

Chapter 7

Human Resources

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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.

BP 7110 Delegation of Authority

Reference:

Education Code Section 70902(d)

The Board delegates authority to the Chancellor to authorize employment, fix job responsibilities, and perform other personnel actions provided that all federal and state laws and regulations, board policies, administrative procedures. Personnel Commission Rules and collective bargaining agreements have been followed and these actions are subject to confirmation by the Board. The Governing Board shall not delegate any power that is expressly made non-delegable by statute.

BP 7120 Recruitment and Hiring

Reference:

***Education Code Section 70902(d), 87100 et seq.; Title 5, Section 53000, et seq.;
Accreditation Standard III.1.A***

The Chancellor shall establish procedures for the recruitment and selection of employees including, but not limited to:

The criteria and procedures for the recruitment and selection of management employees including college presidents;

The criteria and procedures for selection and hiring of academic employees in accordance with established and implemented board policies and procedures regarding the Academic Senate's role in local decision-making. Academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Governors or the equivalent in accordance with established procedures;

The criteria and procedures for hiring classified employees shall be established by the Personnel Commission.

BP 7130 Compensation

Reference:

Education Code Sections 70902(b) (4); 87801; 88160; 88087
Government Code Section 53200

The Board shall establish salary schedules and health and welfare benefits for all classes of employees. The Personnel Commission shall recommend to the Governing Board salary schedules for the classified service.

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.

BP 7210 Academic Employees

Reference:

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

Academic employees are all persons employed by the District in academic positions. Academic positions include, but are not limited to, 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 and applicable collective bargaining agreements. 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 Chancellor 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 for making progress toward the standard of 75% of total faculty work load hours taught by full-time faculty.

BP 7230 Classified Employees

Reference:

Education Code Sections 88004; 88009; 88076; 88080; 88120

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:

- Academic positions
- Professional experts employed on a temporary basis for a specific project.
- 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, financed by state or federal funds.

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

The Personnel Commission shall establish rules to assure that the requirements of state law and regulations regarding the classified service are met.

The probationary period for classified employees shall be six months with the exception of police, administrative and executive classes.

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 Personnel Commission. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers and reassignments.

BP 7250 Educational Administrators

Reference:

***Education Code Sections 72411 et seq., 87002(b), 87457-87460;
Government Code Section 3540.1(g) and (m)***

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 developed jointly by the Chancellor 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 contract of employment. Compensation shall be set by the Board upon recommendation by the Chancellor. Educational administrators shall be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Chancellor.

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 Board of Trustees.

Educational administrators may be employed by contract up to three years in duration.

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 recommend 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. Classified administrators may be employed by contract of up to three years in duration.

BP 7310 Nepotism

Reference:

Government Code Section 12920 et seq., 1090 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 [*or domestic partner as defined by Family Code Section 297 et seq.*], 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 [*or domestic partners as defined by Family Code Section 297 et seq.*] 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.

BP 7330 Communicable Disease

Reference:

Education Code Sections 87408; 87408.6; 88021

All individuals initially employed in an academic or classified position shall have on file a medical certificate issued by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code indicating within the past 60 days that he or she is free of active tuberculosis.

All newly hired academic employees who have not previously been employed in an academic position in California, shall have on file a medical certificate indicating freedom from any communicable diseases unfitting the employee to instruct or associate with students, including but not limited to, active tuberculosis. The medical examination shall have been conducted not more than six months before the submission of the certificate and shall be at the expense of the applicant.

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.

BP 7335 Health Examinations

Reference:

Education Code Sections 88021

The Chancellor may require 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 on the basis of the candidate's age or disability.

With the interest of protecting employees, students, the district and the public from potentially dangerous or inefficacious behavior, the Chancellor may require any employee to undergo a physical or mental examination at any time an employee demonstrates symptoms of conditions that may affect the employee's ability to perform his or her job in a safe and effective manner and it appears to be in the District's interest to obtain verification of an employee's fitness for duty. Such medical examinations shall be at the District's expense and shall be conducted by a physician chosen jointly by the District and the employee. Should the employee and the District fail to reach agreement on said physician, the physician shall be chosen by the District.

BP 7340 Leaves

Reference:

Education Code Sections 87763 et seq., 88190 et seq. and cites below

The Chancellor 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; 88210*
- Leave of absence to serve as an elected member of the legislature; *Education Code Section 87701*
- Pregnancy leave; *Education Code Sections 87766; 88193; Government Code Section 12945*
- Personal necessity leave; *Education Code Sections 87784; 88207*
- Industrial accident leave;
- Bereavement leave;
- Jury service or appearance as a witness in court; *Education Code Section 87036; 87037*
- Military service; *Education Code Section 87700*
- Sabbatical leaves for permanent faculty and administrators.

Vacation leave for classified employees shall not accumulate beyond 240 hours of paid leave.

Vacation leave for educational and classified administrators, classified supervisors and managers shall not accumulate beyond 480 hours of paid leave. Such employees' leave balances must be at or below 320 hours by June 30 of each fiscal year to accrue for the subsequent year.

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.

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 Chancellor shall establish administrative procedures to administer the program that comply with the requirements established by the Education Code. The policy and procedures shall not be applied in an arbitrary, capricious, or discriminatory manner.

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 fiscal year during which the resignation has been received by the Board.

The Board hereby delegates to the Chancellor 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 Chancellor. The resignation is final when accepted by the Chancellor and may not be rescinded unless unique circumstances arise that require Board review and authorization to rescind.

All 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 disciplined for one or more of the grounds set forth in Education Code section 87732. If the employee is to be disciplined, the Board shall determine the nature of the discipline. If the Board decides to dismiss or discipline 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 discipline may be imposed;
- The Board has received a recommendation from the Chancellor.
- The Board has considered the statements of evaluation and the recommendations in a lawful meeting.

If the Board decides it intends to dismiss or discipline a contract or regular employee, it shall take the actions required by the Education Code, and the Chancellor 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 Chancellor 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 Dismissals - Classified Employees

Reference:

Education Code Section 88013

Disciplinary action may result from a wide range of types and severity of rules, regulations, policies, or laws. The types of action may involve suspension, demotion, or dismissal.

- A. Suspension refers to exclusion of an employee from his/her job without pay for a prescribed number of days. Suspension must occur only for a reasonable cause and shall not be for more than thirty (30) days.
- B. Demotion refers to a downward movement of an employee from a class of positions to another, and involves a reduction in pay.
- C. Dismissal refers to the permanent separation of the employee from employment within the District.

No person in the classified service shall be disciplined except for reasonable cause designated by rule of the Personnel Commission. Notification procedures and due process rights for disciplinary actions are as designated by rule of the Personnel Commission.

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.

BP 7380 Unrepresented Employees

Reference:

Education Code Sections 70000 et seq.

Except that which is addressed by the Personnel Commission within its jurisdiction, the Board of Trustees shall establish policy regarding salary, benefits and otherwise negotiable terms and conditions of employment of unrepresented employees. The Chancellor shall act as the representative of unrepresented employees before the Board of Trustees.

BP 7385 Salary Deductions

Reference:

Education Code Sections 87040; 87833; 87834; 88167

An employee may request reduction of or deduction from his or her salary, without charge, 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 plans we administer, or any of them;
- union dues and 125 plans;
- contribution to District foundations
- charitable contributions for any plans administered by the District

The request provided for above shall be revocable upon written request 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 his or her membership dues in any local, statewide or other professional organization.

Board Policy 7510 Domestic Partners

Reference:

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 [District’s] policies or procedures shall be read to include registered domestic partners as permitted by California law.

BP 7600 College Police

Reference:

Education Code 72330.5

The District shall employ campus police officers, who shall provide police and security services as patrol officers on or about the campuses owned and/or operated by the District in accordance with Section 67381 (a) of the California Education Code. Their duties include, but are not limited to, protecting persons and property, preventing the theft or damage of District property, and reporting any unlawful activity to the District and other local law enforcement agencies as appropriate.

The selection and training of all campus police officers will comply with those requirements and standards set forth by the Commission on Peace officer Standards and Training of the State of California. Each officer shall obtain a P.O.S.T. Basic Certificate upon completion of at least one year of police employment by the District.

The Chief of Police shall establish procedures necessary for the administration of campus security. In addition, the Chief shall enter into a written agreement with local law enforcement agencies, which includes that campus police officers shall cooperate with local law enforcement in the performance of their duties in accordance with Section 67381(b) (c) (d) and (e) of the California Education Code.

Police officers employed by the District, when so appointed and duly sworn, are peace officers as defined in Chapter 4.5 (commencing with Section 830) of title 3 of Part 2 of the California Penal Code.

Each campus police officer shall meet the other requirements set forth in Education Code 72330.5.

BP 7700 Whistleblower Protection

Reference:

California Labor Code sections 1102.5 and 2698

The Chancellor 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, and that remedies 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.