contract employee as a regular employee for all subsequent academic years.

If a contract employee is employed under his or her third consecutive contract, the Board shall elect one of the following alternatives:

- Employ the probationary employee as a tenured employee for all subsequent academic years.
- Not employ the probationary employee as a tenured employee.
The governing board shall give written notice of its decision and the reasons therefore to the employee on or before March 15 of the academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with the district personnel office. Failure to give the notice as required to a contract employee under his or her first or second contract shall be deemed an extension of the existing contract without change for the following academic year.

The governing board shall give written notice of its decision under Section 87609 and the reasons therefore to the employee on or before March 15 of the last academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with the district personnel office. Failure to give the notice as required to a contract employee under his or her third consecutive contract shall be deemed a decision to employ him or her as a regular employee for all subsequent academic years.

Approved by the Board of Trustees: November 11, 2003
AP 7216    Academic Employees: Grievance Procedure for Contract Decisions

Reference:

*Education Code Section 87610.0*

This procedure is covered in the faculty contract.
BP 7230  Classified Employees

Reference:
Education Code Sections 88003; 88004; 88009; 88013

Classified employees are those who are employed in positions that are not academic positions. The employees and positions shall be known as the classified service. The classified service does not include:

- Substitute and short-term employees who are employed and paid for less than 75 percent of the fiscal year.
- Part-time apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment.
- Full time students employed part time, and part-time students employed part time in any college work-study program or in a work experience education program conducted by the District.

The Board shall fix and prescribe the duties of the members of the classified service. (See Board Policy 7110.)

Before a short-term employee is employed, the Board, at a regularly scheduled meeting, shall specify the service required to be performed and certify the ending date of the service. The Board may later act to shorten or extend the ending date, but shall not extend it beyond 75 percent of an academic year.

The President of the College shall establish procedures to assure that the requirements of state law and regulations regarding the classified service are met.

The probationary period for classified employees shall be one year unless otherwise collectively bargained.

See Administrative Procedures 7232 and 7233
AP 7232  Classification Review

Reference:
Education Code Section 88001; 88009

Every position in the classified service in the District shall be assigned a classification. These classifications will determine the salary levels that shall be applied to these positions. Review of class specifications shall be undertaken regularly to revise and update the duties and/or responsibilities of positions in the classified service.
BP 7240  Confidential Employees

Reference:
Government Code Section 3540.1(c)

Confidential employees are those who are required to develop or represent management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. The fact that an employee has access to confidential or sensitive information shall not in and of itself make the employee a confidential employee.

A determination whether a position is a confidential one shall be made by the Board in accordance with applicable law and with the regulations of the California Public Employment Relations Board.

Confidential employees are not eligible for inclusion in a bargaining unit represented by an exclusive representative and the terms and conditions of their employment are not controlled by any collective bargaining agreement.

The terms and conditions of employment for confidential employees shall be provided for by procedures developed by the Superintendent/President. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers and reassignments.

See Administrative Procedure #7240.
AP 7240 – Confidential Employees

Classified Confidential Employees (“Employee”) 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.

Employees are expected to comply with all college policies and procedures, laws and regulations, and contractual, grant and other obligations, public or private, and to safeguard College property and funds.

Probationary Period
The probationary period for Confidential Employees is nine (9) months for new hires.

A permanent employee who is promoted to a position shall be returned to his or her original classification if the employee determines that the promoted position is not suitable for him or her, or the District releases the employee during the probationary period. The probationary period for such promotion shall be six-months.

Performance Appraisals
The supervisor will evaluate the performance of the Confidential employee at least once per year on or about May 1 of each year. Probationary employees shall be evaluated at least twice during their probationary period. Employees may be evaluated more frequently when there is reasonable cause for such evaluation.

Working Out of Class
Confidential Employees may be required to perform duties other than those reasonably related to their regular position. If those duties are at a higher level of responsibility for more than five (5) work days, within 15 calendar days, the employee’s salary will be increased no less than 5% or the first step of the classification in which he/she is working out of class or whichever is greater.

Transfer/Reassignment
When a vacancy occurs in the Confidential Employees “group”, the District will send notices to all employees within the Confidential Employees “group” and allow five working days for those employees to request a transfer. Consideration shall be given to such factors as the comparable duties and responsibilities, levels of compensation, minimum qualifications, and employee performance. It is at the discretion of the President or designee to determine that the transfer serves the best interest of the District.

Transfer is a change from one classification to another classification, having either the same salary range (lateral) or having a higher salary range (promotion). Transfer requests will be considered before advertising for the vacancy.

Should the vacancy be opened to standard District recruitment procedures, applicants for transfer shall be considered along with other candidates.
The District reserves the right to reassign a Confidential employee to another position within the Confidential Employees “group” to meet District needs.

Compensation
Confidential Employees will be paid off the Confidential Salary Schedule as recommended by the Superintendent/President to the Board of Trustees.

Salary Placement
Initial placement of Confidential Employees on the salary schedule will be consistent with the recommendation of the Superintendent/President and the approval of the Board of Trustees.

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.

Reassignment
When a Confidential 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.

Longevity
A maximum of three (3) longevity steps may be accumulated: one at the tenth (10th) year, one at the fifteenth (15th) year, and one at the twentieth (20th) year. Compensation for longevity will be as follows:
- Upon completion of the ninth (9th) year of service with the District, $50.00 per month will be added to the employee’s existing salary.
- Upon completion of the fourteenth (14th) year of service with the District, $100 per month will be added to the employee’s existing salary for a total longevity step of $150.00.
- Upon completion of the nineteenth (19th) year of service with the District, $200.00 per month will be added to the employee’s existing salary for a total longevity step of $350.00.

Fringe Benefits
Confidential Employees shall be entitled to the same fringe benefits opportunities the Board of Trustees provides its other unrepresented employees receiving the same rate of pay including the 457 Deferred Compensation contributions, except such benefits as are based on a minimum service period not satisfied by the employee. Such fringe benefits are subject to change at the discretion of the Board.

For Confidential Employees who retire after age 55 and have served the District full time for ten (10) consecutive years prior to retirement, the District will contribute, as provided to other unrepresented employees, the cost of District-sponsored health insurance until age 65 subject to the fringe benefit allowance limit in effect at the time of retirement. Spouses and dependents as defined in the current medical coverage will also be covered until the employee reaches age 65.

Approved by the Board of Trustees: December 8, 2009
Employees hired before July 1, 1986 and who retire after December 31, 2003, may continue on medical benefits beyond age 65. Such medical benefits shall remain unchanged, except that the higher cost PPO shall not be available. The District shall provide a fully funded plan at no cost after retirement.

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.

Benefits Waiver
The District will pay requesting employees a Health Benefit Waiver of $2,000 provided the employee signs the Health Benefit Waiver form dated January 1, 2000. The waiver is pro-rated for employees who are less than 1.00 and eligible for fringe benefits.

Eligibility Based on FTE
For current employees (employees hired prior to January 1, 1996) working twenty (20) or more hours per week but less than forty (40) hours per week, the District will contribute a pro-rata amount for fringe benefits.

For current employees (employees hired prior to January 1, 1996) working less than twenty (20) hours per week, the District will contribute $500.00 for fringe benefits.

For employees hired after the effective date (January 1, 1996) of this Agreement working twenty-five (25) or more hours per week but less than forty (40) hours per week, the District will contribute a pro-rata amount for fringe benefits.

Employees Who Retire Through Disability Retirement
An employee who must take a retirement due to a disability, and who has worked for the College at least ten (10) years at a fifty percent (50%) or more workload, may continue on the college-provided group medical plan for the employee only. This option will be provided to the employee at District expense for five (5) years from the date of retirement provided the employee annually verifies that he/she is disability retired and has not returned to work. Following the five (5) years of District support, the medical plan option remains available to the retired employee at employee expense.

LEAVES

Extended Sick Leave
Extended sick leave is a partially paid leave of absence granted by the District because of continuing disability due to personal illness, injury or accident, when regular sick leave has been exhausted. The employee shall be eligible to use no more than one hundred (100) days of extended sick leave in any fiscal year. The employee on extended sick leave shall be paid at the rate of 50% of employee’s normal daily rate of pay.

Holidays and Vacation
Vacation Procedure. The Confidential Employees shall serve as a full-time employee with a twelve-month work year, and shall earn 14 hours of paid vacation hours for each month of paid service (21 working days annual vacation) exclusive of holidays. Requests to use vacation shall be submitted in writing and approved in advance by employee’s supervisor. Vacation days not

Approved by the Board of Trustees: December 8, 2009
used will be carried over to the succeeding fiscal year. Once employee has accrued a maximum of **336 hours** of vacation leave, no additional vacation will accrue until the employee uses his or her accrued vacation and reduces the balance to less than **336 hours** of vacation leave. Thereafter, vacation benefits will continue to accrue on a prospective basis only until the employee reaches the maximum. No retroactive credit will be given for the time when accrued vacation was at the cap.

**Cash payout of accrued vacation.** Upon termination of employment, the employee shall be compensated for accrued vacation days, up to the maximum at employee’s normal rate of pay.

**Holidays.** The employee shall receive the paid holidays defined in Education Code § 79020 as well as those days on which the District office is closed pursuant to the District's approved work year calendar. In addition the employee will receive a floating holiday to replace the Good Friday holiday that was eliminated, as a result of the new 16-week calendar, effective July 1, 2006. This floating holiday is not cumulative and must be taken in the fiscal year it is accrued. Approval must be secured from the employee’s appropriate supervisor.

**Sick Leave.** The employee earns one (1) day of sick leave for illness and injury for each month of paid service. Sick leave can be accumulated without limit.

**Personal Necessity Leave.** A maximum of seven (7) days of paid absence in any school year may be granted for cases of personal necessity, provided that such leave will be deducted from accumulated sick leave. Personal necessity leave must be used in ½ 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 employee’s 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 his/her designee. Superintendent/President may grant such leave only if in Superintendent/President’s 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, employee shall be required to complete a Report of Absence Form and to submit verification as may be required.

**Bereavement Leave.** Each 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.

**Other Benefits**

**Personal Business and Administrative Leaves.** In addition to other leave as provided herein, the employee shall be entitled to a maximum of two (2) paid days of personal business leave and three (3) paid days of administrative leave per year. All such leave shall be requested in writing and approved in advance by the Superintendent/President or appropriate supervisor. Personal Business and Administrative Leaves will be pro-rated based on the date that the employee is hired during the fiscal year.
Enrollment Fee Waiver Program: The employee and their eligible dependents are eligible to participate in the Enrollment Fee Waiver Program.

**STAFF DEVELOPMENT AND PROFESSIONAL GROWTH**

**Staff Development**
The staff development program for employees is designed to promote activities which assist in maintaining and enhancing currency in the job and broaden opportunities, promotion, and career change.

Staff development reimbursement will be available for academic and in-service activities. Course work will be verified by official transcripts or official certification of completion. All necessary documents including official transcripts or certificates of completion will be submitted to the employee’s supervisor at the time of request for reimbursement. Reimbursement will include all course fees and cost of required texts and required materials.

**Professional Growth Program**
The Professional Growth program allows Confidential Employees to earn salary increments for completing a planned course of study leading to a license, certificate of completion, Associate of Arts degree, Bachelors degree, Master degree, or a Doctorate. Course of study does not need to be job related.

The professional growth program permits employees to earn salary increments for completing planned course work or other training activities equivalent to fifteen (15) semester units.

The employee’s supervisor is in charge of reviewing the employee’s course of study. To receive a professional growth increment, employees must present verification of activities and/or coursework that fulfills and equals fifteen (15) units for each Professional Growth increment.

Course work must be verified by official transcripts or certifications of completion. All necessary documents including official transcripts or certificates of completion must be provided to the employee’s supervisor for review and approval.

Coursework credit may be earned by taking courses at universities, colleges, community colleges, trade schools, adult education, or through an accredited correspondence school. College level course work requires a grade of “C” or better. In credit/no credit classes, the employee must receive credit.

Credit may also be earned for attendance at District workshops, special lecture series, education conference, leadership activities, or Community Services. A conference/workshop report may be required to determine credit granted.

One (1) semester unit equals one (1) unit. Quarter units convert to semester units on the basis of three (3) quarter units for two (2) semester units.

Continuing Education course work, conferences, workshops, seminars, and other such activities earn credit at the rate of one (1) unit per sixteen (16) hours of satisfactory completion.

A salary increment is equal to a set of fifteen (15) approved units that lead towards an approved course of study.

Approved by the Board of Trustees: December 8, 2009
Each salary increment is worth a $700 fixed, but on-going, year to year stipend.

Professional Growth increments shall be effective the first (1st) day of the month following approval by the employee’s supervisor and the Board of Trustees.

An employee can earn no more than four (4) increments (a lifetime cap).

**Overtime**
Confidential Employees who are assigned to overtime shall be paid at the rate of time and one-half of their regular rate. Assigned work performed on a legal holiday which falls on a workday shall be compensated at the rate of time and one-half in addition to the regular rate of pay.

**Position Classification**
If a need arises for a significant change, over a period of time, in the assigned duties and/or responsibilities of a Confidential employee(s), the supervisor of the employee(s) or the employee(s) may request a classification review in order to determine whether the position(s) should be reclassified to reflect the changes as permanent in duties and/or responsibilities. A “Position Classification Questionnaire” (which is a District form) must be completed for review and consideration by the Superintendent/President.

**Process for Conflict Resolution**
When a dispute arises between a Confidential employee and his/her supervisor, and the dispute cannot be resolved at this level, the employee may request a meeting with the Superintendent/President. Nothing in this section prevents the employee from utilizing the District’s complaint process.
An administrator is a person employed by the Board in a supervisory or management position as defined in Government Code Sections 3540, et seq.

Educational administrators are those who exercise direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services programs of the District.

An educational administrator who has not previously acquired tenure as a faculty member in the District shall have the right to become a first year probationary faculty member once his or her administrative assignment expires or is terminated, if the following criteria are met:

The administrator meets the criteria established by the District for minimum qualifications for a faculty position, in accordance with procedures developing jointly by the CEO and the Academic Senate and approved by the Board. The Board shall rely primarily on the advice and judgment of the Academic Senate to determine that an administrator possesses minimum qualifications for employment as a faculty member.

The requirements of Education Code Section 87458(c) and (d), or any successor statute, are met with respect to prior satisfactory service and reason for termination of the administrative assignment.

Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board upon recommendation by the President of the College. Educational Administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the President of the College.

Educational administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, these policies, and administrative procedures adopted by the President of the College.
BP 7260  Classified Supervisors and Managers

Reference:
  Government Code Section 3540.1(g) and (m);
  Education Code Section 72411

Classified administrators are administrators who are not employed as educational administrators.

Classified supervisors are those classified administrators, regardless of job description, having authority to hire, transfer, suspend, recall, promote, discharge, assign, reward, or discipline other employees, or having the responsibility to assign work to and direct them, adjust their grievances, or effectively recommend such action.

Classified managers are those classified administrators, regardless of job description, having significant responsibilities for formulating District policies or administering District programs other than the educational programs of the District.

Classified administrators may be employed in the same manner as the other members of the classified service. If a classified administrator is employed as a regular member of the classified service, employment shall be consistent with other provisions of these policies regarding employment of classified employees.
AP 7270  Student Workers

References:

   Education Code Sections 69960(f) and 88003
   Government Code Section 18220

Districts, when hiring for internships and student assistant positions, shall give preference to applicants up to 26 years of age who are, or have been, dependent children in foster care.
BP 7310  Nepotism

References:
Government Code Sections 1090 et seq. and 12940 et seq.

The District does not prohibit the employment of relatives [or domestic partners as defined by Family Code Section 297 et seq.] in the same department or division, with the exception that they shall not be assigned to a regular position within the same department, division or site that has an immediate family member who is in a position to recommend or influence personnel decisions.

Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, demotion, or salary of the relative [or domestic partner as defined by Family Code Section 297 et seq.].

Immediate family means spouse, parents, grandparents, siblings, children, grandchildren and in-laws or any other relative living in the employee’s home.

The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest.

Notwithstanding the above, the District retains the right where such placement has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest, to refuse to place spouses in the same department, division or facility. The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest.

Amended by the Board of Trustees: October 9, 2012
Approved by the Board of Trustees: November 11, 2003
BP 7330 Communicable Disease

Reference:
Education Code Sections 87408; 87408.6; 88021

All newly hired academic employees shall have on file a medical certificate indicating freedom from communicable diseases, including tuberculosis. No academic employee shall commence service until such medical certificate has been provided to the District.

All newly hired employees must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis.

All employees shall be required to undergo an examination within four years of employment and every four years thereafter, to determine if they are free from tuberculosis.

See Administrative Procedure 7330
AP 7330  Communicable Disease

Reference:
   Education Code Section 87408; 87408.6; 88021

For applicants for positions:

- A medical certificate is required showing that the applicant is free from any communicable disease, including, but not limited to, active tuberculosis, unfitting the applicant to instruct or associate with students.
- The medical certificate shall be submitted by a physician as authorized by code.
- The medical examination is conducted not more than six months before the submission of the certificate and is at the expense of the applicant.
- A contract of employment may be offered to an applicant subject to the submission of the required medical certificate.
- The medical certificate becomes a part of the personnel record of the employee and is open to the employee or his or her designee.

The term “communicable disease” also includes (but is not limited) to hepatitis.

Also, see AP 7336
BP 7335  Health Examinations

Reference:

42 U.S.C. Section 12112; 29 C.F.R., Part 1630; Government Code Section 12940

The President of the College shall establish administrative procedures related to medical examinations of candidates for appropriate positions prior to assuming the duties of the position. Such pre-employment medical examinations shall be required only after a conditional job offer has been made, and shall be required of any candidate for a position for which a pre-employment medical examination has been deemed appropriate. No candidate shall be required to participate in such an examination solely on the basis of the candidate's age or disability.

The procedures may require any employee to undergo a physical or mental examination where such a fitness for duty exam is job related and consistent with business necessity. Such medical examinations shall be at the District's expense and shall be conducted by a physician chosen by the District.

Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees: November 11, 2003
AP 7336  Certification of Freedom from Tuberculosis

Reference:
Education Code section 87408.6

Except as provided herein, no person shall be initially employed by the district in an academic or classified position unless the person has submitted to an examination within the past 60 days to determine that he or she is free of active tuberculosis, by a physician and surgeon licensed under the California Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intradermal tuberculin test, that, if positive, shall be followed by an X-ray of the lungs. This examination is a condition of initial employment and the expense shall be borne by the applicant.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under the Business and Professions Code.

The Director of Human Resources may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intradermal tuberculin test be followed by an X-ray of the lungs.

Thereafter, employees who are skin test negative are required to undergo the foregoing examination at least once each four years of employment upon recommendation of the local health officer for so long as the employee remains skin test negative. Once an employee has a documented positive skin test that has been followed by an X-ray, the foregoing examinations shall no longer be required and referral shall be made within 30 days of completion of the examination to the local health officer to determine the need for follow up care.

After the examination, each employee shall cause to be on file with the District a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis.

This procedure shall not apply to any employee of the District who files an affidavit stating that he or she adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his or her knowledge and belief he or she is free from active tuberculosis. If at any time there should be probable cause to believe that the applicant is afflicted with active tuberculosis, he or she may be excluded from service until the Director of Human Resources is satisfied that he or she is not so afflicted.

A person who transfers his or her employment from another school or community college District shall be deemed to meet the requirements of this procedure if the person can produce a certificate that shows that he or she was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the college previously employing him or her that it has a certificate on file that contains that showing.

A person who transfers his or her employment from a private or parochial elementary school, secondary school, or nursery school to the district shall be deemed to meet the requirements of this procedure if the person can produce a certificate as provided for in Section 121525 of the

Approved by the Board of Trustees: November 11, 2003
Health and Safety Code that shows that he or she was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him or her that it has the certificate on file.
AP 7337  Fingerprinting

References:
   Education Code Sections 87013 and 88024;
   Penal Code Sections 11102.2 and 11077.1

Classified Employees
The District, within 10 working days of date of employment, shall require each person to be employed, or employed in, a nonacademic position to have two 8 X 8 fingerprint cards bearing the legible rolled and flat impressions of that person's fingerprints together with a personal description of the applicant or employee, as the case may be, prepared by a local public law enforcement agency having jurisdiction in the area of the District.

Identification cards are completed as follows: preparation and retention of Live Scan form and receipt. The cards shall be prepared by a local public law enforcement agency having jurisdiction in the area of the District.

The fee for the service is as determined by the state Department of Justice to be sufficient to reimburse the department for the costs incurred in processing the application.

The fee is forwarded to the Department of Justice with two copies of applicant's or employee's fingerprint cards. The District shall collect an additional fee not to exceed two dollars ($2) payable to the local public law enforcement agency. The additional fees are be transmitted to the California Department of Justice.

The fee is reimbursed to an applicant who submits fingerprints in accordance with these procedures and who is subsequently hired by the District within 30 days of the application. Funds not reimbursed to applicants are credited to the general fund of the District.

If the fingerprint cards forwarded to the Department of Justice are those of a person already in the employ of the governing board, the District pays the fee required by this section. The fee shall be a proper charge against the general fund of the District, and no fee shall be charged the employee.

Substitute and temporary employees employed for less than a school year are not exempted from these procedures.

Academic Employees
Whenever the District employs a person in an academic position and that person has not previously been employed by a school or community college district in this state, the District, within 10 working days of the person's date of employment, requires the individual to have duplicate personal identification cards upon which shall appear the legible fingerprints and a personal description of the employee prepared by a local law enforcement agency having jurisdiction in the area of the district. The law enforcement agency transmits the cards, together with any applicable fee, to the Department of Justice.

The local law enforcement agency, upon receipt of information from the Department of Justice, excerpts from the history all information regarding any convictions of the employee and shall forward that information to the District.

The District may provide the means whereby the identification cards may be completed and may charge a fee determined by the Department of Justice to be sufficient to reimburse the employee.
Department for the costs incurred in processing the application. The amount of the fee shall be forwarded to the Department of Justice, with two copies of applicant's or employee's fingerprint cards. The District shall collect an additional fee not to exceed two dollars ($2) payable to the local public law enforcement agency taking the fingerprints and completing the data on the fingerprint cards.
BP 7340   Leaves

References:
   Education Code Sections 87763 et seq. and 88190 et seq. and cites below

The Superintendent/President shall establish procedures for employee leaves as authorized by
law and by any collective bargaining agreements entered into by the District. Such leaves shall
include, but are not limited to:
   • illness leaves for all classes of permanent employees;
   • vacation leave for members of the classified service, administrators, supervisors
      and managers;
   • leave for service as an elected official of a community college District public
      employee organization, or of any statewide or national employee organization
      with which the local organization is affiliated; Education Code Sections 87768.5
      and 88210;
   • leave of absence to serve as an elected member of the legislature; Education
      Code Section 87701;
   • pregnancy leave; Education Code Sections 87766 and 88193; Government Code
      Section 12945;
   • use of illness leave for personal necessity; Education Code Sections 87784;
      88207;
   • industrial accident leave;
   • bereavement leave;
   • jury service or appearance as a witness in court; Education Code Sections 87036
      and 87037;
   • military service; Education Code Section 87700 and/or
   • sabbatical leaves for permanent faculty employees.

Vacation leave for members of the classified service, educational administrators and classified
supervisors and managers shall not accumulate beyond two [2] years of paid leave following the
fiscal year it was earned. Employees shall be permitted to take vacation in a timely manner to
avoid accumulation of excess vacation.

In addition to these policies and collective bargaining agreements, the Board retains the power
to grant leaves with or without pay for other purposes or for other periods of time.

See Administrative Procedure #7343

Amended by the Board of Trustees: October 9, 2012
Approved by the Board of Trustees: November 11, 2003
AP 7343  Industrial Accident and Illness Leave

References:

Education Code Sections 87787 and 88192

Academic Employees

Academic employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness in any one fiscal year for the same accident.

Allowable leave shall not be accumulated from year to year.

Industrial accident or illness leave shall commence on the first day of absence.

When an academic employee is absent from his/her duties on account of an industrial accident or illness, the employee shall be paid the portion of the salary due him/her for any month in which the absence occurs as, when added to his/her temporary disability indemnity under the Labor Code, will result in a payment to the employee of not more than his/her full salary. “Full salary,” shall be computed so that it shall not be less than the employee’s “average weekly earnings” as that phrase is used in Labor Code Section 4453. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in Labor Code Section 4453 shall otherwise not be deemed applicable.

Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award.

When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him/her for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Education Code Sections 87780, 87781 and 87786, and, for the purposes of each of these sections, his/her absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave. However, if the employee continues to receive temporary disability indemnity, he/she may elect to take as much of his or her accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than his/her full salary.

During any paid leave of absence, the employee may endorse to the District the temporary disability indemnity checks received on account of his/her industrial accident or illness. The District shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the salary warrants.

Any employee receiving benefits as a result of this section, during periods of injury or illness, shall remain within the State of California unless the Superintendent/President authorizes travel outside the state.

Classified Employees

Classified employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness, in any one fiscal year for the same accident.

Allowable leave shall not be accumulative from year to year.

Industrial accident or illness leave of absence will commence on the first day of absence.

Approved by the Board of Trustees: November 11, 2003
Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.

Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workers' compensation.

When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Education Code Section 88191. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation, the person shall be entitled to use only so much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

During all paid leaves of absence, whether industrial accident leave as provided in this procedure, sick leave, vacation, compensated time off or other available leave provided by law or the action of the District, the employee shall endorse to the District wage loss benefit checks received under the workers' compensation laws of this state. The District, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this procedure.

When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of the person's position, the person, if not placed in another position, shall be placed on a reemployment list for a period of 39 months. When available, during the 39 month period, the person shall be employed in a vacant position in the class of the person's previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations.

The Director of Human Resources may require that an employee serve, or have served continuously, not more than three years before the benefits provided by this section are made available to the person. All service of an employee prior to the effective date of any such requirement shall be credited in determining compliance with the requirement.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the Director of Human Resources authorizes travel outside the state.

An employee who has been placed on a reemployment list, as provided above, who has been medically released for return to duty and who fails to accept an appropriate assignment, shall be dismissed.
BP 7345  Catastrophic Leave Program

Reference:
   Education Code Section 87045

The Board authorizes implementation of a catastrophic leave program to permit employees of the District to donate eligible leave credits to an employee when that employee or a member of his or her family suffers from a catastrophic illness or injury.

The President of the College shall establish administrative procedures to administer the program that comply with the requirements established by the Education Code. The administrative procedures shall assure that the program is administered in a nondiscriminatory way.

See Administrative Procedure 7345
AP 7345  Catastrophic Leave

Reference:  
Education Code Section 87045

The District has established a catastrophic leave program to permit employees of the district to donate eligible leave credits to an employee when that employee or a member of his or her family suffers from a catastrophic illness or injury.

For the purposes of this procedure, the following terms are defined as follows:

- "Catastrophic illness" or "injury" means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's family requiring the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he or she has exhausted all of his or her sick leave and other paid time off.
- "Eligible leave credits" means vacation leave and sick leave accrued to the donating employee.

Eligible leave credits may be donated to an employee for a catastrophic illness or injury if all of the following requirements are met:

- The employee who is, or whose family member is, suffering from a catastrophic illness or injury requests that eligible leave credits be donated and provides verification of catastrophic injury or illness.
- The Director of Human Resources determines that the employee is unable to work due to the employee's or his or her family member's catastrophic illness or injury.
- The employee has exhausted all accrued paid leave credits. If the transfer of eligible leave credits is approved, any employee may, upon written notice, donate eligible leave credits at a minimum of eight hours, and in hour increments thereafter.

The maximum amount of time for which donated leave credits may be used shall not exceed use for a maximum period of 12 consecutive months.

Verification of catastrophic injury or illness shall be required.

All transfers of eligible leave credit shall be irrevocable.

An employee who receives paid leave pursuant to this procedure shall use any leave credits that he or she continues to accrue on a monthly basis prior to receiving such leave.
AP 7346  Employees Called to Military Duty

References:
   Education Code Sections 87018, 87700, 87832 and 88116;
   Military and Veteran’s Code Sections 389 et seq;
   38 U.S. Code Sections 4301 et seq.

The following applies to any District employee, academic or classified, who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of any branch of the military service, during any period of national emergency declared by the President of the United States or during any war in which the United States of America is engaged.

Leave
Upon presentation of a copy of orders for active duty in the Armed Forces, the National Guard, or the Naval Militia, the District shall grant a military leave of absence for the period of active duty specified in the orders, but not to exceed five years for a permanent, probationary, or exempt employee, or for the remainder of a limited-term employee’s appointment or a temporary employee’s appointment.

Salary
Any district employee called to active duty who has been in the service of the District for at least one year will continue to receive his or her salary for the first 30 calendar days of ordered military service. Employees who are members of the National Guard will continue to receive salary for the first 30 calendar days of active service regardless of length of service with the District.

In addition, the District may provide for not more than 180 calendar days as part of the employee’s compensation all of the following:
   • The difference between the amount of his/her military pay and allowances and the amount the employee would have received as an employee, including any merit raises that would otherwise have been granted during the time the individual was on active military duty.
   • All benefits that he/she would have received had he/she not been called to active military duty unless the benefits are prohibited or limited by vendor contracts.
   • Employees returning from military leave shall have their salary adjusted to reflect salary increases that are not based on merit.

Health Benefits
An employee on military leave for less than 31 days shall continue to receive health insurance benefits.

Employees on leave for longer than 30 days may elect to continue health care coverage for themselves and their eligible dependents for a maximum period of 18 months.

Returning veteran employees whose coverage was terminated because of military leave will not be subject to any exclusion or waiting period prior to reinstatement of health coverage.

Vacation and Sick Leave
Employees on military leave accrue any benefits the district provides to other employees, e.g. if employees on other approved leaves are permitted to accrue vacation or sick leave, employees on military leave will do so as well.

Approved by the Board of Trustees: November 11, 2003
Employees on military leave shall accrue any benefits afforded by any collective bargaining agreement negotiated during their absence.

Any employee on temporary military leave for training who has worked for the District for at least one year shall continue to accrue vacation, sick leave and holiday privileges up to a maximum period of 180 days.

**Reinstatement**
An employee on active duty military leave shall be entitled to return to the position held by him/her at the time of his or her entrance into the service within six months after the employee honorably leaves the service or is placed on inactive duty.

In the case of a contract academic employee, absence on military leave shall not count as part of the service required for the acquisition of tenure, but the absence shall not be construed as a break in the continuity of service. If the employee was employed by the district for more than one year, but had not yet become a regular academic employee of the district, he/she is entitled to return to the position for the period of time his/her contract of employment had to run at the time he or she entered military service.

In the case of an academic employee, absence on military leave shall not be construed as a break in the continuity of service.

In the case of a classified employee, absence on military leave shall not be construed as a break in the continuity of service.
AP 7347  
Paid Family Leave

Reference:

*Unemployment Insurance Code §§ 3300 – 3303*

Effective July 1, 2004, employees who contribute to the state’s unemployment compensation disability insurance (SDI) program shall be eligible for up to six weeks of Family Temporary Disability Leave (FTDL). This leave is funded entirely through employee contributions and payments are equal to those the employee would receive for other SDI leave.

The employee may take the leave to care for:

- his or her own non-work-related serious health condition (including pregnancy-related disability);
- a child, spouse, parent, or domestic partner with a serious health condition; or
- to bond with a new child.

“Serious health condition” is defined exactly the same as in the Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

An employee requesting FTDL leave:

- is eligible for the leave once in a 12-month period;
- is subject to a seven day waiting period;
- may be required to use up to two weeks of accrued but unused vacation leave before beginning FTDL (including the seven day waiting period); and
- may have his or her time run concurrently with FMLA/CFRA leave.

An employee is not eligible for this leave if:

- he or she is receiving unemployment benefits;
- he or she is entitled to receive workers’ compensation benefits;
- he or she is eligible for SDI or disability benefits from another state;
- another family member is “able and available” to provide care.
BP 7350 Resignations

Reference:
   Education Code Sections 87730; 88201

The Board shall accept the resignation of any employee and shall fix the time when the resignation takes effect, which shall not be later than the close of the academic year during which the resignation has been received by the Board.

The Board hereby delegates to the President of the College the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Board when accepted in writing by the President of the College. When accepted by the President of the College, the resignation is final and may not be rescinded. All such resignations shall be forwarded to the Board for ratification.
BP 7360  Discipline and Dismissals - Academic Employees

Reference:
   Education Code Section 87669, 87732

A contract or regular employee may be dismissed or penalized for one or more of the grounds set forth in Education Code section 87732. If the employee is to be penalized, the Board shall determine the nature of the penalties. If the Board decides to dismiss or penalize a contract or regular employee, it shall assure that each of the following has been satisfied:

   The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of Education Code Sections 87660 et seq., and any administrative procedure for evaluation contained in a collective bargaining agreement;
   The Board has received all statements of evaluation which considers the events for which dismissal or penalties may be imposed;
   The Board has received a recommendation from the President of the College.
   The Board has considered the statements of evaluation and the recommendations in a lawful meeting.

If the Board decides it intends to dismiss or penalize a contract or regular employee, it shall take the actions required by the Education Code, and the President of the College or designee shall thereafter assure that the employee is afforded the full post-termination due process required by the Education Code Sections 87666 through 87681, and 87740.

The President of the College shall establish procedures that define the conditions and processes for dismissal, discipline, and due process and ensure they are available to employees.
BP 7365  Discipline and Dismissal- Classified Employees

References:

Education Code Section 88013;
Government Code Sections 3300 et seq.

The Superintendent/President shall enact procedures for the disciplinary proceedings applicable to permanent classified employees of the District. Such procedures shall conform to the requirements of the Education Code.

The Board’s determination of the sufficiency of the cause for disciplinary action of a classified employee shall be conclusive.

No disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent, or for any cause that arise more than two years preceding the date of the filing of any charge against the employee, unless the cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the District.

For those classified employees covered by a collective bargaining agreement, refer to the agreement.

A permanent member of the classified service shall be subject to disciplinary action, including, but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or discharge, for any of the following grounds:

Fraud in securing employment or making a false statement on an application for employment.
Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee in the position.
Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of, or insulting or demeaning the authority of a supervisor or manager.
Dishonesty involving employment.
Being impaired by or under the influence of alcohol or illegal drugs or narcotics while on duty, which could impact the ability to do the job.
Excessive absenteeism.
Unexcused absence without leave.
Abuse or misuse of sick leave.
The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this Section.
Discourteous treatment of the public or other employees.
Improper or unauthorized use of District property.

Approved by the Board of Trustees: November 11, 2003
Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.
Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department or division.
Inattention to duty, tardiness, indolence, carelessness, or negligence in the care and handling of District property.
Mental or physical impairment which renders the employee unable to perform the essential functions of the job without reasonable accommodation or without presenting a direct threat to the health and safety of self or others.
Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.
The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.
Willful violation of policies, procedures and other rules which may be prescribed by the District, college(s), or departments.
Working overtime without authorization.

See Administrative Procedures #7365
AP 7365  Discipline and Dismissal - Classified Employees

References:
   Education Code Section 88013;
   Government Code Sections 3300 et seq.

Grounds for Discipline
If the grounds for dismissal were included in BP 7365 titled Discipline and Dismissal – Classified Employees, it is not necessary to repeat them here.

A permanent member of the classified service shall be subject to disciplinary action, including but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or discharge, for any of the following grounds:

- Fraud in securing employment or making a false statement on an application for employment.
- Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
- Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his position.
- Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position or insulting or demeaning the authority of a supervisor or manager.
- Dishonesty involving employment.
- Being under the influence of alcohol or illegal drugs or narcotics while on duty, being impaired by alcohol or illegal drugs in your biological system while on duty which could impact your ability to do your job.
- Excessive absenteeism.
- Inexcusable absence without leave.
- Abuse of sick leave, i.e., taking sick leave without a doctor's certificate when one is required, or misuse of sick leave.
- The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The Office of Human Resources may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline, or the determination if such conviction is an offense involving moral turpitude. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this section.
- Discourteous treatment of the public or other employees.
- Improper or unauthorized use of District property.
- Refusal to subscribe to any oath or affirmation that is required by law in connection with District employment.
- Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department or division.
- Inattention to duty, tardiness, indolence, carelessness, or negligence in the care and handling of District property.
- Violation of the rules and regulations published in any department.
• Mental or physical impairment that render the employee unable to perform the essential functions of the job with or without reasonable accommodation, or without presenting a direct threat to the health and safety of self or others.
• Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his/her official duties.
• The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.
• Willful violation of any of the provisions of the ordinances, resolutions or any rules, regulations or policies, which may be prescribed by the District.
• Improper political activity. Example: Those campaigning for or espousing the election or non-election of any candidate in national, state, county or municipal elections while on duty and/or during working hours or the dissemination of political material of any kind while on duty and/or during working hours.
• Working overtime without authorization.

Background Checks
Background checks may be conducted as part of disciplinary or harassment investigations. (Civil Code Sections 1786 et seq. Fair Credit Reporting Act)

Advanced notice of discipline/harassment investigations shall not be provided to those under investigation. If the investigation results in action that adversely affects the employee, the employee shall receive oral, written, or electronic notice of:
• the adverse action;
• the name, address, and telephone number of the third party agency that furnished the report;
• the employee’s right to obtain a free copy of the report; and
• the employee’s right to dispute the accuracy or completeness of any of the information in the report.

Disciplinary Actions
Disciplinary action taken by the District against a permanent member of the classified service may include, but not be limited to oral reprimand, written reprimand, and the following:
• Reduction in pay or demotion – The District may reduce the pay or demote an employee whose performance of the required duties falls below standard, or for misconduct.
• Suspension – An employee may be suspended for disciplinary purposes without pay.
• Discharge – A permanent member of the classified service may be discharged for just cause at any time. Formal written notice of discharge may be made after considered action during a period of suspension.

Procedure for Disciplinary Action and Appeal
The District may, for disciplinary purposes, suspend, demote or terminate any employee holding a position in the classified service. Demotion shall include reduction in pay from a step within the class to one or more lower steps.
For classified employees suspended, demoted or discharged the District shall follow a pre-disciplinary procedure as follows:

**Notice of Intent:** Whenever the District intends to suspend an employee, demote the employee, or dismiss the employee, the employee shall be given a written notice of discipline which sets forth the following:

- The disciplinary action intended;
- The specific charges upon which the action is based;
- A factual summary of the grounds upon which the charges are based;
- A copy of all written materials, reports, or documents upon which the discipline is based;
- Notice of the employee’s right to respond to the charges either orally or in writing to the appropriate manager;
- The date, time and person before whom the employee may respond in no less than five working days;
- Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

**Response by Employee:** The employee shall have the right to respond to the appropriate manager orally or in writing. The employee shall have a right to be represented at any meeting set to hear the employee’s response. In cases of suspensions, demotions, or dismissal, the employee’s response will be considered before final action is taken.

**Final Notice:** After the response or the expiration of the employee’s time to respond to the notice of intent, the appropriate authority shall: 1) dismiss the notice of intent and take no disciplinary action against the employee; or 2) modify the intended disciplinary action; or 3) prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:

- The disciplinary action taken;
- The effective date of the disciplinary action taken;
- Specific charges upon which the action is based;
- A factual summary of the facts upon which the charges are based;
- The written materials reports and documents upon which the disciplinary action is based;
- The employee’s right to appeal.

**Appeal and Request for Hearing:** If a classified employee, having been issued the final notice of disciplinary action, wants to appeal the action, he/she shall within ten calendar days from the date of receipt of the notice, appeal to the Governing Board by filing a written answer to the charges and a request for hearing with the Vice President of Administrative Services.

**Time for Hearing:** The Governing Board shall, within a reasonable time from the filing of the appeal, commence the hearing. The Board may conduct the hearing itself, or it may secure the services of an experienced hearing officer or Administrative Law Judge, mutually selected by the District and the employee, to conduct a hearing and render a proposed decision for consideration by the Board. However, in every case, the decision of the Board itself shall be final. The Board of Trustees may affirm, modify or revoke the discipline. Any employee, having filed an appeal with the Board and having been notified of the time and place of the hearing, who fails to make an appearance before the Board, may be deemed to have abandoned his/her appeal. In this event, the Board may dismiss the appeal.

Approved by the Board of Trustees: November 11, 2003
Record of Proceedings and Costs: All disciplinary appeal hearings may, at the discretion of either party or the Board of Trustees, be recorded by a court reporter. Any hearing which does not utilize a court reporter shall be recorded by audio tapes. If a court reporter is requested by either party, that party shall pay the cost of the court reporter.

Conduct of the Hearing:

- The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses but hearings shall be conducted in a manner most conducive to determination of the truth.
- Any relevant evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.
- Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence that shall not be sufficient in itself to support a finding unless it would admissible over objection in civil actions.
- The rules dealing with privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
- Irrelevant and unduly repetitious evidence may be excluded.
- The Board shall determine relevancy, weight and credibility of testimony and evidence. Decisions made by the Board shall not be invalidated by any informality in the proceedings.
- During examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.

Burden of Proof: In a disciplinary appeal the District has the burden of proof by preponderance of the evidence.

Proceed with Hearing or Request for Continuance: Each side should be asked if it is ready to proceed. If either side is not ready and wishes a continuance, good cause must be stated.

Testimony under Oath: All witnesses shall be sworn in for the record prior to offering testimony at the hearing. The chairperson will request the witnesses to raise their right hand and respond to the following:

“Do you swear that the testimony you are about to give at this hearing is the truth, the whole truth and nothing but the truth?”

Presentation of the Case: The hearing shall proceed in the following order unless the Board of Trustees, for special reason, directs otherwise:

- The party imposing discipline (District) shall be permitted to make an opening statement.
- The appealing party (employee) shall be permitted to make an opening statement.
- The District shall produce its evidence.
- The party appealing from such disciplinary action (employee) may then offer their evidence.
- The District followed by the appealing party (employee) may offer rebutting evidence.
- Closing arguments shall be permitted at the discretion of the Board of Trustees. The party with the burden of proof shall have the right to go first and to close the hearing by making the last argument. The Board may place a time limit on closing arguments. The Board or the parties may request the submission of written briefs.

Approved by the Board of Trustees: November 11, 2003
After the request for submittal of written briefs, the Board will determine whether to allow the parties to submit written briefs and determine the number of pages of briefs.

**Procedure for the Parties:** The District representative and the employee representative will address their remarks, including objections, to the President of the Board. Objections may be ruled upon summarily or argument may be permitted. The Board reserves the right to terminate argument at any time and issue a ruling regarding an objection or any other matter, and thereafter the representative shall continue with the presentation of their case.

**Right to Control Proceedings:** While the parties are generally free to present their case in the order that they prefer, the Board reserves the right to control the proceedings, including, but not limited to, altering the order of witnesses, limiting redundant or irrelevant testimony, or by the direct questioning of witnesses.

**Hearing Demeanor and Behavior:** All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity or personal behavior of their adversaries or members of the Board of Trustees.

**Deliberation Upon the Case:** The Board of Trustees should consider all oral and documentary evidence, the credibility of witnesses, and other appropriate factors in reaching their decision. The Board may deliberate at the close of the hearing or at a later fixed date and time. In those cases where the Board has received a proposed decision from a hearing officer or Administrative Law Judge, the proposed decision, the record of the hearing and all documentary evidence shall be available for review by the Board when it deliberates.

**Written Findings, Conclusion, and Decision:** The Board shall render its findings, conclusions and decision as soon after the conclusion of the hearing as possible. A finding must be made by the Board on each material issue. The Board may sustain or reject any or all of the charges filed against the employee. The Board may sustain, reject or modify the disciplinary action invoked against the employee. In those cases where the Board has received a proposed decision from a hearing officer or Administrative Law Judge, the Board may adopt the proposed decision, modify the proposed decision or render a new decision. If the Board recommends reinstatement of the terminated employee, the employee is only entitled to back pay minus the sum the employee has earned during the period of absence.

**Decision of the Board to be Final:** The decision of the Board of Trustees in all cases shall be final.

**Emergency Suspension:** If an employee’s conduct presents an immediate threat to the health and safety of the employee or others, the employee may be suspended without compliance with the provisions this procedure. However, as soon as possible after suspension, the employee shall be given notice as set forth herein.

**Record Filed:** When final action is taken, the documents shall be placed in the employee’s personnel file.

Amended by the Board of Trustees: August 14, 2012

Approved by the Board of Trustees: November 11, 2003
BP 7370   Political Activity

Reference:
   Education Code Sections 7054, 7056; Government Code Section 8314

Employees shall not use District funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board. This policy prohibits political activity during an employee’s working hours, but shall not be construed to prohibit an employee from urging the support or defeat of a ballot measure or candidate during nonworking time.
AP 7370 Political Activity

Reference: Education Code Sections 7050 et seq.

No restriction shall be placed on the political activities of any employee of the District except as provided in board policy and these procedures.

No District funds, services, supplies, or equipment may be used to urge the support or defeat of any ballot measure or candidate, including but not limited to any candidate for election to the governing board.

District resources may be used to provide information to the public about the possible effects of a bond issue or other ballot measure if both the following conditions are met:

- The informational activities are otherwise authorized by the Constitution or laws of the State of California; and
- The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

Any administrator or board member may appear before a citizens’ group that requests the appearance to discuss the reasons why the Board called an election to submit to the voters a proposition for the issuance of bonds, and to respond to inquiries from the citizens’ group.

An officer or employee of the District may solicit or receive political funds or contributions to promote the support or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of the district. Such activities are prohibited during working hours, and entry into buildings and grounds of the District during working hours is prohibited. Such activities are permitted during nonworking time. “Nonworking time” means time outside an employees’ working hours, whether before or after the workday or during the employees’ lunch period or other breaks during the day.
AP 7371  Personal Use of Public Resources

Reference:
  Government Code Section 8314
  Penal Code Section 424

No employee or consultant shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.
BP 7380  Retiree Health Benefits:  Academic Employees

References:  
   Education Code Sections 7000 et seq.

The District shall permit any former academic employee who has retired from the District to enroll in the health and welfare benefit plan and/or dental care benefit plan currently provided to its current academic employees. In addition, the District shall also permit the enrollment of the surviving spouse of a former academic employee who either retired from the District or was, at the time of his or her death, employed by the District as an academic employee and a member of the State Teacher's Retirement System.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse’s own expense.

A retired academic employee or surviving spouse may enroll in the District’s health and welfare benefit plans only once pursuant to this policy. A retired academic employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The Superintendent/President shall establish procedures as may be deemed necessary to administer this policy in accordance with Education Code Sections 7000, et seq.

See Administrative Procedure #7380

Amended by the Board of Trustees:  October 9, 2012
Approved by the Board of Trustees:  November 11, 2003
AP 7380  Retiree Health Benefits: Academic Employees

Reference:  

*Education Code Section 7000 et seq.*

The District shall permit any former academic employee who has retired from the District to enroll in the health and welfare benefit plan and/or dental care benefit plan currently provided to its current academic employees. In addition, the District shall also permit the enrollment of the surviving spouse of a former academic employee who either retired from the District or was, at the time of his or her death, employed by the District as an academic employee and a member of the State Teacher’s Retirement System.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse’s own expense.

A retired academic employee or surviving spouse may enroll in the District’s health and welfare benefit plans only once pursuant to this policy. A retired academic employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The Superintendent/President shall establish procedures as may be deemed necessary to administer this policy in accordance with Education Code Sections 7000, *et seq.*
BP 7381 Retiree Health Benefits: Classified Employees

The District shall permit any former classified employee who has retired from the District to enroll in the health and welfare benefit plan and/or dental care benefit plan currently provided to its current classified employees. In addition, the District shall also permit the enrollment of the surviving spouse of a former classified employee who either retired from the District or was, at the time of his or her death, employed by the District as a classified employee and a member of the Public Employees Retirement System.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse’s own expense.

A retired classified employee or surviving spouse may enroll in the District’s health and welfare benefit plans only once pursuant to this policy. A retired classified employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The President of the College shall establish procedures as may be deemed necessary to administer this policy.

See Administrative Procedure #7381
AP 7381  Retiree Health Benefits: Classified Employees

The District shall permit any former classified employee who has retired from the District to enroll in the health and welfare benefit plan and/or dental care benefit plan currently provided to its current classified employees. In addition, the District shall also permit the enrollment of the surviving spouse of a former classified employee who either retired from the District or was, at the time of his or her death, employed by the District as a classified employee and a member of the Public Employees Retirement System.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse’s own expense.

A retired classified employee or surviving spouse may enroll in the District’s health and welfare benefit plans only once pursuant to this policy. A retired classified employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The Superintendent/President shall establish procedures as may be deemed necessary to administer this policy.

Amended by the Board of Trustees:  August 14, 2012

Approved by the Board of Trustees:  November 11, 2003
BP 7385 Salary Deductions

Reference:
   Education Code Sections 87040; 87833; 87834; 88167

An employee may request reduction of his or her salary in any amount for any or all of the following purposes:

   participation in a deferred compensation program;
   paying premiums on any policy or certificate of group life insurance or disability insurance or legal expense insurance, or any of them;
   paying rates, dues, fees, or other periodic charges on any hospital service contract.

The request provided for above shall be revocable by the employee. The District shall, without charge, reduce the salary payment by the amount which the employee has authorized in writing for the purpose of paying the his or her membership dues in any local, statewide or other professional organization. Revocation of such authorization shall be in writing and shall be effective beginning with the next pay period.
BP 7400  Travel

Reference:
   Education Code Section 87032

The President of the College is authorized to attend conferences, meetings and other activities that are appropriate to the functions of the District.

The President of the College shall establish procedures regarding the attendance of other employees at conferences, meetings, or activities. The procedures shall include authorized expenses, advance of funds, and reimbursement.

See Administrative Procedures 7400
AP 7400  Travel

Reference:
Education Code Section 87032

The following procedures address travel:

Definition of authorized necessary expenses and limits

- Meals will be reimbursed using per diem rates established by the United States Department of General Services and travel periods will also be established using the payment guidelines established by the United States Department of General Services.
- The district does not pay for meals covered by the conference fee. However, programmed conference meals will be reimbursed at actual cost in excess of these limits if receipts are provided.
- The district does not reimburse the cost of alcoholic beverages or tips.
- The district will not pay expenses for meetings that are to be reimbursed to the employee later by another organization.
- The district will not compensate for time to travel to and from a conference or event but all reasonable effort will be made to incorporate travel time within the normal work hours.

Definition of authorized travel

- Improvement of teaching
- Maintenance of current academic and technical knowledge and skills
- In-service training for vocational education and employment preparation programs
- Retraining to meet changing institutional needs
- Development of innovations in instructional and administrative techniques and programs effectiveness
- Computer and technological proficiency programs
- Courses and training implementing affirmative action and upward mobility programs
- Other activities determined to be related to educational and professional development pursuant to criteria established by the Board of Governors

Provisions for advance of funds

- All travel and conference must be preauthorized before a travel advance is issued.
- An advance for airline tickets, conference registration and lodging will be made under the following conditions:

  1. The Conference Authorization Form must be properly completed and submitted to the Business Office three weeks before the conference.
  2. Airline tickets are purchased through the agency the district has a state contract with. Currently this is American Express (Uchida Travel)

Approved by the Board of Trustees: November 11, 2003
3. The conference registration and lodging will be paid in advance upon request when accompanied by conference authorization form.

4. Approvals required
   - Approval of supervisor and vice-president is required under the Conference Request/Advance portion of the conference form before travel is authorized.
   - Approval of president is required for out-of-state travel
   - If costs exceed approved estimated costs then the supervisor and vice-president will sign again under the Reimbursement Request portion of the conference form.

Filing of claims against advance or for reimbursement
   - The reimbursement claim form must be submitted to the Business Office within five working days of returning from the conference.
   - Receipts are required for airline tickets, taxis, parking, bridge tolls, limousine, car rentals, conference registration, lodging and any miscellaneous or incidental expenses

Transportation
   - Coach airfare or personal auto travel will be allowed, whichever is the most cost effective.
   - The rate for mileage reimbursement for use of personal car will be the rate established by the IRS at the beginning of each calendar year.
   - Prior approval is required for reimbursement of car rental expense.
   - A copy of proof of automobile insurance verifying liability insurance coverage must be on file in the Personnel Office before reimbursement will be authorized for use of a personal automobile.

The district has the authority to direct employees to attend relevant conventions, conferences or training.
AP 7500  Volunteers

Reference:

**Purpose and Scope**

The purpose of this procedure is to outline the District policy on volunteers. Each volunteer is subject to the screening process set forth in this policy, with the following exceptions:

- volunteers serving in single day college events.
- individuals serving as volunteers in Associated Student Organization officer positions at the colleges. ASO officers are not entitled to defense and indemnity by the District.

The President of the College may authorize suspension of the screening process when he/she believes that this process is not necessary for the volunteers serving in the particular event.

**General**

The District may enter into agreements with outside organizations to provide volunteers to the District to work at college locations. Such agreements will contain appropriate defense and indemnification language to protect the district from liability in connection with the volunteer services.

Volunteers serve the District in an "at will" capacity. The District may terminate a volunteer's services for any reason or no reason at all.

Pursuant to Government Code section 3119.5, no person aged 60 years or older may be excluded from volunteer service if the person is physically, mentally and professionally capable of performing the services involved. A person shall be deemed "professionally capable" if he/she can demonstrate reasonable proficiency or relevant certification and performs his/her professional duties in accordance with laws, regulations or the technical standards that govern his/her area of volunteer responsibility.

Volunteers may not be used in lieu of classified employees. The District may not refuse to employ a person in a vacant classified position and use volunteers instead, nor may it abolish any classified positions and use volunteers instead.

**Screening**

The District may use a written application form that requires, at a minimum, the volunteer's name, address, phone number and history of convictions. A volunteer's service record shall be maintained by the district.
Subject to the limitations of this policy, employees assigned to other positions within the District may serve as volunteers during off-hours. Fingerprints of each volunteer may be required. Volunteers with on-going assignments and volunteers who interact with minors shall be required to provide a complete set of fingerprints for the purpose of running a criminal background check. No person may serve as a volunteer in the District if:

- He/she has been convicted of or if he or she has charges pending which pertains to any sex offense (as defined in Education Code section 87010), or controlled substance offense (as defined in Education Code section 87011).
- He/she has been convicted of a crime and the President of the College determines that: the nature of the crime is too serious to serve as a volunteer; the crime was too recent; and/or the crime is inconsistent with obligations in performing assigned duties as a volunteer.
- He/she has a health condition that would preclude him/her from satisfactorily performing essential duties of the position.
- He/she makes a false statement or omits a statement as to any material fact on the application form.

**Incidental Expenses**

Persons serving without pay as volunteers may receive reimbursement for incidental expenses.

**Benefits**

Volunteers are employees of the District only for the purpose of worker's compensation benefits for injuries sustained while engaged in the performance of any service under the direction and control of the district. With the exception of worker's compensation (Education Code Section 72401), volunteers shall serve without any type of compensation or any other benefits granted to district employees. Volunteers shall not be entitled to defense and indemnity from the district.
BP 7510    Domestic Partners

References:

    Family Code Sections 297, 298, 298.5, 297.5, 299, 299.2, and 299.3

Domestic partners registered with the California Secretary of State shall have, insofar as permitted by California law, all of the same rights, protections, and benefits, as well as the same obligations, responsibilities, and duties of married persons (spouses) under state law. Former domestic partners shall have all of the rights and obligations of former spouses. Surviving domestic partners shall have the same rights, protections, and benefits as are granted to a surviving spouse of a decedent.

Therefore, all references to “spouses” in the District’s policies or procedures shall be read to include registered domestic partners as permitted by California law.
BP 7600  Campus Security Officers

Reference:
   Education Code 72330.5

The District shall employ campus security officers, who shall provide services as
security guards, or patrol persons on or about the campus(es) owned or operated by the
District. Their duties include, but are not limited to protecting persons or property,
preventing the theft of District property, and reporting any unlawful activity to the District
and local law enforcement.

The President of the College shall establish procedures necessary for administration of
campus security. In addition, the President of the College shall enter into an agreement
with local law enforcement, which includes that campus security officers shall cooperate
with local law enforcement in performing their duties.

Every campus security officer who works more than twenty hours per week shall
complete a course of training developed by the Bureau of Security and Investigative
Services of the Department of Consumer Affairs as required by Education Code Section
72330.5 (b). If an officer is required to carry a firearm, he or she shall also satisfy the
training requirements of Section 832 of the Penal Code.

Every campus security officer shall meet other requirements set out in Education Code
Section 72330.5.

See Administrative Procedure 7600
AP 7600 College Security

Reference: 

*Education Code Section 72330*

**Campus Security Officers**
The campus security officers shall cooperate with local law enforcement in accordance with an agreement to be entered into in accordance with the requirements of Education Code Section 67381. The agreement shall address, but not be limited to, the following:

- Operational responsibilities for investigations of the following violent crimes: willful homicide, forcible rape, robbery, aggravated assault
- Geographical boundaries of the operational responsibilities
- Mutual aid procedures

Every campus security officer employed or continuing in employment shall meet the requirements set out in Education Code Section 72330.5, including but not limited to:

- Submission of one copy of his or her fingerprints which shall be forwarded to the Federal Bureau of Investigation;
- A determination that the employee is not a person prohibited from employment by a California community college district, and,
- If the employee is required to carry a firearm, is not a person prohibited from possessing a firearm.

Members of campus security shall be employed as members of the classified service of the District.

Salaries for campus security officers shall be established after appropriate negotiations with their exclusive representative. If no such unit is established, the Superintendent/President shall recommend salaries.

The Vice President of Administrative Services shall issue such other procedures as may be necessary for the administration of the campus security officers, which may include:

- Schedules and shifts
- Call back procedures
- Use of vehicles
- Weapons practices, especially drawing weapons
- Pursuit practices
- Discipline procedures
- Training
- Responsibilities to coordinate with local law enforcement

Amended by the Board of Trustees: August 14, 2012
Approved by the Board of Trustees: November 11, 2003
BP 7700 Whistleblower Protection

References:

   Education Code Sections 81760-87164
   Labor Code Section 1102.5,
   Government Code Section 53296,
   Private Attorney General Act of 2004 (Labor Code Section 2698)

The Superintendent/President shall establish procedures regarding the reporting and investigation of suspected unlawful activities by district employees, and the protection from retaliation of those who make such reports in good faith and/or assist in the investigation of such reports. For the purposes of this policy and any implementing procedures, “unlawful activity” refers to any activity—intentional or negligent—that violates state or federal law, local ordinances, or District policy.

The procedures shall provide that individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation, that such reports are investigated thoroughly and promptly, remedies are applied for any unlawful practices and protections are provided to those employees who, in good faith, report these activities and/or assist the District in its investigation.

Furthermore, district employees shall not: (1) retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or (2) directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the District. The District will not tolerate retaliation, and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it up to and including termination.

See Administrative Procedure #7700

Amended by the Board of Trustees: October 9, 2012
Approved by the Board of Trustees: November 13, 2007
AP 7700  Whistleblower Protection

References:
California Labor Code Sections 87160-87164;
Government Code Section 53296,
Private Attorney General Act of 2004 (Labor Code Section 2698)

Individuals are encouraged to report suspected incidents of unlawful activities by District employees in the performance of their duties. Reports will be investigated promptly and appropriate remedies applied. Employees who, in good faith, reported such activities and/or assist the district in the investigation will be protected from retaliation.

This procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in BP 7700 titled Whistleblower Protection, and addressing complaints of retaliation for making such reports.

Filing a Report of Suspected Unlawful Activities
Any person may report allegations of suspected unlawful activities. Knowledge or suspicion of such unlawful activities may originate from academic personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, customers, vendors, students, or other third parties.

Anonymous reports will be investigated to the extent possible. However, employees are strongly encouraged not to report anonymously because doing so impedes the District’s ability to thoroughly investigate the claim and take appropriate remedial measures. As set forth fully below, retaliation against individuals who report suspected unlawful activities will not be tolerated.

Normally, a report by a District employee of allegations of a suspected unlawful activity should be made to the reporting employee’s immediate supervisor or other appropriate administrator or supervisor within the operating unit. However, if the report involves or implicates the direct supervisor or others in the operating unit, the report may be made to any another District official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged unlawful activity on behalf of the District. For multi-college districts: When the alleged unlawful activities involve a college president, the report should be made directly to the chancellor. When the alleged unlawful activity involves the Superintendent/President, the report should be made to the President of the Board of Trustees. When the alleged unlawful activity involves the Board of Trustees or one of its members, the report should be made to the Superintendent/President who will confer with the President of the Board of Trustees and/or legal counsel on how to proceed.

Allegations of suspected unlawful activities should be made in writing so as to assure a clear understanding of the issues raised, but may be made orally. Such reports should be factual and contain as much specific information as possible. The receiving supervisor or administrator should elicit as much information as possible. If the report is made orally, the receiving supervisor or administrator shall reduce it to writing and make every attempt to get the reporter to confirm by his/her signature that it is accurate and complete.

Once the receiving supervisor or administrator has received and/or prepared a written report of the alleged unlawful activity, he/she must immediately forward to the Superintendent/President where the alleged activity has occurred [multi-college district: or to the chancellor if the activity

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involves the district office or is district-wide]. However, if this process would require submitting the report to an employee implicated in the report, the receiving supervisor or administrator should follow the reporting options outlined, above. The high-level administrator or trustee who receives the written report pursuant to this paragraph is responsible for ensuring that a prompt and complete investigation is made by an individual with the competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an outside investigator is secured if deemed necessary.

In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or interviewed shall be advised of the District’s no-retaliation policy. Each individual shall be: a) warned that retaliation against the reporter(s) and/or others participating in the investigation will subject the employee to discipline up to and including termination; and b) advised that if he or she experiences retaliation for cooperating in the investigation, then it must be reported immediately.

In the event that an investigation into alleged unlawful activity determines that the allegations are accurate, prompt and appropriate corrective action shall be taken.

**Protection from Retaliation**
When a person makes a good-faith report of suspected unlawful activities to an appropriate authority, the report is known as a protected disclosure. District employees and applicants for employment who make a protected disclosure are protected from retaliation.

Any employee who believes he/she has been (1) subjected to or affected by retaliatory conduct for reporting suspected unlawful activity, or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise the Superintendent/President, [multi-college districts: the chancellor or the chancellor’s designee]. If the allegations of retaliation or the underlying allegations of unlawful conduct involve the Superintendent/President, the supervisor shall report to the highest level administrator and/or trustee who is not implicated in the reports of unlawful activity and retaliation.

All allegations of retaliation shall be investigated promptly and with discretion, and all information obtained will be handled on a "need to know" basis. At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise substantiated.

**Whistleblower Contact Information**
Employees who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees should contact the California Community Colleges Chancellor’s Office or the District’s Board of Trustees. Employees can contact the State Personnel Board with complaints of retaliation resulting from whistleblower activities. The State Personnel Board hotline is (916) 653-1403.

**Other Remedies and Appropriate Agencies**
In addition to the internal complaint process set forth above, any employee who has information concerning allegedly unlawful conduct may contact the appropriate government agency.

Amended by the Board of Trustees: August 14, 2012
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