

Unchanged existing language

~~Deleted proposal language~~

~~Added proposed language~~

~~Accepted deletion~~

~~Accepted addition~~

~~Terms~~Language that may be ~~agreed~~acceptable, but with questions.

~~Undeleted existing language~~ (i.e., one party deleted it and the other put it back)

[Notes]

COUNTER-PROPOSAL

FROM THE ANTELOPE VALLEY COMMUNITY COLLEGE DISTRICT to the ANTELOPE VALLEY
COLLEGE FEDERATION OF CLASSIFIED EMPLOYEES, LOCAL 4683

July 20, 2026

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

ARTICLE XVII

JUST CAUSE AND PROGRESSIVE DISCIPLINE OF A UNIT MEMBER

17.0 Just Cause and Progressive Employee Discipline

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

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

17.0.1 ~~Informal Conference~~ Oral Warning

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

17.0.2 Written Reprimand

~~The When If a~~ unit member has already been given one or more oral warnings ~~an oral reprimand notice that his/her performance is substandard. Should and~~ the unit member continues to engage in misconduct under Article 17.1 break rules, ignore orders, fail to perform assigned tasks, or otherwise fall short of the job standards after there have been opportunities to improve, the supervisor ~~shall~~ may ~~reprimand the unit member document the problem~~ in writing. ~~This is done~~ in the form of a memorandum of written reprimand, which shall be issued to the unit member.

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 written reprimand shall be placed in the unit member's official personnel file.

17.0.3 Conferences, Directives, and Further Reprimands

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

17.0.4 Documentation Review/Recommendation

~~Throughout the progressive discipline process, t~~The unit member's deficiencies should be well documented in the file through written reprimands and, conference summaries, ~~and written documents (such as complaints) relevant to the infraction from other sources.~~ The unit member's supervisor ~~will~~ may recommend, based upon all relevant documentation and circumstances, either that the unit member be further disciplined, or that he/she be given additional time to improve their performance, or if sufficient progress has been made, and the deficiency has been remediated, it will conclude the disciplinary process.

17.0.5 Bypassing Progressive Discipline

The District and Federation agree that progressive discipline will be applied except in cases of severe disciplinary infractions, such as being an immediate threat to the health, safety, and wellbeing of students, employees, or the public, criminal misconduct, intentional violations of Article 17.1, or acts of gross misconduct.

17.1 ~~Dismissal~~ Disciplinary Action

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

- 1) Intentional misrepresentation or dishonesty in 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 their assigned duties;
- 4) Inexcusable neglect of duty, insubordination, or willful disobedience;
- 5) Drunkenness or addiction to narcotics that impairs the unit member in the workplace, if consistent with the ADA and California law;
- 6) Conviction of a felony or a misdemeanor involving moral turpitude, or any disqualifying conviction as specified in Education Code § 878021 and/or 878022;
- 7) Persistent absence without leave, failure to report such absence;
- 8) Offensive, or abusive conduct or language toward other employees, students, or the public during working hours or on district property; or after hours, only where the conduct bears a demonstrable nexus to the unit member's fitness to perform their duties or has caused a substantial and material adverse impact on District operations, and is not protected by law;
- 9) Misuse or converting District property to personal use;
- 10) Failure to abide by the conditions of employment set forth by Board policy;
- 11) Sleeping on the job during scheduled work times.

17.25 Suspension

- 1) An offense committed by a unit member that is not sufficiently severe to warrant dismissal termination may result in disciplinary paid or unpaid suspension, however, the unit member shall typically be given one suspension before moving to another level of discipline.
- 2) ~~Based upon the nature and severity of the offense, suspension may occur at any stage of the disciplinary process. Only materials legally placed in the employees' personnel file in the last three scholastic years may be used to determine the appropriateness of suspension.~~
- 3) ~~Suspension may be recommended by the Superintendent/President and the length deemed appropriate to the offense up to one year shall not exceed ten (10) calendar days for any one suspension and not more than twenty (20) calendar days in any school year.~~

- 167 ~~4) No remuneration shall be paid the unit member during the period of suspension.~~
168 ~~However, in the event that such suspension is rejected by the Board, payment shall~~
169 ~~be made for the period during which the unit member was suspended.~~

171 **17.36 Demotion**

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

- 175
176 ~~2) Demotion for disciplinary reasons may be accomplished by the Board upon written~~
177 ~~recommendation of the Superintendent/President, for action or conduct that it~~
178 ~~deems detrimental to the welfare of the District. Such conduct may include violation~~
179 ~~of statutes or failure to abide by Board policy, rules and regulations.~~

181 **17.47 Dismissal**

182
183 ~~1) Based upon documented deficiencies and/or infractions, formal discharge found in the~~
184 ~~employee's official personnel file, formal discharge for just cause, as called for under~~
185 ~~"Cause for Dismissal," of a unit member may be warranted only after all of the above steps~~
186 ~~have been adhered to imposed on unit members of the bargaining unit for the causes~~
187 ~~indicated in Article 17.1 after following the procedures set forth in this Article.~~

- 188
189 ~~2) Should the circumstances of the cause for dismissal be determined to be sufficiently~~
190 ~~severe, steps may be taken for the immediate dismissal of the unit member at any~~
191 ~~stage of the disciplinary process.~~

192
193 **17.8 Cause for Dismissal**

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

- 197 ~~1) Any information supplied to the District, including but not limited to, in falsifying~~
198 ~~formation submitted in application forms, employment records, or any other district~~
199 ~~record;~~
200 ~~2) Incompetence;~~
201 ~~3) Physical or mental disability rendering the unit member incapable of performing~~
202 ~~his/her assigned duties;~~
203 ~~4) Inexcusable neglect of duty, insubordinate or willful disobedience;~~
204 ~~5) Drunkenness, intemperance, or addiction to narcotics;~~
205 ~~6) Conviction of a felony or a misdemeanor involving moral turpitude;~~
206 ~~7) Persistent absence without leave, or failure to report such absence;~~
207 ~~8) Discourteous, offensive, or abusive conduct or language toward other employees,~~
208 ~~pupils, or the public during working hours; after hours, if conduct exerts harmful~~
209 ~~influence on the District;~~
210 ~~9) Abuse of illness leave privileges;~~
211 ~~10) Misuse or converting District property to personal use;~~
212 ~~11) Failure to abide by the conditions of employment set forth by Board policy,~~
213 ~~commission of acts outside of duty hours which hinder the performance of the unit~~
214 ~~member's assigned task.~~

215
216 **17.69 Notice of Intended Disciplinary Action (Suspensions, Demotions, and Dismissals Only)**

- 217
218 1) ~~Administrative or supervisory personnel may~~The President or designee may
219 recommend the dismissal, demotion, or suspension of a unit member for cause listed in
220 ~~Article 17.1 Cause for Dismissal. Recommendation for disciplinary action mentioned~~
221 ~~herein must be Board approved.~~ A written notice of disciplinary action shall contain a
222 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.

- 278 2) Based on the recommendation from the Skelly Officer, the President or designee may
279 proceed to issue a Notice of Disciplinary Action, which shall conform to the same
280 requirements as Article 17.6, and shall inform the unit member of their right to
281 demand a hearing on the charges pursuant to Article 17.8.

282
283 **17.810 Appeal of Disciplinary Action**
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- 285 1) When an employee appeals any disciplinary action, which would afford the employee a
286 hearing before a third-party neutral ~~as required by law~~, the following procedure should be
287 utilized in order to obtain a hearing. Within fourteen (14) calendar days of the District's
288 receipt of an appeal from said disciplinary action, it shall request a list of seven (7) Neutral
289 hearing officers from the California Mediation and Conciliation Service. The District shall
290 cause a list identifying the names of seven (7) neutral hearing officers to be served upon
291 the appellate employee and the Federation, if the Federation has elected to represent
292 the employee.
- 293
- 294 2) Within fourteen (14) calendar days of the service of the list of seven (7) neutral hearing
295 officers, the parties shall alternatively strike names from the list until one (1) remains. The
296 remaining name will be designated as the hearing officer to hear the disciplinary appeal.
- 297
- 298 3) The hearing officer shall assume jurisdiction and shall schedule a hearing at the
299 earliest mutually agreeable date and time. Each party shall have the right to call and
300 examine witnesses; and to introduce exhibits; to cross-examine opposing
301 witnesses; to impeach any witness, regardless of which party first called them to
302 testify; and to rebut the evidence against them. If the accused unit member
303 (Respondent) does not testify on their own behalf, they may be called and examined
304 as if under cross-examination. The hearing need not be conducted according to
305 technical rules relating to evidence and witnesses. Any relevant evidence shall be
306 admitted if it is the sort of evidence on which responsible persons are accustomed
307 to rely in the conduct of serious affairs, regardless of the existence of any common
308 law or statutory rule which might make improper the admissions of such evidence
309 over objection in civil actions.
- 310
- 311 4) The hearing officer shall issue a ~~final and binding~~ determination on the charges and
312 recommendation to the Board of Trustees regarding the sufficiency of cause. The
313 Board of Trustees shall consider the recommendation of the hearing officer in closed
314 session, and may issue a resolution sustaining, modifying, or overruling the
315 recommendation. If the Board decision is to modify or overrule the hearing officer's
316 recommendation, the Board shall provide the reason for its decision in writing to the
317 respondent within thirty (30) days. The Board shall announce its decision and the
318 vote of each Board member in public session.
- 319

320 **17.11 Dismissal Procedure for Permanent Employees**

- 321 1) ~~The Superintendent/President, or his designee, subject to Board approval, shall~~
322 ~~inform the unit member by written notice of the specific charges against~~
323 ~~them/him/her; a statement of his/her/their right to a hearing on such charges, and the~~
324 ~~time within such hearing may be requested. The written notice of dismissal shall~~
325 ~~contain a statement relative to the Board's intention to dismiss said unit member~~
326 ~~after thirty (30) days from service of the notice.~~
- 327 2) ~~The dismissal notice shall provide the unit member with an opportunity for a hearing,~~
328 ~~upon request, which shall not be less than five (5) working days after service of the~~
329 ~~intent to dismiss such unit member. Failure on the part of the unit member to request~~
330 ~~a hearing within the limit established in the notice shall be deemed a refusal by said~~
331 ~~unit member to a hearing.~~
- 332 3) ~~The intent to dismiss shall also contain a card or paper, the signing of which shall~~
333 ~~constitute a demand for a hearing and the denial of all charges.~~

- 334 ~~4) If the unit member requests a hearing within the time prescribed by the dismissal~~
335 ~~notice, the Board shall afford such unit member with an opportunity for the hearing.~~
336 ~~The burden of proof for establishing sufficiency of cause shall remain with the Board.~~
337 ~~5) No disciplinary action shall be taken for any cause which arose prior to the unit~~
338 ~~member becoming permanent, nor for any cause which arose more than two (2)~~
339 ~~years preceding the date of filing of the notice of cause, unless such cause was~~
340 ~~concealed or not disclosed by the unit member when it could be reasonably~~
341 ~~assumed that the unit member should have disclosed the facts to the District.~~
342

343 **17.102 Effective Date- Demotion, Suspension, or Dismissal of a Unit Member**
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345 The effective date of the demotion, suspension, or dismissal of a unit member shall be the date
346 upon which a final ruling is issued after any appeal by the employee to the intended
347 disciplinary action; or if the employee does not appeal the intended disciplinary action, after
348 the period of time has expired during which an employee can appeal the disciplinary action
349 on which the Board of Trustees provides written notice of any dismissal decision to the
350 employee, unless otherwise specified in the decision.
351

352 **17.113 Dismissal Procedures for Probationary Employees**
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354 ~~1)~~ Probationary employees may be dismissed at the direction of the Board at any time during the
355 probationary period. Upon request, the probationer shall be provided with a reason for dismissal or
356 non-retention.
357

358 Probationary employees are not entitled to a hearing afforded to permanent employees.
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360 ANTELOPE VALLEY COLLEGE FEDERATION
361 OF CLASSIFIED EMPLOYEES, LOCAL 4683
362

ANTELOPE VALLEY COLLEGE DISTRICT

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