

Antelope Valley Community College District
Board Policy
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, and provide equal consideration for all qualified candidates.

Refer to Chapter 3, AP 3420 for Equal Employment Opportunity practices.

Adopted: 5/8/06

BP 7110 Delegation

Reference:

Education Code Section 70902(d)

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

In accord with the provisions of BP 2510 related to participation in local decision-making by the academic senate, the district and the Academic Senate have mutually agreed to the following process for making recommendations for hiring faculty. The President shall forward the selection committee's recommendation (or recommendations if the committee is filling more than one position) to the Board of Trustees for final approval. The President may report a dissenting point of view to the Board of Trustees if he/she does not agree with the committee's recommendation(s). However, the President may not make an alternative recommendation to the Board. The expectation that faculty recommendations regarding the hiring of faculty will normally be accepted is reinforced; and only in exceptional circumstances, and for compelling reasons communicated to the selection committee and to the president of the academic senate of the college, will the Board not accept the committee's recommendation. The committee will then be reconvened and will be apprised of the Board's decision.

See Administrative Procedure #7110

Adopted: 5/8/06

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

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

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

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

The criteria and procedures for hiring classified employees shall be established after first affording the Antelope Valley College Federation of Classified Employees an opportunity to participate in the decisions under the Board's policies regarding local decision making.

See Administrative Procedure #7120

Adopted: 5/8/06

BP 7130 Compensation

Reference:

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

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

See Administrative Procedures #7130

Adopted: 5/8/06

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.

Academic personnel (faculty) are subject to terms and conditions as outlined in the current academic collective bargaining agreement.

Classified Service personnel are subject to terms and conditions as outlined in the current classified collective bargaining agreement.

Adopted: 5/8/06

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 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. (Refer to Article II, *Recognition* in the Antelope Valley College Faculty collective bargaining agreement)

Decisions regarding tenure of faculty shall be made in accordance with the evaluation procedures established for the evaluation of probationary faculty and in accordance with the requirements of the Education Code. The Board reserves the right to determine whether a faculty member shall be granted tenure. (Refer to Article VIII, *Tenure & Evaluation* in the Antelope Valley College Faculty collective bargaining agreement)

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

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

See Administrative Procedure #7210

Adopted: 5/8/06

BP 7230 Classified Employees

Reference:

Education Code Sections 88003; 88004; 88009; 88013

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

The classified service does not include:

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

The Superintendent/President may authorize employment of classified and confidential/management/supervisory employees, subject to ratification of the Board at the next regularly scheduled Board of Trustees meeting. The Board shall fix and prescribe the duties of the members of the classified service. (See Board Policy 7110.)

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

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

The probationary period for classified employees shall be one year.

See Administrative Procedures # 7230

Adopted: 5/8/06

Revised: 2/12/07

BP 7240 Confidential Employees

Reference:

Government Code Section 3540.1(c)

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

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

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

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

See Administrative Procedure #7240

Adopted: 5/8/06

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 CEO and the Academic Senate and approved by the Board. The Board shall rely primarily on the advice and judgment of the Academic Senate to determine that an administrator possesses minimum qualifications for employment as a faculty member.
- The requirements of Education Code Section 87458(c) and (d), or any successor statute, are met with respect to prior satisfactory service and reason for termination of the administrative assignment.

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

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 Superintendent/President.

Every educational administrator shall be employed by an appointment or contract of up to four years in duration.

The Board may, with the consent of the administrator concerned, terminate, effective on the next succeeding first day of July, the terms of employment and any contract of employment with the administrator, and reemploy the administrator on any terms and conditions as may be mutually agreed upon by the Board and the administrator, for a new term to commence on the effective date of the termination of the existing term of employment.

If the Board determines that the administrator is not to be reemployed when his or her appointment or contract expires, notice to an administrator shall be in accordance with the terms of the existing contract. If the contract is silent, notice shall be in accordance with Education Code Section 72411.

An Educational Administrator's duties and responsibilities are determined by the job announcements for the position.

Educational Administrators are entitled to *Administrative Reassignment Rights* as specified in AP 7250.

See Administrative Procedure #7250

Adopted: 5/8/06

BP 7260 Classified Supervisors and Managers

Reference:

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

Classified supervisor and managers are administrators who are not employed as educational administrators.

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

Classified managers regardless of job description, have significant responsibilities for formulating District policies or administering District programs other than the educational programs of the District.

Classified supervisors and managers may be employed in the same manner as the other members of the classified service. If a classified supervisor or manager 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.

Adopted: 5/8/06

BP 7270 Student Workers

Reference:

Education Code 69960(f), 88003

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 a community college district and which is financed by state or federal funds, shall not be a part of the classified service.

The number of hours of employment the student is allowed to work shall be determined by each institution in accordance with its standards and practices, taking into consideration the extent of the student's financial need and the potential harm of the combination of work and study hours on a student's satisfactory academic progress. The employer shall provide the institution with an accurate accounting of hours worked and wages earned.

See Administrative Procedure #7270

Adopted: 5/8/06

BP 7310 Nepotism

Reference:

Government Code Section 12940 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, parents, grandparents, siblings, children, grandchildren and in-laws or any other relative living in the employee's home.

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

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

Relatives in the same department hired prior to the effective date of this policy may remain in their current positions, but not supervised by a relative.

Adopted: 5/8/06

Revised: 7/11/11

BP 7330 Communicable Disease

Reference:

Education Code Sections 87408; 87408.6; 88021

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

All newly hired employees (academic and classified) must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis and shall be required to undergo an examination every four years thereafter, to determine if they are free from tuberculosis.

If the Board determines by resolution that student health would not be jeopardized thereby, the requirements relative to the examination shall not apply to any employee who files an affidavit stating that he/she adheres to the faith or teachings of any well recognized religious sect and in accordance with its creed depends for healing upon prayer in the practice of religion and to the best of his/her knowledge is free from active tuberculosis.

If at any time there should be probable cause to believe that the affiant is afflicted with active tuberculosis, he or she may be excluded from service until the governing board of the employing district is satisfied that he or she is not so afflicted.

Cafeteria employees shall be required to submit to an annual tuberculosis examination.

At the discretion of the Board, such examinations shall not apply to classified personnel on a temporary basis (less than one year) whose functions do not require frequent or prolonged contact with students.

See Administrative Procedures #7330

Adopted: 5/8/06

BP 7335 Health Examinations

Reference:

42 U.S.C. Section 12112; 29 C.F.R., Part 1630; Government Code Section 12940; Ed. Code 87408 & 88021

The 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 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.

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.

Adopted: 5/8/06

Revised: 5/12/08

BP 7340 Leaves

Reference:

Education Code Sections 87763 et seq., 88190 et seq., 88198 et seq. and cites below

The Superintendent/President shall establish procedures for employee leaves as authorized by law and by any collective bargaining agreements entered into by the District. Such leaves shall include, but are not limited to:

- illness leaves for all classes of permanent employees;
- vacation leave for members of the classified service, administrators, supervisors and managers, as well as, confidential employees and faculty on 12 month contracts;
- 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; *EC 87768.5; 88210*
- leave of absence to serve as an elected member of the legislature; *EC 87701*
- pregnancy leave; *EC 87766; 88193; Gov Code 12945*
- use of illness leave for personal necessity; *EC 87784; 88207*
- industrial accident leave;
- bereavement leave; *EC 88194*
- jury service or appearance as a witness in court; *EC 87036; 87037*
- military service; *EC 87700*
- sabbatical leaves for permanent faculty, academic employees, administrators and managers; and
- catastrophic leave; *EC 87045*

Vacation leave for members of the classified service and 12 month faculty shall be limited in accord with collective bargaining agreements.

Vacation leave for confidential/management/supervisory group and educational administrators shall not accumulate beyond the number of days of leave accumulated over a two-year period.

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.

The district will require medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform at least one of the functions of his or her position. For leave to care for a

seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time that the employee is needed to provide care.

The district may require a second medical opinion and periodic re-certifications at its own expense. If the first and second opinions differ, the district may require the binding opinion of a third health care provider, approved jointly by the district and the employee and paid for by the district.

Refer to Article V of the faculty collective bargaining agreement and Article XI of the classified collective bargaining agreement for specific leave guidelines.

Adopted: 5/8/06

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 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 Superintendent/President. When accepted by the Superintendent/President, the resignation is final and may not be rescinded without approval by the Superintendent/President and the Board. All such resignations shall be forwarded to the Board for ratification.

Adopted: 5/8/06

BP 7360 Discipline and Dismissals - Academic Employees

Reference:

Education Code Section 87669, 87732

No regular academic employee shall be dismissed except for one or more of the causes listed in Education Code Section 87732. The Board shall determine whether a contract or regular employee is to be dismissed or penalized. If the employee is to be penalized, the governing board shall determine the nature of those penalties. A contract or regular employee may be dismissed or penalized if one or more of the grounds set forth in Section 87732 are present and the following are 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.;
- 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 Superintendent/President.
- The Board has considered the statements of evaluation and the recommendations in a lawful meeting.

This policy governs the discipline and dismissal of regular academic employees. Education codes 87660 et. seq. and 87740, which govern the evaluation of, dismissal of, and the imposition of penalties on regular academic employees shall be applied in a manner consistent with the provisions of this policy.

See Administrative Procedure # 7360

Adopted: 5/8/06

BP 7365 Discipline and Dismissals - Classified Employees

Reference:

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.

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 grounds set forth in Article IX of the classified bargaining agreement.

The effective date of the dismissal of a classified employee shall be the date on which the Board of Trustees makes a decision unless otherwise specified in the decision.

Probationary employees may be dismissed at the direction of the Board at any time during the probationary period. Upon request, the probationer shall be provided with a reason for dismissal or non-retention. Probationary employees are not entitled to a hearing afforded permanent employees.

See Administrative Procedure #7365

Adopted: 5/8/06

Revised: 11/9/09

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.

Refer to Antelope Valley College Faculty collective bargaining agreement, Article VII.

See Administrative Procedure #7370

Adopted: 5/8/06

BP 7380 Retiree Health Benefits

Reference:

Education Code Sections 7000 et seq.

The District shall permit enrollment in the medical and/or dental benefits plans currently available to District employees by any employee who retires under PERS or STRS and his or her spouse, and by any surviving spouse who either retired under any public retirement system or was a member of STRS. Enrollment pursuant to this policy shall be at the retiree's own expense, unless the retiree qualifies for District-paid benefits under his/her collective bargaining agreement. An employee who retires from the District may enroll in the medical and/or dental plans only once pursuant to this policy. A retired employee who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again. This policy does not create a vested retirement right in medical and dental care benefits.

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

See Administrative Procedures #7380

Adopted: 5/8/06

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. Revocation of such authorization shall be in writing and shall be effective beginning with the next pay period.

The District shall perform all *legally required* salary deductions as specified in AP 7385.

See Administrative Procedure #7385

Adopted: 5/8/06

BP 7400 Travel

Reference:

Education Code Section 87032

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

The 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 *district-sponsored* travel outside the United States must be approved in advance by the Board.

Board of Trustees - Advance Travel Authorization

Members of the Board of Trustees are authorized to attend meetings of professional organizations and to receive reimbursement of necessary and actual expenses related thereto.

See Administrative Procedures # 7400

Adopted: 5/8/06

BP 7510 Domestic Partners

Reference:

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

Domestic partners registered with Los Angeles County 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.

Adopted: 5/8/06

BP 7600 Police Department(s)

Reference:

Education Code Sections 72330, et seq.

The Board has established a police department under the supervision of one Chief of Police, who shall report directly to the Vice President of Business Services. -The purpose of the department is to enforce the law on or near the campus(es) and other grounds or properties owned, operated, controlled or administered by the district or by the state acting on behalf of the district.

District police officers shall be employed as members of the classified service but shall, when duly sworn, be peace officers as defined by law. Prior to employment, they shall satisfy the training requirements set out in Penal Code Sections 830, *et seq.*

The Superintendent/President shall establish minimum qualifications of employment for the Chief of Police including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officers' Standards and Training.

The Superintendent/President shall ensure that every member of the police department first employed by the District before July 1, 1999 satisfies the requirements of state law regarding qualifications for continued employment.

Every member of the police department shall be issued a suitable identification card and badge bearing words "Antelope Valley Community College Police."

The Superintendent/President, in cooperation with the Chief of Police, shall issue such other regulations as may be necessary for the administration of the police department.

See Administrative Procedures #7600

Adopted: 5/8/06

Revised: 12/10/07