Edits Recommended

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, discipline, 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, step-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.

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: October 9, 2012
Amended by the Board of Trustees: _____

Edits Recommended

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 academic or classified employees must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis by providing the District with a certificate from the employee's examining physician showing that the employee was examined and found to be 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

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: _____

Edits Recommended

AP 7330 Communicable Disease

Reference:
Education Code Section 87408; 87408.6; 88021

For successful applicants for academic 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

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: _____

Edits Recommended

BP 7335 Health Examinations

Reference:

42 U.S.~~C.~~ Code Section 12112(d); 29 ~~C.F.R.~~ Code of Federal Regulations, Part 1630; Government Code Section 12940

The ~~President of the College~~ Superintendent/President 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~~ may only be required 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.

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: _____

Edits Recommended

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 within the last 60 days submitted to a tuberculosis risk assessment developed by the State Department of Public Health and the California Tuberculosis Controllers Association and, if risk factors are present, 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 Department 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, or were not tested because of a lack of risk factors, are required to undergo the foregoing tuberculosis risk assessment and, if risk factors exist, 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 tuberculosis risk assessment and 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.

If risk factors were present at the tuberculosis risk assessment and an examination occurs, after ~~After~~ the examination, ~~each~~ an 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 Department 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 had a tuberculosis risk assessment that showed no risk factors were present or was examined 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 Health and Safety Code that shows that he or she ~~was examined~~ within the ~~past~~ last four years had a tuberculosis risk assessment that showed no risk factors were present or was examined 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.

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: _____

No Edits Recommended

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 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.

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: August 14, 2012
Reviewed by the Board of Trustees: _____

Edits Recommended

BP 7340 Leaves

References:

Education Code Sections 87763 et seq. and 88190 et seq. and cites below; Labor Code Sections 245 et seq.

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 or injury leaves for all classes of permanent employees (Education Code Sections 88781 and 88192);
- paid sick leave (Labor Code Section 246);
- 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 or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization (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);
- leave to bond with a new child (Education Code Sections 87780.1, 87784.5, 88196.1, and 88207.5);
- use of illness leave for personal necessity (Education Code Sections 87784; 88207);
- industrial accident and illness leave (Education Code Sections 87787 and 88192);
- bereavement leave (Education Code Sections 87788 and 88194);
- jury service or appearance as a witness in court (Education Code Sections 8703~~65~~ and 8703~~76~~);
- 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

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: October 9, 2012
Amended by the Board of Trustees: _____

Edits Recommended

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.

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 Department 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.

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: August 14, 2012
Amended by the Board or Trustees: _____

Edits Recommended

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~~ Superintendent/President 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

Approved by the Board of Trustees: November 11, 2003
Reviewed by the Board of Trustees: _____

Edits Recommended

AP 7345 Catastrophic Leave Program

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 Department 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.

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: _____

No Edits Recommended

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.

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.

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: August 14, 2012
Reviewed by the Board of Trustees: _____

Edits Recommended

AP 7347 Paid Family Leave

Reference:

Unemployment Insurance Code ~~§§~~ Sections 3300 – 3303

The seven-day waiting period for before an employee can start to receive family temporary disability insurance benefits will be eliminated effective January 1, 2018.

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.

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: _____

Edits Recommended

AP 7348 Accommodations

References:

29 U.S. Code Section 207(r);
42 U.S. Code Sections 12101 et seq.;
42 U.S. Code Sections 2000e et seq.;
29 Code of Federal Regulations Parts 1605.1 et seq.;
Government Code Sections 12926, 12940, and 12945;
Labor Code Sections 230 and 1030 et seq.;
Title 2 Sections 11040 et seq., 11050, et seq., and 11060 et seq.

Absent undue hardship or direct threats to the health and safety of employee(s), the District provides employment-related reasonable accommodations to:

- qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions;
- employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider;
- employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
- employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

For Disabilities:

The District has an affirmative duty to provide reasonable accommodations to applicants or employees with disabilities unless the timely, good faith interactive process reveals that there is no reasonable accommodation that will allow the applicant or employee to perform essential job functions without causing the agency undue hardship or without presenting a direct threat to the health and safety of himself/herself or others.

For Pregnancy and Related Medical Conditions:

The District must provide an interactive process to assess reasonable accommodations, in addition to leave rights, to employees disabled by pregnancy and related medical conditions.

For Victims of Domestic Violence, Sexual Assault, or Stalking:

Effective January 1, 2014, the District also has an affirmative duty to provide reasonable accommodations to employee-victims of domestic violence, sexual assault, or stalking, that would protect the safety of the employee-victim while at work. As is the case with disability-related accommodations, the law requires a timely, good faith interactive process. The goal is to identify safety-related accommodations that do not cause undue hardship and that do not compromise the safety and health of all employees. Like the interactive process for disabilities, the agency has the duty to restart the interactive process if the employee requests new accommodation(s) due to changed circumstances.

For Religious Belief or Observance:

Unlike the other categories identified above, there is no legal requirement that the employer must use an interactive process to analyze potential reasonable accommodations of an employee's religious beliefs or observance, including religious dress or grooming practices. Accommodation for religious belief is included here because the law does require an employer to provide a reasonable accommodation unless the agency can prove an undue hardship. In addition, the employer is required to prove that it has explored any available reasonable alternative means of accommodating the religious belief or observance. Though an interactive process is not legally mandated for religious accommodation, an interactive process meeting **suggested as good practice** and is an effective way for an employer to prove that it explored any available reasonable alternative means of accommodating the religious belief or observance.

Approved by the Board of Trustees: _____

Edits Recommended

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~~ Superintendent/President 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~~ Superintendent/President. When accepted by the ~~President of the College~~ Superintendent/President, the resignation is final and may not be rescinded. All such resignations shall be forwarded to the Board for ratification.

Approved by the Board of Trustees: November 11, 2003
Reviewed by the Board of Trustees: _____

Edits Recommended

BP 7360 Discipline and Dismissals - Academic Employees

Reference:
Education Code Sections 8766~~96~~ et seq., 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~~ Superintendent/President.
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~~ Superintendent/President or designee shall thereafter assure that the employee is afforded the full post-termination due process required by ~~the~~ Education Code Sections 87666 - 87681~~, and 87740~~.

The ~~President of the College~~ Superintendent/President shall establish procedures that define the conditions and processes for dismissal, discipline, and due process and ensure they are available to employees.

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: _____

No Edits Recommended

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.
- 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

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: October 9, 2012
Reviewed by the Board of Trustees: _____

No Edits Recommended

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.

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. 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.

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: August 14, 2012
Reviewed by the Board of Trustees: _____

No Edits Recommended

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.

Approved by the Board of Trustees: November 11, 2003
Reviewed by the Board of Trustees: _____

No Edits Recommended

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.

Approved by the Board of Trustees: November 11, 2003
Reviewed by the Board of Trustees: _____

No Edits Recommended

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.

Approved by the Board of Trustees: November 11, 2003
Reviewed by the Board of Trustees: _____

No Edits Recommended

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

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: October 9, 2012
Reviewed by the Board of Trustees: _____

Edits Recommended

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.*~~

This procedure is covered in the faculty contract.

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: August 14, 2012
Amended by the Board of Trustees: _____

Edits Recommended

~~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 an 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~~

~~Approved by the Board of Trustees: November 11, 2003~~
~~Amended by the Board of Trustees: October 9, 2012~~

Edits Recommended

~~AP 7381 Retiree Health Benefits: Classified Employees~~

~~Reference:~~

~~Government Code Section 53200~~

~~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 an 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.~~

~~Approved by the Board of Trustees: November 11, 2003~~
~~Amended by the Board of Trustees: August 14, 2012~~

No Edits Recommended

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.

Approved by the Board of Trustees: November 11, 2003
Reviewed by the Board of Trustees: _____

Edits Recommended

BP 7400 Travel

Reference:
Education Code Section 87032;
Government Code Section 11139.8

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

The ~~President of the College~~ Superintendent/President 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.

All travel outside of the United States must be approved in advance by the Board.

See Administrative Procedures 7400

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: _____

Edits Recommended

AP 7400 Travel

Reference:

Education Code Section 87032;
Government Code Section 11139.8
2 Code of Federal Regulations Part 200.474

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)

3. The conference registration and lodging will be paid in advance upon request when accompanied by conference authorization form.

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.

Any limits on trave under Government Code Section 11139.8

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: October 10, 2006
Amended by the Board of Trustees: _____

Edits Recommended

AP 7500 Volunteers

References:

Education Code Sections 72401, 87010, and 87011
Government Code Section 3119.5

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~~ Superintendent/President 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~~ Superintendent/President 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.

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: _____

Edits Recommended

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 or with a Self-Insured Schools of California (SISC) Affidavit of Marriage 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.

Approved by the Board of Trustees: October 9, 2012
Amended by the Board of Trustees: _____

Edits Recommended

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~~ Superintendent/President shall establish procedures necessary for administration of campus security. In addition, the ~~President of the College~~ Superintendent/President 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

Approved by the Board of Trustees: November 11, 2003
Reviewed by the Board of Trustees: _____

Edits Recommended

AP 7600 College Security

Reference:

Education Code Section 72330
Government Code Sections 3300 et seq.

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

Approved by the Board of Trustees: November 11, 2003
Amended by the Board of Trustees: August 14, 2012
Reviewed by the Board of Trustees: _____

Edits Recommended

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);
Affordable Care Act (29 U.S.C. 218C)

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:

- 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;
- retaliate against an employee or applicant for employment because the employee or applicant is a family member of a person who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order;
- 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

Approved by the Board of Trustees: November 13, 2007
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Amended by the Board of Trustees: _____

Edits Recommended

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);
Affordable Care Act (29 U.S.C. 218C)

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 ever 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 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. A district employee or applicant whose family member makes a protected disclosure is also 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.

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