

1 PROPOSAL

2 FROM THE ANTELOPE VALLEY FEDERATION OF CLASSIFIED EMPLOYEES, LOCAL 4683 TO  
3 THE ANTELOPE VALLEY COMMUNITY COLLEGE DISTRICT

4 June 9, 2026

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6 This proposal from the Antelope Valley Federation of Classified Employees to the Antelope Valley  
7 Community College District is expressly made pursuant to the Educational Employment Relations Act and  
8 the Collective Bargaining Agreement between the parties. This proposal is intended to apply only to the  
9 article below. All other provisions of the Collective Bargaining Agreement shall be deemed to remain  
10 unchanged except as set forth below or as otherwise mutually agreed:

11 ARTICLE XVII

12 JUST CAUSE AND PROGRESSIVE DISCIPLINE OF A UNIT MEMBER

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16 17.0 Just Cause and Progressive Employee Discipline

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18 ~~Unit members who have violated a rule or regulation prescribed by the board in Board Policy~~  
19 ~~Section 4662.1 shall be subject to appropriate disciplinary action.~~ Disciplinary action shall  
20 conform to established principles of just cause and progressive discipline as listed below set forth  
21 herein.

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23 ~~whereby~~ The District may pursue corrective action in an attempt to remediate employee  
24 conduct or performance. Progressive discipline should be administered in a neutral,  
25 reasonable, and confidential manner. While a verbaloral warning or reprimand is not a  
26 disciplinary action as defined by the Education Code, it is included as disciplinary action  
27 under the Article 17 process for progressive discipline as appropriate under Section 17.0.5.  
28 The initial steps in the progressive discipline process are as follows:

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30 17.0.1 Informal Conference VerbalOral Warning

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32 1) ~~Oral reprimand~~ A verbaloral warning is the initial stage of progressive discipline.,  
33 and may be initiated when appropriate. At the first sign of misconduct or job  
34 performance deficiency, the supervisor ~~shall~~may issue a verbaloral warning  
35 intended to put the unit member on notice that his/her performance is unsatisfactory  
36 and shall advise the unit member of the supervisor's level of expectation. Unless  
37 progressive discipline is bypassed per Article 17.05, the transgression is  
38 serious, the unit member ~~should~~may not ordinarily be written up for a first  
39 offense.  
40  
41 2) If the unit member continues to ~~engaged~~ in misconduct under Article 17.1,  
42 violate rules, regulations, and under performs after an oral reprimands  
43 verbaloral warnings are-is given and there have been opportunities to improve,  
44 the matter may warrant the next level of discipline.

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46 17.0.2 Written Reprimand

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48 The When If a unit member has already been given one or more verbaloral warnings an  
49 oral reprimandnotice that his/her performance is substandard. Should and the unit  
50 member continues to engage in misconduct under Article 17.1break rules, ignore  
51 orders, fail to perform assigned tasks, or otherwise fall short of the job standards  
52 after there have been opportunities to improve, the supervisor ~~shall~~may reprimand

53 the unit member document the problem in writing. ~~This is done~~ in the form of a  
54 memorandum of written reprimand, which shall be issued to the unit member.  
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56 The purpose of the memorandum is to put the unit member clearly on notice that the  
57 continuing conduct or performance in question is unacceptable and to document the  
58 specific act or omission. A copy of the memorandum of reprimand shall be placed in the  
59 unit member's official personnel file.  
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### 61 17.0.3 Conferences, Directives, and Further Reprimands

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- 63 1) Should the unit member's performance continue to be unsatisfactory after issuance  
64 of one or more written reprimands and there have been opportunities to  
65 improve, the unit member now becomes a candidate for possible serious  
66 disciplinary action in the form of demotion, suspension or dismissal, pursuant  
67 to the procedures and based on the causes set forth in this Article. The  
68 Prior to moving to these forms of disciplinary action, the supervisor will may hold  
69 one or more conferences confer more frequently with the individual to discuss  
70 his/her shortcomings and provide specific directions for improvement in a  
71 reasonable period of time agreed to by the district and the Federation to show  
72 improvement. These conferences should be summarized in writing by the supervisor  
73 and filed in the unit member's official personnel record with the any written  
74 reprimands. The unit member shall be provided copies of all disciplinary written  
75 reprimands and conference summaries. The unit member also has the right to  
76 respond to any written documentation to be placed in his/her personnel records.  
77 ~~Employees~~ Unit members have the right to Union representation during all  
78 conferences that they reasonably believe may result in a written reprimand or any  
79 other disciplinary action.  
80
- 81 2) The supervisor will continue to document any of the unit member's positive  
82 progress, performance deficiencies, or misconduct during these attempts to  
83 remediate employee conduct or performance.  
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### 85 17.0.4 Documentation Review/Recommendation

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87 Throughout the progressive discipline process, tThe unit member's deficiencies  
88 should be well documented in the file through written reprimands and, conference  
89 summaries, ~~and written documents (such as complaints) relevant to the infraction~~  
90 from other sources. The unit member's supervisor will may recommend, based upon all  
91 relevant documentation and circumstances, either that the unit member be further  
92 disciplined, or that he/she be given additional time to improve their performance, or if  
93 sufficient progress has been made, and the deficiency has been remediated, it will  
94 conclude the disciplinary process.  
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### 96 17.0.5 Bypassing Progressive Discipline

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98 The District and Federation agree that progressive discipline will be applied except  
99 in cases of severe disciplinary infractions, such as being an immediate threat to the  
100 health, safety, and wellbeing of students, employees, or the public, criminal  
101 misconduct, habitual violations of the district's policies or regulations, intentional  
102 misconduct, or acts of gross misconduct.

## 103 17.1 Just Cause for Dismissal

104 Disciplinary Action

105 Disciplinary action, including suspension, demotion, or dismissal of unit members, shall be  
106 restricted to just cause as determined by the Board. The Board's determination of the  
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108 sufficiency of cause for dismissal shall be conclusive. Just cause for dismissal shall  
109 include:

- 110 1) Intentional misrepresentation or dishonesty in any information supplied to the  
111 District, including but not limited to, in falsifying information submitted in application  
112 forms, employment records, or any other district record;
- 113 2) Incompetence;
- 114 3) Physical or mental disability rendering the unit member incapable of performing  
115 their assigned duties;
- 116 4) Inexcusable neglect of duty, insubordination, or willful disobedience;
- 117 5) Drunkenness or addiction to narcotics that impairs the unit member in the  
118 workplace, if consistent with the ADA and California law;
- 119 6) Conviction of a felony or a misdemeanor involving moral turpitude, or any  
120 disqualifying conviction as specified in Education Code § 878021 and/or 878022;
- 121 7) Persistent absence without leave, failure to report such absence, ~~or failure to file a~~  
122 ~~notice of absence within three work days after returning to work;~~
- 123 8) Offensive, or abusive conduct or language toward other employees, students, or the  
124 public during working hours or on district property; ~~or after hours, if conduct is~~  
125 ~~related to or has a harmful impact on District operations or after hours, only where~~  
126 ~~the conduct bears a demonstrable nexus to the unit member's fitness to perform~~  
127 ~~their duties or has caused a substantial and material adverse impact on District~~  
128 ~~operations, and is not protected by law;~~
- 129 9) Misuse or converting District property to personal use;
- 130 10) Failure to abide by the conditions of employment set forth by Board policy;
- 131 11) Sleeping on the job, ~~except during break or meal times.~~

#### 132 17.25 Suspension

- 133 1) An offense committed by a unit member that is not sufficiently severe to warrant dismissal  
134 termination may result in disciplinary paid or unpaid suspension, however, the unit  
135 member shall typically be given one suspension before moving to another level of  
136 discipline.
- 137 2) ~~Based upon the nature and severity of the offense, suspension may occur at any~~  
138 ~~stage of the disciplinary process. Only materials legally placed in the employees'~~  
139 ~~personnel file in the last three scholastic years may be used to determine the~~  
140 ~~appropriateness of suspension.~~
- 141 3) Suspension may be recommended by the Superintendent/President and the length  
142 deemed appropriate to the offense up to one year shall not exceed ten (10) calendar  
143 days for any one suspension and not more than twenty (20) calendar days in any  
144 school year.
- 145 4) No remuneration shall be paid the unit member during the period of suspension.  
146 However, in the event that such suspension is rejected by the Board, payment shall  
147 be made for the period during which the unit member was suspended.

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### 17.36 Demotion

~~1) Demotion refers to a vertical downward movement of any employee from one class to another and involves a reduction in pay. Demotion signifies assignment to a lower classification.~~

~~2) Demotion for disciplinary reasons may be accomplished by the Board upon written recommendation of the Superintendent/President, for action or conduct that it deems detrimental to the welfare of the District. Such conduct may include violation of statutes or failure to abide by Board policy, rules and regulations.~~

### 17.47 Dismissal

~~1) Based upon documented deficiencies and/or infractions, formal discharge found in the employee's official personnel file, fFormal discharge for just cause, as called for under "Cause for Dismissal," of a unit member may be warranted only after all of the above steps have been adhered to imposed on unit members of the bargaining unit for the causes indicated in Article 17.1 after following the procedures set forth in this Article.~~

~~2) Should the circumstances of the cause for dismissal be determined to be sufficiently severe, steps may be taken for the immediate dismissal of the unit member at any stage of the disciplinary process.~~

### ~~17.8 Cause for Dismissal~~

~~Dismissal of unit members shall be restricted to cause as determined by the Board. The Board's determination of the sufficiency of cause for dismissal shall be conclusive. Cause for dismissal shall include:~~

~~1) Any information supplied to the District, including but not limited to, in falsifying formation submitted in application forms, employment records, or any other district record;~~

~~2) Incompetence;~~

~~3) Physical or mental disability rendering the unit member incapable of performing his/her assigned duties;~~

~~4) Inexcusable neglect of duty, insubordinate or willful disobedience;~~

~~5) Drunkenness, intemperance, or addiction to narcotics;~~

~~6) Conviction of a felony or a misdemeanor involving moral turpitude;~~

~~7) Persistent absence without leave, or failure to report such absence;~~

~~8) Discourteous, offensive, or abusive conduct or language toward other employees, pupils, or the public during working hours; after hours, if conduct exerts harmful influence on the District;~~

~~9) Abuse of illness leave privileges;~~

~~10) Misuse or converting District property to personal use;~~

~~11) Failure to abide by the conditions of employment set forth by Board policy, commission of acts outside of duty hours which hinder the performance of the unit member's assigned task.~~

### 17.69 Notice of Intended Disciplinary Action (Suspensions, Demotions, and Dismissals Only)

1) ~~Administrative or supervisory personnel may~~The President or designee may recommend the dismissal, demotion, or suspension of a unit member for cause listed in ~~Article 17.1 Cause for Dismissal. Recommendation for disciplinary action mentioned herein must be Board approved.~~ A written notice of disciplinary action shall contain a statement in ordinary and concise language of the specific acts and omissions upon which the disciplinary action is based, a statement of the cause for the action taken, and, if it is claimed that a unit member has violated a rule or regulation of the Board, such rule or regulation shall be set forth in the notice. The written notice shall emanate from the office

of the Superintendent/President and shall state actual circumstances and occurrences of which the disciplinary action is based.

- 2) ~~Prior to the issuance of the notice, the Superintendent/President may consult with the vice president having supervisory jurisdiction over the unit member or other personnel as conditions warrant.~~
- 3) The Superintendent/President, or designee, shall inform the unit member by written notice of the specific charges against them; a statement of their right to a hearing on such charges, and the time within such hearing may be requested, and the identity and contact information (including email) to whom any mailed or emailed hearing request should be directed.
- 4) The dismissal written notice of intended disciplinary action shall provide the unit member with an opportunity for a hearing, upon mailed or emailed request, which shall not be less than ~~five~~ fifteen (15) working days after service of the intent to dismiss such unit member. Failure on the part of the unit member to request a hearing within the limit established in the notice shall be deemed a refusal by said unit member to a hearing. A request for hearing shall constitute a denial of all charges.
- 5) The intent to dismiss shall also contain a card or paper, the signing of which shall constitute a demand for a hearing and the denial of all charges. A unit member, or their representative on their behalf, may also demand a hearing by emailing such a request the individual identified by the District in the Notice at the email address identified in the Notice.
- 6) If the unit member requests a hearing within the time prescribed by the dismissal notice, the District shall afford such unit member with an opportunity for the hearing. The burden of proof for establishing sufficiency of cause shall remain with the District.
- 7) No disciplinary action shall be taken for any cause which arose prior to the unit member becoming permanent, nor for any cause which arose more than two (2) years preceding the date of filing of the notice of cause, unless such cause was concealed or not disclosed by the unit member when it could be reasonably assumed that the unit member should have disclosed the facts to the District.

#### 17.7 Pre-Disciplinary (Skelly) Rights

- 1) When suspension, demotion, or discharge are recommended, the President or designee will notify the Board and the employee and state the reasons. Such notice shall be in writing, and shall be served in person or by certified mail upon the unit member by the President or appointed designee. The written notice shall include a statement of the unit member's right to a pre-disciplinary (Skelly) meeting on the charges, the period within which such a due process meeting (Skelly) will occur; and the unit member's right to be represented, if requested. The meeting shall be conducted by a disinterested Skelly Officer, e.g. an administrator who was not involved in the underlying circumstances nor the party of initiating the charges. At the conclusion of the due process meeting, the Skelly officer shall submit in writing a recommendation to the President.
- 2) Based on the recommendation from the Skelly Officer, the President or designee may proceed to issue a Notice of Disciplinary Action, which shall conform to the same requirements as Article 17.6, and shall inform the unit member of their right to demand a hearing on the charges pursuant to Article 17.8.

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## **17.810 Appeal of Disciplinary Action**

- 1) When an employee appeals **any disciplinary action**, which would afford the employee a hearing before a third-party neutral **as required by law**, the following procedure should be utilized in order to obtain a hearing. Within fourteen (14) calendar days of the District's receipt of an appeal from said disciplinary action, it shall request a list of seven (7) Neutral hearing officers from the California Mediation and Conciliation Service. The District shall cause a list identifying the names of seven (7) neutral hearing officers to be served upon the appellate employee and the Federation, **if the Federation has elected to represent the employee.**
- 2) Within fourteen (14) calendar days of the service of the list of seven (7) neutral hearing officers, the parties shall alternatively strike names from the list until one (1) remains. The remaining name will be designated as the hearing officer to hear the disciplinary appeal.
- 3) **The hearing officer shall assume jurisdiction and shall schedule a hearing at the earliest mutually agreeable date and time. Each party shall have the right to call and examine witnesses; and to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness, regardless of which party first called them to testify; and to rebut the evidence against them. If the accused unit member (Respondent) does not testify on their own behalf, they may be called and examined as if under cross- examination. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort 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 rule which might make improper the admissions of such evidence over objection in civil actions.**
- 4) **The hearing officer shall issue a *final and binding* determination on the charges and recommendation to the Board of Trustees regarding the sufficiency of cause. The Board of Trustees shall consider the recommendation of the hearing officer in closed session, and may issue a resolution sustaining, modifying, or overruling the recommendation. If the Board decision is to modify or overrule the hearing officer's recommendation, the Board shall provide the reason for its decision in writing to the respondent within thirty (30) days. The Board shall announce its decision and the vote of each Board member in public session.**

## **17.11 Dismissal Procedure for Permanent Employees**

- 1) **The Superintendent/President, or his designee, subject to Board approval, shall inform the unit member by written notice of the specific charges against them/him/her; a statement of his/her/their right to a hearing on such charges, and the time within such hearing may be requested. The written notice of dismissal shall contain a statement relative to the Board's intention to dismiss said unit member after thirty (30) days from service of the notice.**
- 2) **The dismissal notice shall provide the unit member with an opportunity for a hearing, upon request, which shall not be less than five (5) working days after service of the intent to dismiss such unit member. Failure on the part of the unit member to request a hearing within the limit established in the notice shall be deemed a refusal by said unit member to a hearing.**
- 3) **The intent to dismiss shall also contain a card or paper, the signing of which shall constitute a demand for a hearing and the denial of all charges.**
- 4) **If the unit member requests a hearing within the time prescribed by the dismissal notice, the Board shall afford such unit member with an opportunity for the hearing. The burden of proof for establishing sufficiency of cause shall remain with the Board.**

331 ~~5) No disciplinary action shall be taken for any cause which arose prior to the unit~~  
332 ~~member becoming permanent, nor for any cause which arose more than two (2)~~  
333 ~~years preceding the date of filing of the notice of cause, unless such cause was~~  
334 ~~concealed or not disclosed by the unit member when it could be reasonably~~  
335 ~~assumed that the unit member should have disclosed the facts to the District.~~  
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337 **17.102 Effective Date- Demotion, Suspension, or Dismissal of a Unit Member**

338 The effective date of the **demotion, suspension, or** dismissal of a unit member shall be the date  
339 **upon which a final ruling is issued after any appeal by the employee to the intended**  
340 **disciplinary action; or if the employee does not appeal the intended disciplinary action, after**  
341 **the period of time has expired during which an employee can appeal the disciplinary action**  
342 **on which the Board of Trustees provides written notice of any dismissal decision to the**  
343 **employee, unless otherwise specified in the decision.**  
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346 **17.113 Dismissal Procedures for Probationary Employees**

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348 ~~1)~~ Probationary employees may be dismissed at the direction of the Board at any time during the  
349 probationary period. Upon request, the probationer shall be provided with a reason for dismissal or  
350 non-retention.

351 Probationary employees are not entitled to a hearing afforded to permanent employees.

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353 ANTELOPE VALLEY COLLEGE FEDERATION  
354 OF CLASSIFIED EMPLOYEES, LOCAL 4683

ANTELOPE VALLEY COLLEGE DISTRICT

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