

1 PROPOSAL
2 FROM THE ANTELOPE VALLEY FEDERATION OF CLASSIFIED EMPLOYEES, LOCAL
3 4683 to the ANTELOPE VALLEY COMMUNITY COLLEGE DISTRICT
4

5 November 20, 2025
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7 This proposal from the Antelope Valley Federation of Classified Employees to the Antelope Valley
8 Community College District is expressly made pursuant to the Educational Employment Relations Act and
9 the Collective Bargaining Agreement between the parties. This proposal is intended to apply only to the
10 article below. All other provisions of the Collective Bargaining Agreement shall be deemed to remain
11 unchanged except as set forth below or as otherwise mutually agreed:

12 agreed:
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14 **ARTICLE XVII**
15 **JUST CAUSE AND PROGRESSIVE DISCIPLINE OF A UNIT MEMBER**

16 **17.0 Just Cause and Progressive Employee Discipline**

17 ~~Unit members who have violated a rule or regulation prescribed by the board in Board Policy~~
18 ~~Section 4662.1 shall be subject to appropriate disciplinary action whereby an employee is~~
19 ~~deprived of any classification or any incident of any classification in which they have~~
20 ~~permanence, including dismissal, suspension, demotion, or an administrative~~
21 ~~reassignment, except a layoff for lack of work or lack of funds.~~ Disciplinary action shall conform
22 to established principles of **just cause** and progressive discipline ~~as listed below whereby the~~
23 ~~District may pursue non-disciplinary 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. The initial steps in the progressive discipline process~~
26 ~~are as follows: Non-disciplinary actions may include oral reprimands, and written~~
27 ~~reprimands as follows:~~

28 **17.0.1 Informal Conference**

29 1) Oral reprimand is the initial stage of progressive discipline, ~~and may be initiated~~
30 ~~when appropriate.~~ At the first sign of ~~misconduct or~~ job performance deficiency,
31 the supervisor ~~shall~~~~may~~ put the unit member on notice that his/her performance is
32 unsatisfactory and shall advise the unit member of the supervisor's level of
33 expectation. Unless the transgression is serious, the unit member should not
34 ~~generally~~ be written up for a first offense. ~~A supervisor's written summary of the~~
35 ~~oral reprimand shall not constitute a written reprimand, and shall not be~~
36 ~~included in the personnel file.~~

37 2) If the unit member continues to violate rules, regulations, and under performs after
38 oral reprimands are given **and there have been opportunities to improve**, the
39 matter may warrant the next level of discipline.

40 **17.0.2 Written Reprimand**

41 ~~The When If a~~ unit member has already been given ~~an oral reprimand notice that~~
42 ~~his/her performance is substandard. Should and~~ the unit member continues to
43 break rules, ignore orders, fail to perform assigned tasks, or otherwise fall short of
44 the job standards **after there have been opportunities to improve**, the supervisor
45 shall document the problem in writing. **This is done** in the form of a memorandum
46 of reprimand, **which shall be issued to the unit member.**

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The purpose of the memorandum is to put the unit member clearly on notice that
the **continuing** conduct or performance in question is unacceptable and to
document the specific act or omission. A copy of the memorandum of reprimand
shall be placed in the unit member's official personnel file.

51 **17.0.3 Conferences, Directives, and Further Reprimands**

52 1) Should the unit member's performance continue to be unsatisfactory after issuance
53 of one or more written reprimands **and there have been opportunities to**
54 **improve**, the unit member **now** becomes a candidate for possible **serious**
55 disciplinary action **in the form of demotion, suspension or dismissal, pursuant**
56 **to the procedures and based on the causes set forth in this Article. The Prior**
57 **to moving to these forms of disciplinary action, the** supervisor **will may** confer
58 more frequently with the individual to discuss his/her shortcomings and provide
59 specific directions for improvement in a reasonable period of time agreed to by the
60 district and the Federation to show improvement. These conferences should be
61 summarized in writing by the supervisor and filed in the unit member's official
62 personnel record with the written reprimand. The unit member shall be provided
63 copies of all **disciplinary written** reprimands and conference summaries. The unit
64 member also has the right to respond to any written documentation to be placed in
65 his/her personnel records. Employees have the right to Union representation during
66 all conferences that may result in written reprimand or **other** disciplinary action.

67 2) The supervisor will continue to document **any of** the unit member's **positive**
68 progress, performance deficiencies, or misconduct **during these attempts to**
69 **remediate employee conduct or performance.**

70 **17.0.4 Documentation Review/Recommendation**

71 **Throughout the progressive discipline process, the** unit member's deficiencies
72 should be well documented in the file through written reprimands **and** conference
73 summaries, **and written documents (such as complaints) relevant to the**
74 **infraction from other sources.** The unit member's supervisor **will may**
75 recommend, based upon all relevant documentation and circumstances, either that
76 the unit member be **further** disciplined, **or** that he/she be given additional time to
77 improve their performance, or **if sufficient progress has been made, and the**
78 **deficiency has been remediated, it will conclude the disciplinary process.**

79 **17.0.5 Bypassing Progressive Discipline**

80 **The District and Federation agree that progressive discipline will be applied**
81 **except in cases of severe disciplinary infractions, such as being an immediate**
82 **threat to the health, safety, and wellbeing of students, employees, or the**
83 **public, criminal actions, or acts of gross misconduct, or acts that are**
84 **intentional, wanton, willful, deliberate, reckless, or in deliberate indifference**
85 **to the District's interest.**

86 **17.1 Just Cause for DismissalDisciplinary Action**

87 **Disciplinary action, including suspension, demotion, or dismissal of unit members, shall be**
88 **restricted to just cause. as determined by the Board. The Board's determination of the**
89 **sufficiency of cause for dismissal shall be conclusive. Just cause for dismissal shall**
90 **include:**

91 1) **Intentional misrepresentation or dishonesty in any information supplied to the**
92 **District, including but not limited to, in falsifying formation submitted in application**
93 **forms, employment records, or any other district record;**

94 2) Incompetence;

95 3) Physical or mental disability rendering the unit member incapable of performing
 96 their assigned duties;

97 4) Inexcusable neglect of duty, insubordination, or willful disobedience;

98 5) Drunkenness, ~~intemperance~~, or addiction to narcotics that impairs the unit member
 99 in the workplace, if consistent with the ADA and California law;

100 6) Conviction of a felony or a misdemeanor involving moral turpitude, or any
 101 disqualifying conviction as specified in Education Code § 878021 and/or 878022;

102 7) Persistent absence without leave, failure to report such absence, or failure to file a
 103 notice of absence within a reasonable period after returning to work;

104 8) Discourteous, Offensive, or abusive conduct or language toward other employees,
 105 students, or the public during working hours or on district property; after hours, if
 106 conduct exerts harmful influence on the District;

107 9) Abuse of illness leave privileges;

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

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

112 17.2 **Suspension**

113 1) An offense committed by a unit member that is not sufficiently severe to warrant dismissal
 114 termination may result in disciplinary paid or unpaid suspension, however, the unit
 115 member shall typically be given one suspension before moving to another level of
 116 discipline, however, the unit member shall be given one suspension before moving
 117 to another level of discipline.

118 2) Based upon the nature and severity of the offense, suspension may occur at any
 119 stage of the disciplinary process. Only materials legally placed in the employees'
 120 personnel file in the last three scholastic years may be used to determine the
 121 appropriateness of suspension.

122 3) Suspension may be recommended by the Superintendent/President and the length
 123 deemed appropriate to the offense up to one year shall not exceed ten (10) calendar
 124 days for any one suspension and not more than twenty (20) calendar days in any
 125 school year.

126 4) No remuneration shall be paid the unit member during the period of suspension.
 127 However, in the event that such suspension is rejected by the Board, payment shall
 128 be made for the period during which the unit member was suspended.

129 17.3 **Demotion**

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

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

137 17.4 **Dismissal**

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

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

147 17.5 **Cause for Dismissal**

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

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

154 2) **Incompetence;**

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

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

158 5) **Drunkenness, intemperance, or addiction to narcotics;**

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

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

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

164 9) **Abuse of illness leave privileges;**

165 10) **Misuse or converting District property to personal use;**

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

169 17.6 **Notice of Intended Disciplinary Action (Suspensions, Demotions, and Dismissals Only)**

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

180 2) ~~Prior to the issuance of the notice, the Superintendent/President may consult with~~
 181 ~~the vice-president having supervisory jurisdiction over the unit member or other~~
 182 ~~personnel as conditions warrant.~~

183 3) ~~The Superintendent/President, or designee, shall inform the unit member by written~~
 184 ~~notice of the specific charges against them; a statement of their right to a hearing~~
 185 ~~on such charges, and the time within such hearing may be requested, and the~~
 186 ~~identity and contact information (including email) to whom any mailed or emailed~~
 187 ~~hearing request should be directed.~~

188 4) ~~The dismissal written notice of disciplinary action shall provide the unit member~~
 189 ~~with an opportunity for a hearing, upon mailed or emailed request, which shall not~~
 190 ~~be less than five-twenty (20) working days after service of the intent to dismiss such~~
 191 ~~unit member. Failure on the part of the unit member to request a hearing within the~~
 192 ~~limit established in the notice shall be deemed a refusal by said unit member to a~~
 193 ~~hearing. A request for hearing shall constitute a denial of all charges.~~

194 5) ~~The intent to dismiss shall also contain a card or paper, the signing of which shall~~
 195 ~~constitute a demand for a hearing and the denial of all charges. A unit member, or~~
 196 ~~their representative on their behalf, may also demand a hearing by emailing such a~~
 197 ~~request the individual identified by the District in the Notice at the email address~~
 198 ~~identified in the Notice.~~

199 6) ~~If the unit member requests a hearing within the time prescribed by the dismissal~~
 200 ~~notice, the District shall afford such unit member with an opportunity for the hearing.~~
 201 ~~The burden of proof for establishing sufficiency of cause shall remain with the~~
 202 ~~District.~~

203 7) ~~No disciplinary action shall be taken for any cause which arose prior to the unit~~
 204 ~~member becoming permanent, nor for any cause which arose more than two (2)~~
 205 ~~years preceding the date of filing of the notice of cause, unless such cause was~~
 206 ~~concealed or not disclosed by the unit member when it could be reasonably~~
 207 ~~assumed that the unit member should have disclosed the facts to the District.~~

208 17.7 **Pre-Disciplinary (Skelly) Rights**

209 1) ~~When suspension, demotion, or discharge are recommended, the President or~~
 210 ~~designee will notify the Board and the employee and state the reasons. Such notice~~
 211 ~~shall be in writing, and shall be served in person or by certified mail upon the unit~~
 212 ~~member by the President or appointed designee. The written notice shall include a~~
 213 ~~statement of the unit member's right to a pre-disciplinary (Skelly) meeting on the~~
 214 ~~charges, the period within which such a due process meeting (Skelly) will occur;~~
 215 ~~and the unit member's right to be represented, if requested. The meeting shall be~~
 216 ~~conducted by a disinterested Skelly Officer, e.g. an administrator who was not~~
 217 ~~involved in the underlying circumstances nor the party of initiating the charges. At~~

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the conclusion of the due process meeting, the Skelly officer shall submit in writing
a recommendation to the President.

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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.

224 17.8 Appeal of Disciplinary Action

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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.

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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.

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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.

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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.

256 17.9 Dismissal Procedure for Permanent Employees

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1) The Superintendent/President, or his designee, subject to Board approval, shall
inform the unit member by written notice of the specific charges against
themhim/her; a statement of his/hertheir 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.

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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

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~~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.~~

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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.~~

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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.~~

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5) ~~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.~~

279 **17.10 Effective Date- Demotion, Suspension, or Dismissal of a Unit Member**

280 The effective date of the **demotion, suspension, or** dismissal of a unit member shall be the date
281 upon **which a final ruling is issued after any challenge by the employee to the intended**
282 **disciplinary action; or if the employee does not challenge the intended disciplinary action,**
283 **after the period of time has expired during which an employee can challenge the disciplinary**
284 **action. on which the Board of Trustees provides written notice of any dismissal decision to**
285 **the employee, unless otherwise specified in the decision.**

286 **17.11 Dismissal Procedures for Probationary Employees**

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

290 Probationary employees are not entitled to a hearing afforded to permanent employees.
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292 ANTELOPE VALLEY COLLEGE FEDERATION
293 OF CLASSIFIED EMPLOYEES, LOCAL 4683

294 ANTELOPE VALLEY COLLEGE DISTRICT

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