

# **Recommended Changes to Human Resources Board Policies to Reflect CCLC Model Structure (Draft 1)**

## **Section 7000 – Human Resources**

*This section will consist largely of policies that are in the current RSCCD 4000 Section, “Human Resources” in the current policy manual. The following policies are presented in the order listed in the CCLC model.*

### **BP 7100 Commitment to Diversity (new)**

**Reference:** Education Code Sections 87100 et seq.; Title 5 Sections 53000 et seq. Accreditation Standard IIIA.4

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.

Nothing in this Board Policy shall authorize hiring and staff development processes that set numerical goals or quotas, or preferences, in conflict with state law.

**Adopted** \_\_\_\_\_

### **BP 7110 General Personnel Policy Statement Delegation of Authority –BP4101**

**Legal Reference:** Education Code 70902(d)

The Board of Trustees directs the chancellor to develop and implement policies and administrative regulations which direct the work of the Rancho Santiago Community College District. The policies and administrative regulations shall be in writing and shall be made available for public review.

The Board delegates authority to the Chancellor to 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.

**Revised April 13, 2009** \_\_\_\_\_

### **BP 7120 Recruitment and Hiring, Selection, Appointment and Transfer of Employees –BP4102**

**Legal References:** Title VII of the Civil Rights Act of 1964; Article 1, Section 31 of the California Constitution Sections 53000; Title 5 of the California Code of Regulations, Section 53000 et seq., 51023.5

Education Code Sections 87100, 87400 and 88000 et seq. of the California Education Code; Accreditation Standard III.1.A

It is the responsibility of the Chancellor to determine the personnel needs of the district. The Chancellor shall establish procedures for the recruitment and selection of employees including, but not limited to, the following criteria.

It is the policy of the Rancho Santiago Community College District to obtain the best qualified administrators, faculty, and staff members who are dedicated to student success. The Board of Trustees supports a competitive selection process for filling vacant positions.

~~The Board of Trustees 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.~~

~~Nothing in this Board Policy shall authorize hiring and staff development processes that set numerical goals or quotas, or preferences, in conflict with state law.~~

It shall be the duty of the chancellor to see that persons nominated for employment meet all qualifications established by law and/or the Board of Trustees for the position for which nomination is made.

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 appropriate constituent groups an opportunity to participate in the decisions under the Board's policies regarding local decision making.

The chancellor will recommend the appointment of all employees to the Board of Trustees. Employees may be appointed by the chancellor or delegated agent subject to ratification at the next regular meeting of the Board of Trustees.

The authority to assign and/or transfer personnel within the district is delegated to the chancellor except as such power may be limited by law, district policies, procedures, and collective bargaining agreements.

Revised ~~July 13, 2009~~ \_\_\_\_\_ (Previously BP4102)

## **BP 7130 Compensation Payroll Warrants for Employees** **~~BP3219~~**

**References:** Education Code Sections 70902(b)(4), 87801, and 88160; Government Code Section 53200; U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended; Education Code 87821 Time Payment 87822 Time of Payment for Additional Activities 87823 Payroll Warrants 87824 Deposit of Payroll Warrants with County Treasurer 87828 Drawing of Warrants for Teachers 87833 Deductions for Organization Dues 87834 Governing Board May Make Deductions from Payments 88165 Time of Payment of Compensation 88166 Error in Salary 88167 Deductions for Dues of Employee Organizations Government Code 20222 Compensation: Inclusions and Exclusions 20222.05 Payment Determination for Retirement 20222.3 Compensation: School Employee Employed Less than 12 Months a Year STRS "Mandatory Membership" PERS Membership Status IRS Internal Revenue Code 403(b) (TSA) 457 (DCP)

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.

Payroll warrants will be processed for employees and Board of Trustees in accordance with federal, state and local laws and requirements.

~~Required reports will be processed on a timely basis. The district will work closely and coordinate payroll activities with the County Department of Education. No payroll warrant shall be processed until Board approval and proper receipt of documents from personnel. The chancellor shall develop administrative regulations and procedures to ensure the legal and expedient processing of warrants.~~

### **Prohibition of Incentive Compensation**

The District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance. Employees covered by this ban shall be referred to as "covered employees" for purposes of this policy. This prohibition is not applicable to circumstances pertaining to foreign students residing in foreign countries who are not eligible to receive federal student assistance.

**~~Adopted 11/14/94 Revised~~ \_\_\_\_\_ (Previously BP3219)**

## **BP 7140 Collective Bargaining (new)**

**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 Sections 3540 et seq., the District will meet and negotiate in good faith on matters within the scope of bargaining as defined by law.

**Adopted** \_\_\_\_\_

## **BP 7210 Academic Employees (new)**

**References:** Education Code Sections 87400 et seq., 87419.1; 87600 et seq., and 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.

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 and the collective bargaining agreement for full-time faculty. The Board reserves the right to determine whether a faculty member shall be granted tenure.

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 Chancellor 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.

**Adopted** \_\_\_\_\_

## **BP 7230 Definition Classified Employees Service –BP4301**

**Legal References:** ~~Collective Bargaining Agreement; Education Code 88003, 88004, 88009, and 88013. Classified service in districts not incorporating the merit system 88004. Positions not specifically exempted 88009. Fixing of duties 88013. Rules and regulations governing personnel management of classified service in districts not incorporating merit system; designation as permanent employee; disciplinary action~~

Persons employed in positions that are not academic positions shall be known as the Classified Service.

A permanent classified employee is one who has satisfactorily served and completed one year of probationary employment. A probationary employee is one who has been employed less than 12 months.

The classified service does not include:

- Substitute and 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 Board shall fix and prescribe the duties of the members of the classified service.

Before a short-term employee is employed, the Board, at a regularly scheduled meeting, shall specify the service required to be performed and certify the ending date of the service. 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 Chancellor shall establish procedures to assure that the requirements of state law and regulations regarding the classified service are met.

**Revised April 13, 2009** \_\_\_\_\_

## **BP 7240 Confidential Employees (new)**

**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 Chancellor. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers and reassignments.

**Adopted**

## **BP 7250 Educational Administrators-Administrative Retreat Rights-Administrative –BP4423 (formerly BP4520)**

**Legal References:** Education Code 87458- Education Code Sections 72411 et seq., 87002(b), and 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.

**Adopted 03/27/95; Revised April 13, 2009**

~~In order to properly balance the rights of students, administrators, and faculty, and in accordance with Education Code Section 87458, the Rancho Santiago Community College District adopts the following Administrator Retreat Rights Policy.~~

~~This policy does not apply to certificated administrators hired before the effective date for these sections of Assembly Bill 1725 (June 30, 1990). A tenured faculty member employee, when assigned from a faculty position to an educational administrative position, retains his or her status and continues to accumulate seniority as a tenured faculty member. The reassignment of such an administrator back to a faculty position shall be done in accordance with Section II below. ~~Administrators hired after the effective date can acquire the right to become first year probationary faculty members as provided by Education Code Section 87458 and in accordance with this policy.~~~~

I. 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/her administrative assignment expires or is terminated, if the following criteria are met:

~~An administrator hired after June 30, 1990, and who did not have faculty tenure in this district at the time of hire, may be reassigned to a first year probationary faculty position provided that he or she meets all of the following:~~

- A. Holds an administrative position that is not part of the classified service. For every administrative job title, the records of the district shall show whether or not it is part of the classified service.
- B. Has served in this district a total of at least two years as one or more of the following: a faculty member or ~~instructional or student services~~ educational administrator. This service has not been documented as unsatisfactory.
- C. Is being ~~dismissed~~ reassigned due to the elimination of the current position as part of ~~the~~ an administrative reorganization or as part of a reduction in force among administrators, that is, for

reasons other than for cause. In no case shall this district reassign an administrator to a faculty position if evidence exists that justifies dismissal for cause.

D. Has voluntarily requested a reassignment to faculty status within the district.

II. To determine the disciplines to which an administrator shall be assigned, the following shall apply:

A. The administrator can be assigned only to a discipline in which he or she has at least the minimum qualifications, or equivalencies as specified by the Education Code and Title 5. Before the board makes a determination, the appropriate academic senate shall certify (through the Equivalencies Committee) to the Governing Board the discipline(s) for which discipline(s) the administrator meets the minimum qualifications and shall recommend the discipline(s) to which the administrator may be assigned. A written record of the Board's decision, including the views of the Academic Senate, shall be available for review pursuant to Education Code Section 87358.

B. Whenever possible, the administrator shall be assigned to a discipline in which he or she has not only the minimum qualification but also where all the following apply:

1. There are sufficient noncontract assignments in the discipline or service to make a full-time assignment for an additional faculty member.
2. The administrator has an interest as indicated by a statement of the administrator's own preference for 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 Chancellor. Educational Administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Chancellor.

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 Chancellor.

Every educational administrator shall be employed by an appointment or contract.

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.

**Revised** (Previously BP4423)

## **BP 7260 Classified Supervisors and Managers (new)**

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

Classified administrators are administrators who are not employed as educational administrators.

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

Classified managers are those classified administrators, regardless of job description, having significant responsibilities for formulating District policies or administering District programs other than the educational programs of the District.

Classified administrators may be employed by an appointment or contract. If a classified administrator is employed by an appointment or contract, the appointment or contract shall be subject to the same conditions as applicable to educational administrators.

**Adopted** \_\_\_\_\_

## **BP 7310 Nepotism –BP4118**

**Reference:** Government Code Sections 1090 et seq. and 12940 et seq.

The District does not prohibit the employment of relatives (or domestic partners as defined by Family Code Sections 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 a 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 Sections 297 et seq.

~~It shall be the policy of the district not to offer employment to an applicant or to assign or promote an employee to a position which would have a supervisory or evaluative relationship with a close relative.~~

~~A supervisory or evaluative relationship includes the ability to recommend or influence the 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.~~

For the purposes of this policy, a ~~close~~ relative shall be a spouse, domestic partner, parent, child, grandchild, sibling, aunt, uncle, cousin, niece, nephew, or in-laws. A parent, child, grandchild or sibling of a domestic partner shall also be considered an in-law. Persons related by blood or marriage living in the same household and foster parents/children are also considered to be ~~close~~ relatives.

This policy would require, as soon as possible, the reassignment of one employee, to a comparable position when two employees get married or form a domestic partnership and a supervisory or evaluative relationship exists between the positions held by the employees.

The District will also 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 ~~due to the employment of relatives.~~

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 relatives 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.

Revised ~~April 13, 2009~~ \_\_\_\_\_ (Previously BP4118)

## **BP 7330 Communicable Disease Medical Examinations - BP4130**

**Legal Reference:** Education Code Sections 87408; 87408.6; 88021 Physical Examination Collective Bargaining Agreement

~~Examination for Communicable Disease/Tuberculosis~~

~~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 must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis.~~

~~Following initial employment, All employees shall be required to undergo an examination within four years of employment and every four years thereafter to determine if they are free from tuberculosis.~~

~~Employment of Retirant; Medical Certificate; Periodic Medical Examinations~~

~~Retirants employed by Rancho Santiago Community College District shall be required as a condition of employment to have a medical examination which will show that the retirant is free from any disabling disease unfitting him or her to instruct or associate with students.~~

~~Fitness for Duty Examinations~~

~~The Chancellor 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.~~

~~Revised April 13, 2009 \_\_\_\_\_ (Previously BP4130)~~

## **Health Medical Examinations - BP4130 7335**

~~**Legal References:** Education Code 88021 Physical Examination Collective Bargaining Agreement  
Government Code Section 12940; 42 U.S. Code Section 12112; 29 Code of Federal Regulations, Part 1630~~

~~Examination for Communicable Disease/Tuberculosis~~

~~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 must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis.~~

~~Following initial employment, all employees shall be required to undergo an examination within every four years to determine if they are free from tuberculosis.~~

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~~Fitness for Duty Examinations~~

~~The Chancellor 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.~~



## **BP 7340 Leaves**

**References:** Education Code Sections 87763 et seq. and 88190 et seq. and citations below

The Chancellor 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 bargaining unit and managers;
- leave for service as an elected official of a community college District public employee organization, or of any statewide or national employee organization with which the local organization is affiliated; Education Code Sections 87768.5 and 88210
- leave of absence to serve as an elected member of the legislature; Education Code Section 87701
- pregnancy leave; Education Code Sections 87766 and 88193; Government Code Section 12945
- use of illness leave for personal necessity; Education Code Sections 87784; 88207
- industrial accident leave;
- bereavement leave;
- jury service or appearance as a witness in court; Education Code Sections 87036 and 87037
- military service; Education Code Section 87700
- sabbatical leaves for permanent faculty
- family and medical leave; Government Code Section 12945.2

Management employees earn 2.25 days of vacation a month. Any use of vacation time requires advanced approval by the immediate supervisor. An employee may not have more than fifty-four (54) days of unused vacation on July 1st of any given year.

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.

### **Adopted**

**(Previously BP 4114; 4115; 4404; 4405; 4406; 4407; 4408; 4409; 4410; 4412 and 4413)**

## **Maternity Leave -- BP4114**

~~Revised 03/27/95~~

~~Employees who are disabled as a result of pregnancy, miscarriage or childbirth may request a paid maternity leave. Pregnancy in and of itself is not considered a disability. Approved maternity leave shall be deducted from the employee's accrued sick leave.~~

~~Qualifying employees may request additional unpaid leave benefits under the Family and Medical Leave Act of 1993 or through appropriate collective bargaining agreements. It is the policy of Rancho Santiago Community College District that once an employee is in an unpaid status, an employee is not eligible to move into a paid leave status for recovery of childbirth.~~

~~Legal Reference: Education Code 87766. Power to Grant Leaves of Absence for Pregnancy 88193. Leave of Absence for Pregnancy Collective Bargaining Agreements~~

## ~~Military Leave – BP4115~~

~~Adopted 03/27/95; Revised April 13, 2009~~

~~Employees shall be entitled to a military leave of absence as prescribed by provisions of the federal Uniformed Services Employment and Reemployment Rights Act, and the California Military and Veterans Code.~~

~~Affected employees shall also receive vacation, sick leave, health and welfare benefits, and reemployment rights, pursuant to the applicable provisions of federal and state law.~~

~~Legal Reference: Uniformed Services Employment and Reemployment Rights Act Military and Veterans Code Education Code Section 87700~~

## ~~Bereavement Leave Management – BP4404~~

~~Revised April 13, 2009~~

~~Management employees shall be granted, without loss of salary or other benefits, five days leave of absence due to the death of the employee's spouse, parent or child.~~

~~Upon the death of a member of the employee's immediate family (other than a parent, spouse or child), bereavement leave shall be granted as follows:~~

- ~~• Up to three working days if required travel is less than 200 land miles one way from the district;~~
- ~~• Up to five working days if required travel equals or exceeds two hundred land miles one way from the district.~~

~~Requests for additional bereavement leave days may be approved by the chancellor.~~

~~"Member of the immediate family," as used herein, means blood, step and foster relations limited to the parent, grandparent, grandchild, spouse, child, sibling, son-in-law, daughter-in-law, brother-in-law, sister-in-law, mother-in-law, father-in-law, of the employee or his/her spouse or any person living in the employee's household excluding strictly landlord/tenant relationships. Exceptions may be approved by the chancellor.~~

~~Legal Reference: Education Code 87788. Leave of Absence due to death in immediate family 88194. Bereavement leave of absence~~

## ~~Family and Medical Leave Management – BP4405~~

~~Revised 08/29/2005~~

It is the policy of the Rancho Santiago Community College District to provide Family Medical leave benefits which are consistent with Government Code 12945.2 and the Family and Medical leave Act of 1993.

**Legal Reference:** Government Code 12945.2 California Family and Medical leave Act of 1993

## **~~Industrial Accident or Illness Leave Management – BP4406~~**

**~~Revised 08/29/2005~~**

~~Management employees are entitled to leave with pay in any one (1) fiscal year for an industrial accident or illness as prescribed by the appropriate provisions of the California Education Code for either academic or classified employees. An industrial accident or illness is defined as one where the employee becomes ill or is injured while he/she is serving the district, the accident or illness is reported in accordance with the district's regulations, and the district responsibility for the treatment of the employee.~~

~~**Legal Reference:** Education Code 87786. Exception to sick leave when district adopts specific rule 88191. Leave of absence for illness or injury 87787. Required rules for industrial accident and illness leaves of absence 88192. Industrial accident and illness leave for classified employees~~

## **~~Judicial Leave Management – BP4407~~**

**~~Revised 08/29/2005~~**

~~When called for jury duty or as a witness in the manner provided by law, except when called as a witness adverse to the district or as a party in an action against the district, employees shall be granted a leave of absence without loss of pay for the time the employee is required to perform jury duty or act as a witness during the employee's regularly assigned working hours.~~

~~Request for jury duty or witness leave should be made by presenting as soon as possible the official court summons to the employee's immediate supervisor and to the district payroll office through regular administrative channels.~~

~~The employee shall reimburse to the district any monies earned as a juror, or witness, except mileage.~~

~~Any employee called for jury duty shall not be encouraged in any way to seek exemption from such duty, nor shall he/she be discriminated against in any way for not seeking such exemption.~~

~~Employees are required to return to work during any day in which jury services are not required.~~

~~The district may require verification of jury duty or witness time prior to, or subsequent to, providing compensation.~~

~~**Legal Reference:** Education Code 87035. Leaves of Absence 87036. Unlawful to encourage exemption from jury duty 88190. Leave of Absence & Vacation~~

## **~~Personal Necessity Leave Management – BP4408~~**

**~~Revised 08/29/2005~~**

~~Academic managers may be granted a maximum of six days leave of absence in any school year without loss of pay, in cases of personal necessity. Classified managers may be granted a maximum of seven days leave of absence in any school year without loss of pay, in cases of personal necessity. Such leaves shall be deducted from the employee's accumulated sick leave.~~

~~An employee shall request personal necessity leave at least five (5) days in advance to the immediate supervisor, who reserves the right to verify such request by an appropriate means. The requirement for five (5) days notice shall not be mandatory in the case of death or serious illness of a member of the employee's immediate family, or an accident involving his person or property, or the person or property of a member of the employee's immediate family. (Immediate family used in this section means blood, step and foster relations limited to the parent, grandparent, grandchild, spouse, child, sibling, son-in-law, daughter-in-law, brother-in-law, sister-in-law, mother-in-law, father-in-law, of the employee or his/her spouse or any person living in the employee's household excluding strictly landlord/tenant relationships.)~~

~~**Legal Reference:** Education Code 87784. Leave of Absence for Personal Necessity 88207. Personal Necessity~~

## ~~Quarantine Leave Management - BP4409~~

~~Revised 08/29/2005~~

~~Management employees shall receive full salary for a period not to exceed thirty (30) days when quarantined by city or county health officers because of another's illness. Such quarantine must be verified by a physician or health officer.~~

~~**Legal Reference:** Education Code 87765. Education Code 88199~~

## ~~Sick Leave Management - BP4410~~

~~Revised 08/29/2005~~

~~Management employees shall be entitled to twelve (12) days of sick leave per fiscal year. This entitlement shall be credited at the commencement of employment at the start of each succeeding fiscal year (July 1). Fractional assignment and partial years of service shall receive proportionate leave entitlement.~~

~~Pay for any day of such absence shall be the same as the pay which would have been received had the employee been on paid status during the day. Credit for leave of absence need not be accrued prior to taking such leave by the employee and such leave of absence may be taken at any time during the year.~~

~~If the employee does not take the full amount of leave allowed in any year under this section the amount not taken shall be accumulated from year to year.~~

~~Sick leave entitlement shall be reduced by one (1) day for each month an employee is on leave without pay. Entitlement shall be granted for all paid leaves.~~

~~An employee whose sick leave, including current and accrued, has been exhausted and the total sick leave used in a given fiscal year is less than 100 work days, shall be compensated at 50% of his/her daily rate for the balance of 100 days.~~

~~The District shall provide a catastrophic illness bank for management employees, who have exhausted all regular and extended sick leave and vacation.~~

~~**Legal Reference:** Education Code 87781. Provisions for sick leave of certificated employees 87782. Transfer of accumulated sick leave 87786. Exceptions to sick leave when district adopts specific rule 88191. Leave of absence for illness or injury 88196. Salary deductions during sick leave 88202. Transfer of accumulated sick leave~~

## ~~Unpaid Leaves of Absence Management - BP4412~~

~~Revised 08/29/2005~~

~~Employees may be granted, long or short term leaves of absence without pay as permitted by law and specific Board of Trustee policies. The request must be received by the chancellor or appropriate president or vice chancellor in ample time for the chancellor or Board of Trustees to be able to take action prior to the requested leave time. The Office of Human Resources will notify the requestor of the action taken by the Board of Trustees.~~

#### ~~Long Term Leave~~

~~The Board of Trustees reserves the right to specify conditions under which long term leaves without pay may be granted. Long term leaves without pay may be granted for the following purposes: approved retraining, study, travel, restoration of health, or disabilities in the immediate family.~~

#### ~~Commencement of Leave~~

~~Excepting emergencies, no employee will commence a long term leave without pay other than at the conclusion of a semester.~~

#### ~~Indication of Return to the District~~

~~The employee granted a long term leave without pay shall inform the Board of Trustees within ninety days of the scheduled return date as to his/her intentions.~~

~~At the expiration of the long term leave, the employee shall be offered, if an opening exists, a like position to that previously held unless otherwise provided by law and Board policy.~~

#### ~~Short Term Leave~~

~~Requests for short term leaves of absence without pay for one day may be granted by the immediate supervisor. Short term leaves for two to five days must also be approved by the chancellor.~~

~~Personal leave without pay for longer than five days requires Board of Trustee approval prior to taking leave. An employee absence card must be filed.~~

~~**Legal Reference:** Education Code 87763. Leaves of Absence 87764. Power to grant leaves of absence 88190. Leaves of Absence and Vacation 88198. Provisions Authorizing Leaves of Absence 88221. Leaves of Absence~~

## ~~Vacation Management - BP4413~~

~~Revised 08/29/2005~~

~~Employees earn 2.25 days of vacation a month. Any use of vacation time requires advanced approval by the immediate supervisor. An employee may not have more than fifty four (54) days of unused vacation on July 1st of any given year.~~

~~**Legal Reference:** Education Code 88190. Leaves of Absence and Vacation~~

## **BP 7345 Catastrophic Leave Program (new)**

**Reference:** Education Code Section 87045

The Board authorizes implementation of a catastrophic leave program to permit employees of the District to donate eligible leave credits to an employee when that employee or a member of his or her family suffers from a catastrophic illness or injury.

The Chancellor shall establish administrative procedures to administer the program that comply with the requirements established by the Education Code. The administrative procedures shall assure that the program is administered in a nondiscriminatory way.

**Adopted** \_\_\_\_\_

## **7350 Resignations – BP4129**

**Legal Reference:** Education Code Sections 87730; 88201

The Board of Trustees authorizes the Chancellor to accept an employee's resignation on its behalf at any time and resignations shall be deemed accepted by the Board when accepted by the Chancellor. Such action shall be subject to ratification by the Board of Trustees at a subsequent meeting. The employee shall specify the effective date of such resignation and this date shall be approved unless the chancellor desires to accept the resignation sooner, but in no event shall the effective date be later than the last day of the current academic year.

Revised ~~April 13, 2009~~ \_\_\_\_\_ (Previously BP4129)

## **BP 7360 Faculty Discipline and Dismissal and/or Discharge – Academic Employees – BP4206**

**Legal References:** Education Code Sections 87669; ~~Determination of Penalty 87732; Grounds for Dismissal of Permanent Employees~~

A contract or regular employee may be dismissed or penalized for one or more of the grounds set forth in Education Code section 87732. If the employee is to be penalized, the Board shall determine the nature of the penalties. If the Board decides to dismiss or penalize a contract or regular employee, it shall assure that each of the following has been satisfied:

- The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of Education Code Sections 87660 et seq., and any administrative procedure for evaluation contained in a collective bargaining agreement;
- The Board has received all statements of evaluation which considers the events for which dismissal or penalties may be imposed;
- The Board has received a recommendation from the Chancellor.
- The Board has considered the statements of evaluation and the recommendations in a lawful meeting.

If the Board decides it intends to dismiss or penalize a contract or regular employee, it shall take the actions required by the Education Code, and the Chancellor or designee shall thereafter assure that the employee is afforded the full post-termination due process required by the Education Code Sections 87666 through 87681, and 87740.

The Chancellor shall establish procedures that define the conditions and processes for dismissal, discipline, and due process and ensure they are available to employees.

Revised ~~April 13, 2009~~ \_\_\_\_\_ (Previously BP 4206 and and BP4415)

## **Dismissal and/or Discharge Management – BP4415**

~~Revised 08/29/2005~~

~~Management employees may be dismissed and/or discharged per the terms and conditions in the Education Code and procedures outlined in board policy, regulation, and employment contracts. **Legal Reference:**~~

~~**ACADEMIC** Education Code 87732. Grounds for dismissal of regular employees 87734. Unprofessional conduct or incompetency notice of charges 87735. Immediate suspension; hearing upon certain charges 87736. Sex offenses and narcotics offenses; compulsory leave of absence 87737. Notice of suspension and intention to dismiss; service~~

~~**CLASSIFIED** Education Code 88016. Notice of disciplinary action 88022. Employment after conviction of sex offense or controlled substance offense; rehabilitated controlled substance offender 88023. Employment of sexual psychopath 88024. Use of personal identification cards to ascertain conviction of crime~~

## **BP 7365 Discipline and Dismissal – Classified Employees**

~~**Legal references:** Education Code Section 88013; Government Code Sections 3300 et seq.~~

~~A permanent classified employee of the district may be disciplined by the district for just cause. The causes for discipline shall include but not be limited to:~~

- ~~1. Incompetency~~
- ~~2. Inefficiency~~
- ~~3. Insubordination~~
- ~~4. Inattention to or dereliction of duty~~
- ~~5. Discourteous treatment of the public or of fellow employees~~
- ~~6. Any willful or persistent violation of the provisions of the Education Code or rules, regulations, or procedures adopted by the Board of Trustees~~
- ~~7. Political activity engaged in by an employee in violation of BP 4227~~
- ~~8. Immoral or unprofessional conduct~~
- ~~9. Any violation of Article 4 (commencing with Section 11400 of Chapter 3 of Title I of Part 4 of the Penal Code)~~
- ~~10. Dishonesty~~
- ~~11. Evident unfitness for service~~
- ~~12. Physical or mental condition which makes him or her unfit to instruct or associate with students~~
- ~~13. Persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed by the board of governors or by the Board of Trustees~~
- ~~14. Conviction of a felony or any crime involving moral turpitude~~
- ~~15. Conduct specified in Section 1028 of the Government Code~~
- ~~16. Any other willful failure of good conduct tending to injure the public service~~

~~No disciplinary action shall be taken for any cause which arose prior to the employee's becoming permanent, nor for any cause which arose more than two years preceding the date of the filing of the notice of cause unless such 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 (Education Code Section 88013).~~

~~All notices of proposed disciplinary action shall be processed through the Executive Vice Chancellor of Human Resources and Educational Services or his designee.~~

~~The employee shall be notified in writing of any intent to discipline and given the opportunity to respond orally/and in writing to the specific charges (Skelly hearing).~~

The written notice of the specific charges shall include a statement of the employee's right to a hearing on such charges and the time within which such hearing may be requested, which shall be not less than five days after service of the notice to the employee. Included will be a Request for Evidentiary Hearing form, the signing and filing of which with the party delivering or mailing the charges shall constitute a request for hearing and a denial of all charges.

The hearing will be conducted within a reasonable period of time from receipt of the request by the Board of Trustees or a hearing officer selected by the Board of Trustees or its designee in accordance with the following procedures.

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 admission of such evidence over objection in civil actions. Irrelevant and unduly repetitious evidence shall be excluded. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.

The employee shall have a right to appear in person, with counsel or such other representation as determined by the employee. The district will have the burden of proof and shall first present evidence. Normal procedures shall be followed: i.e., district presentation, defense cross-examination and rebuttal evidence from each party. Each party may introduce exhibits or cross examine witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness to testify. If the employee does not testify in his own behalf, the respondent may be called and examined as if under cross examination by the district.

A request by the employee for the presence of district witnesses shall be submitted to the Executive Vice Chancellor of Human Resources and Educational Services or his designee in writing at least 72 hours prior to the date of the hearing. After the hearing, the matter shall be given consideration, either in open or closed session after which a decision shall be made. An employee has the right to a public hearing upon request.

If the hearing was conducted by a hearing officer, the hearing officer shall submit a recommendation to the Board within ten days after the conclusion of the hearing. Within five days after receiving such recommendation, the board shall make a decision.

If the hearing was conducted by the Board, it shall make a decision within fifteen days after the conclusion of the hearing.

The Board's decision may be that the recommended discipline be sustained in full, modified, or rescinded.

In the event the Board makes a finding that the recommendation of the administration should be rescinded, the Board shall make a finding that the employee shall be reinstated in his former position and shall receive pay for all of the period of time he was removed from duty.

The Board's determination of the sufficiency of cause for disciplinary action shall be conclusive.

Adopted \_\_\_\_\_ (Previously AR4319)

## **~~BP 7370 Solicitation of Political Contributions and Political Activity by Employees –BP4135~~**

~~Legal Reference:~~ Government Code 8314; Education Code 7054, 7056

All officers and employees of the Rancho Santiago Community College District shall abide by all State laws, Education and Government codes relating to political activities and the solicitation of political contributions.



Employees shall not use District funds, services, communication resources, 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.

Adopted 11/25/96; Revised ~~April 13, 2009~~ \_\_\_\_\_ (Previously BP4135)

## **BP 7380 Retiree Health Benefits: Academic Employees** **(new)**

**Reference:** Education Code Sections 7000 et seq.

The District shall permit any former academic employee who has retired from the District to enroll in the health and welfare benefit plan and/or dental care benefit plan currently provided to its current academic employees. In addition, the District shall also permit the enrollment of the surviving spouse of a former academic employee who either retired from the District or was, at the time of his or her death, employed by the District as an academic employee and a member of the State Teacher's Retirement System.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse's own expense unless provisions in a collective bargaining agreement or Board Policy provide otherwise.

A retired academic employee or surviving spouse may enroll in the District's health and welfare benefit plans only once pursuant to this policy. A retired academic employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The Chancellor shall establish procedures as may be deemed necessary to administer this policy in accordance with Education Code Sections 7000 et seq.

**Adopted** \_\_\_\_\_

## **Salary Deductions - ~~BP4127~~ 7385**

~~**Legal References:** Education Code Sections 87040; Deductions in salary payment as requested by employee 87833; Deductions for organization dues 87834; Deductions for organization service fees 88167; Authorized salary deductions; direct payment of service fees Government Code 3543.1(d)~~

~~Employees may request that salary deductions be made for organization dues, participation in a deferred compensation program, premium contributions on board-approved insurance programs and other items authorized by law and district policy.~~

~~An employee may request reduction of his or her salary in any amount for any or all of the following purposes:~~

- ~~• participation in a deferred compensation program;~~
- ~~• paying premiums on any policy or certificate of group life insurance or disability insurance or legal expense insurance, or any of them;~~
- ~~• paying rates, dues, fees, or other periodic charges on any hospital service contract.~~

~~The request provided for above shall be revocable by the employee.~~

~~The District shall reduce the salary payment by the amount which the employee has authorized in writing for the purpose of paying the his/her membership dues in any local, statewide or other professional~~

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

~~Adopted 04/24/95; Revised April 13, 2009~~ \_\_\_\_\_ (Previously BP4127)

## **BP 7400 Travel - BP4108**

**Reference:** Education Code Section 87032

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

The Chancellor 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.

See Administrative Regulations (AR ~~4108~~ 7400)

~~Adopted 03/27/95; Revised August 29, 2005~~ \_\_\_\_\_ (Previously BP4108)

## **Professional Conference Leave/In-Service Training Leave Management - BP4403**

~~Revised 08/29/2005~~

~~Upon filing a conference request form, the chancellor, or designee, may grant to an employee leave with pay (unless otherwise stipulated prior to attendance) for professional conference or in-service training which will improve district operations or the ability of the employee to more effectively perform duties.~~

~~Legal Reference:~~

## **BP 7510 Domestic Partners (new)**

**References:** Family Code Sections 297, 297.5, 298, 298.5, 299, 299.2, and 299.3

Domestic partners registered with the California Secretary of State shall have, insofar as permitted by California law, all of the same rights, protections, and benefits, as well as the same obligations, responsibilities, and duties of married persons (spouses) under state law. Former domestic partners shall have all of the rights and obligations of former spouses. Surviving domestic partners shall have the same rights, protections, and benefits as are granted to a surviving spouse of a decedent.

Therefore, all references to "spouses" in the District's policies or procedures shall be read to include registered domestic partners as permitted by California law.

**Adopted** \_\_\_\_\_

## **BP 7600 Campus Security Officers (new)**

**Reference:** Education Code Section 72330.5

The District shall employ campus security officers, who shall provide services as security guards, or patrol persons on or about the facilities owned or operated by the District. Their duties include, but are not limited to protecting persons or property, preventing the theft of District property, and reporting any unlawful activity to the District and local law enforcement.

The Chancellor shall establish procedures necessary for administration of campus security. In addition, the Chancellor shall enter into agreements with local law enforcement, which includes that campus security officers shall cooperate with local law enforcement in performing their duties.

Every campus security officer who works more than twenty hours per week shall complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs as required by Education Code Section 72330.5 (b).

Every campus security officer shall meet other requirements set out in Education Code Section 72330.5.

**Adopted** \_\_\_\_\_

## **BP 7700 Whistleblower Protection –BP 4140**

**Legal References:** Education Code Sections 87160 – 87164; California Labor Code section 1102.5, U.S. Government Code section 53296, Private Attorney General Act of 2004 (Labor Code section 2698).

The Chancellor shall establish procedures regarding the reporting and investigation of suspected unlawful activities by district employees, and the protection from retaliation of those who make such reports in good faith and/or assist in the investigation of such reports. For the purposes of this policy and any implementing procedures, "unlawful activity" refers to any activity--intentional or negligent--that violates state or federal law, local ordinances, or district policy.

The procedures shall provide that individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation, that such reports are investigated thoroughly and promptly, remedies are applied for any unlawful practices and protections are provided to those employees who, in good faith, report these activities and/or assist the District in its investigation. The Chancellor will ensure that avenues for the anonymous reporting of suspected incidents are available to employees.

Furthermore, district employees shall not: (1) retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or (2) directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the District. The District will not tolerate retaliation, and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it up to and including termination.

**Adopted ~~07/24/2006~~, Revised April 13, 2009** \_\_\_\_\_ **(Previously BP4140)**

*The following current board policies are not addressed in the CCLC model documents. They should be reviewed and 1) renumbered to match the CCLC structure, 2) moved to administrative regulation, or 3) eliminated.*

## **BP 7003 Oath ~~BP4103~~**

All persons employed in any capacity shall swear or affirm to support the Constitution of the United States and the Constitution of the State of California.

Adopted 03/27/95 (Previously BP4103)

## **BP 7004 Non-School Outside Employment ~~BP4106~~**

~~Legal Reference:~~ Government Code 1126

All personnel are employed for a specific job in the district. It is understood that the duties of each position shall be carried out to the satisfaction of the chancellor and supervisors. Personnel of the district may be engaged in outside employment as long as such employment does not interfere with the proper discharge of their assigned duties.

Except as provided in Government Code Sections 1128 and 1129, Rancho Santiago Community College District employees shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as an employee or with the duties, functions, or responsibilities of the Board of Trustees or Rancho Santiago Community College District. The employee shall not perform any work, service, or counsel for compensation outside of employment where any part of his or her efforts will be subject to approval by any other officer, employee, board or commission of his or her employing body, unless otherwise approved by Board Policy 4126 and in accordance with Government Code 1126.

Revised ~~03/27/95~~ \_\_\_\_\_ (Previously BP4106)

## **BP 7005 Personnel Files ~~BP4110~~**

~~Legal Reference:~~ Education Code 87031; Labor Code Section 1198.5; Accreditation Standard IIIA,3,b  
~~Collective Bargaining Agreements~~

Rancho Santiago Community College District shall keep personnel files on all current and former employees.

All personnel files are confidential and are available for review only to those persons having legal right or authorization to inspect.

Revised ~~April 13, 2009~~ \_\_\_\_\_ (Previously BP4110)

## **BP 7006 Service Recognition ~~BP4111~~**

The Board of Trustees is appreciative of the long and faithful service of many district employees and wishes to make formal and public recognition of such services. The chancellor is directed to provide the Board with a list of employees with extended service of 10, 15, 20, 25 or 30 years or more and provide a suitable service pin and recognition for such service.

Revised 03/27/95 \_\_\_\_\_ (Previously BP4111)

## **Meetings ~~BP4116~~ (Eliminate)**

Adopted 03/27/95

~~The chancellor and other management personnel shall hold such meetings as are necessary to conduct the business of the district properly, and attendance at such meetings may be made mandatory.~~

## **BP 7007 ~~Volunteers Personnel Service - BP4117~~**

~~The Rancho Santiago Community College District authorizes Worker's Compensation Insurance coverage for Advisory Board members while in attendance at meetings on Rancho Santiago Community College campuses. The Rancho Santiago Community College District authorizes Worker's Compensation Insurance coverage for Rancho Santiago Community College campuses or sites. The Board of Trustees shall authorize service of said Advisory Board members and volunteers. The dates of volunteer service and a description of the service to be provided shall be presented to the Board on the Human Resources docket. ~~Should accident, injury or work-related illness be sustained while volunteering at Rancho Santiago Community College District, the Board-approved volunteer shall be covered under the district's worker's compensation insurance.~~~~

Adopted 03/27/95 Revised \_\_\_\_\_ (Previously BP4117)

## **~~Support Program For Substance Abuse - BP4123~~ (Eliminate)**

~~Adopted 03/27/95; Revised 01/22/07~~

~~The district recognizes drug and alcohol dependency as treatable conditions and offers support programs for employees with substance dependency problems. Employees are encouraged to seek assistance for drug and alcohol-related problems and may request leaves of absence for this purpose, in addition to using approved vacation or sick leave, or attending support programs outside assigned/regular working hours. Information obtained regarding employee participation in a support program will be treated as confidential.~~

~~Legal Reference: Public Law 100-690 Title V, Subtitle D; U.S. Code 812~~

## **~~Acceptance of Outside Obligations - BP4126~~ (Eliminate)**

~~Revised April 13, 2009~~

~~An employee wishing to accept responsibilities in organizations that might require absence from assigned duties with the district must first obtain approval of the Board of Trustees.~~

~~Legal Reference: Education code 87764; Academic Employees 88190; Classified Employees Government Code 1126 Collective Bargaining Agreements~~

## **BP 7008 ~~Employee Evaluation - BP4128~~**

~~Legal References: Education Code 87663 Probationary faculty; 88013 Probationary classified employees Collective Bargaining Agreements Accreditation Standard IIIA.1.b~~

~~Rancho Santiago Community College District employees who are represented by FARSCCD, CSEA, CEFA or EDCTA an exclusive representative shall be evaluated in accordance with the terms and conditions of the appropriate collective bargaining agreement. Management employees, including confidential employees, shall be evaluated in accordance with administrative regulations approved by the chancellor.~~

Revised April 13, 2009 \_\_\_\_\_ (Previously BP4128)

## **BP 7141 Organizations Right of Access ~~BP4133~~**

~~Legal Reference:~~ Government Code 3543.1(b)

In accordance with Government Code Section 3543.1(b), exclusive representative employee organizations shall have the right of access at reasonable times to areas where employees work, the right to use district bulletin boards, mailboxes, and other means of communication, and district facilities subject to administrative regulations established by the chancellor. A copy of materials to be distributed or posted shall be provided to the chancellor or designee one working day prior to distribution.

These employee organizations shall be permitted reasonable access to employees. Such access shall not interfere with the school district operations nor infringe upon hours of assigned duties of the employees.

These employee organizations shall pay for their own supplies. When college equipment is used for producing materials, the organization shall pay a reasonable fee for the use. The fee shall be established by the administration. District materials shall have priority over organizational materials where staff time is limited for the production of materials. Employee organizations shall not use district telephones for employee organizations purposes; no long distance or other telephone charges shall be charged to the district.

~~Adopted 04/24/95; Revised April 13, 2009~~ \_\_\_\_\_ **(Previously BP4133)**

## **BP 7002 Civility ~~BP4137~~**

All employees of the Rancho Santiago Community College District retain their freedom of speech under both the federal and state constitutions. Freedom of speech is a fundamental personal right, but it does not confer an absolute right to speak, without responsibility, whatever one may choose, or an unrestricted license that gives immunity for every possible use of language.

The Rancho Santiago Community College District respects and even encourages its employees to exercise their freedom of speech on issues of public importance. The District, however, properly may regulate speech if it injures the District, its employees, its students or members of the public. There is an expectation that all employees will be courteous and polite to one another in any interaction while they are in the course and scope of their employment. Discourtesy and impoliteness constitute unacceptable professional behavior.

This Board Policy does not completely or comprehensively attempt to regulate the conduct of District employees. Its purpose is to communicate the requirement that interactions between employees, which may involve spirited and serious debate or criticism, may not involve any threat, coercion, intimidation, use of obscenities, illegal harassment, assault or battery.

~~Adopted 04/14/97 Revised~~ \_\_\_\_\_ **(Previously BP4137)**

## **BP 7009 Staff Development ~~BP4138~~**

**Legal Reference:** California Education Code 87150-87154; Accreditation Standard IIIA.5

The board of trustees recognizes the importance of continuous professional development activities for faculty and staff. The Chancellor shall develop procedures for appropriate professional development activities that shall include but not be limited to:

- Programs and activities supported by that the operation of the Community College Faculty and Staff Development Fund; program shall be consistent with Article 5, sections 87150-87154 of the California Education Code.
- Sabbatical leaves:

- Flex Day activities
- Conferences, seminars, and workshops

Funds received pursuant to the provisions shall be allocated to the colleges and the district office. Each college and the district office shall form an advisory committee comprised of representatives from appropriate employee groups.

Funds may be used for the purposes enumerated in education code section 87153; however, funds shall not be used for recreational activities.

~~Adopted June 26, 2000~~ Revised \_\_\_\_\_ (Previously BP4138)

Legal Reference: California Education Code 87150-87154; Accreditation Standard IIIA.5

## **~~Continuing Employment Contracts – BP4202~~ (Eliminate)**

### **FACULTY**

~~Adopted 03/27/95~~

If, without good cause, a regular employee of a community college district fails prior to July 1, of any school year to notify the Governing Board of the district of his or her intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon him or her, or mailed to him or her by United States certified mail with return receipt requested to his last known place of address, by the clerk or secretary of the Governing Board of the community college district, not later than the preceding May 30, he or she may be deemed to have declined employment, and his or her services as an employee of the district may be terminated on June 30, of that year.

~~Legal Reference: Education Code 87411. Automatic declining of employment~~

## **BP 7121 Applicant Travel Reimbursement –BP4204**

Revised ~~5/11/98~~ \_\_\_\_\_ (Previously BP4204 and BP4417)

It is the policy of Rancho Santiago Community College District to reimburse travel expenses of candidates who interview for faculty and administrative positions as follows.

#### First Interview:

1. Applicant must live farther than 300 miles from RSCCD.
2. Reimbursement will be for one-half of travel and lodging, not to exceed \$300.
3. Travel by rail, air, bus, private or rented automobile will be considered acceptable. Mileage reimbursement for personal auto use will be at the appropriate district rate.
4. Applicant submits original receipts and verification of expenses.

#### Final Interview:

1. Rancho Santiago Community College District will make travel and lodging arrangements for final interview candidates who live farther than 300 miles from RSCCD. These expenses will be paid for by the district.

## **~~Personnel - Administrative Applicant Travel Reimbursement Administrative - BP4417~~**

~~Revised 08/29/2005~~

~~It is the policy of Rancho Santiago Community College District to reimburse travel expenses of candidates who interview for positions covered by individual administrative employment contracts.~~

~~For first interviews, 50% of authorized transportation and lodging expenses will be reimbursed if one-way travel of at least 300 miles is required.~~

~~For final interviews, 100% of authorized transportation and lodging expenses will be reimbursed if one-way travel of at least 300 miles is required.~~

~~Authorized travel and lodging expenses for all interviews for cabinet-level positions shall be fully reimbursed.~~

~~The Chancellor shall develop regulations to implement this policy.~~

## **~~Faculty Salary Payments - BP4205 (Eliminate)~~**

~~Adopted 04/24/95~~

~~All full-time academic personnel employed on other than a twelve-month basis shall be given the option of being paid in twelve monthly payments or being paid in monthly payments corresponding to the number of months for which they are employed.~~

## **BP 7348 Faculty Pre-retirement (Workload Reduction) - BP4207**

~~Legal References: Education Code 22713. Part-time employment; reduction of workload from full-time 87483. Regulations: Reduction to Part-Time Employment Status~~

~~With Board approval, an academic employee may elect to reduce his/her workload from full-time to not less than half-time for a maximum of five years prior to retirement and continue to receive the same service credit in the State Teachers Retirement System as would have been received had the employee continued to work on a full-time basis. Administrative regulations shall be established to make this benefit available to academic employees of the district on an individual basis, as approved by the Board of Trustees.~~

~~Adopted 04/24/95; Revised April 13, 2009 \_\_\_\_\_ (Previously BP4207)~~

## **Classified Salary Payments - BP4302 (Eliminate and/or move to Administrative Procedure)**

~~Revised April 13, 2009 \_\_\_\_\_ (Previously BP4302)~~

~~All contract employees shall be paid on the 10th and 25th of the month, unless the day falls on a holiday or weekend. If this should occur, the employee shall be paid on the last working day before the 10th or the 25th.~~

~~Payment on the 25th of the month is an Earned Salary Advance (ESA) for the current month. The ESA is computed at 50% of the regular monthly take home salary, and rounded to the nearest whole dollar. The~~



~~Earned Salary Advance (ESA) will be recomputed upon request of the employees whenever the employee receives a salary change. In the event the employee has a garnishment/levy the Earned Salary Advance may be changed.~~

~~All classified employees, and other persons employed in positions which provide for a fixed monthly salary, shall be paid their full monthly salary subject to any adjustment that may be necessary.~~

~~Absences of all regular employees will be reported on payroll absence cards, which will report the number of hours absent due to illness or injury, personal absence, vacation, bereavement, excused absence, and any other absence.~~

~~All substitutes, temporary, or on-going hourly, will be paid by payroll time sheets for the actual services performed during the payroll period beginning the 11th day of the previous month through the 10th of the current month. Payment is to be made on the 10th day of the following month.~~

~~Overtime earnings for services performed during any payroll period will be paid in addition to the regular earnings, provided full approval of such overtime has been received by the Payroll Department in time for such inclusion.~~

~~Legal Reference: Collective Bargaining Agreement; Education Code 85244. Time of payment of wages of full-time non-certificated employees 85260. Alternate payroll procedure 88165. Time of payment of compensation~~

## **BP 7131 Personnel- Management Salary Schedules-- Initial Placement & Salary Step Advancement Recommendation - BP4401**

Revised ~~August 29, 2005~~ \_\_\_\_\_ (Previously BP4401)

~~The Rancho Santiago Community College District shall approve, on an annual basis, the management and chancellor's cabinet salary schedule.~~

~~Management employees new to the district shall be placed on a step the appropriate salary schedule according to professional training and experience as determined by the chancellor. Advancement of step placement is subject to the annual recommendation of the chancellor. An employee must begin work before January 1 to be eligible for a step increment on July 1 of the next fiscal year.~~

~~Legal Reference:~~

## **BP 7132 Management Medical/Dental Insurance Benefits - BP4402**

Revised April 13, 2009 (Previously BP4402)

### Eligibility

All management employees (including cabinet-level employees) who have an assignment of 50% or more are eligible for district-paid Group Medical/Dental benefits. The district's contribution in each succeeding year will be the district's cost for medical/dental benefits during the immediate preceding year plus an amount not to exceed 10%.

### Health Insurance

The district will provide management employees with a cafeteria health insurance program. Each employee will receive a cash allocation based upon the medical insurance option selected. The allocation for employees working under a contract of 50% to 79% will be pro-rated. The employee can assign this allocation or any part of it toward additional insurance coverage (dental, vision) or may receive it as cash.

#### Life Insurance

Active employees will receive life insurance benefits in the amount of the employee's annual salary or \$50,000, whichever is greater.

#### Retired Staff

For the purposes of determining benefit eligibility under this policy, retirement is defined as a management employee's termination from full-time District employment which is concurrent with his/her retirement under STRS and/or PERS.

Retired management employees shall receive district-paid medical/dental benefits based upon the following eligibility criteria:

Managers whose first date of full-time service was prior to May 31, 1986, shall receive the same district-paid medical insurance coverage as is provided to active management employees for life.

Managers whose first date of full-time service was on or after May 31, 1986, and who serve as a manager for at least fifteen (15) years shall receive the same district-paid medical insurance coverage as is provided to active management employees until age 70, after which such retirees may continue coverage at their own expense.

Managers employed under individual administrative contracts retiring on or after July 1, 1975, with less than fifteen (15) but with five (5) or more years of service to the district may participate in medical/dental benefits by paying their own premiums.

Surviving dependent spousal benefits will continue at district expense for administrators hired prior to July 1, 1989, and for supervisory/confidential employees hired prior to April 11, 2005. Surviving dependent spouses of those employees hired on or after these respective dates (and having five or more years of service with the district) may continue surviving dependent spousal benefits at their own expense.

## **BP 7133 Holidays Management ~~BP4414~~**

~~Legal~~ Reference: Education Code 88203.

Permanent and probationary classified administrative/supervisory/confidential management and confidential employees ~~who are contract employees~~ shall be entitled to payment for authorized holidays provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday.

Revised ~~08/29/2005~~ \_\_\_\_\_ (Previously BP4414)

## **~~Administrative Leave--Administrative~~ BP4419**

~~Adopted 08/29/2005; Revised April 13, 2009~~

~~The Board of Trustees may grant any academic or classified administrator, who has served the Rancho Santiago Community College District as an administrator for five consecutive years, an administrative leave for two consecutive months. The leave is at full pay. A basic consideration in the approval of administrative~~

leave will be the consideration of a plan which will include: (1) the proposal presented to the review committee which will demonstrate how a two-month leave will benefit students and the district, and (2) the reassignment of duties to other administrators while on leave.

At the expiration of the administrative leave, the administrator shall be required to render service to the district for a minimum of one year. If the administrator fails to render service for the required minimum of one year, he/she shall make financial restitution in whole or in part to the district within 10 months. In no event shall the administrator be assessed more than the amount of pay received during the administrative leave.

The chancellor shall make recommendations to the Board of Trustees regarding granting administrative leaves following a review of proposals by the Leave Committee which is chaired by the Chancellor. The Leave Committee shall consist of members of the Cabinet the Academic Senate and Classified Union presidents and the requesting administrator's immediate supervisor.

The administrator may be asked to make a presentation to the Board of Trustees upon completion of the leave. In addition to the administrator's report, the Administrative Leave Committee shall make an evaluation report to the Board of Trustees. The chancellor is directed to develop a procedure to implement this policy.

## **~~Management Retroactive Pay - BP4422 (formerly BP4519)~~**

**~~Revised April 13, 2009~~**

Only current management employees, retirees, former employees who have retired with a permanent disability or were former employees who were terminated or laid off due to district financial constraints shall be eligible for retroactive pay.

To be eligible, employees or former employees identified in paragraph 1 must have been employed during the period covered by the retroactive pay increase. Former employees need not be in an active status when the increase(s) is/are actually approved and implemented; however, pay increases will be made on a prorated basis. Increases covered by this policy include retroactive pay increases (current fiscal year) and lump sum payments (one-time adjustments).

## **BP 7001 Code of Ethics --BP7020**

**Reference:** Accreditation Standard IIIA.1.d

All employees of Rancho Santiago Community College District are professionals who are dedicated to promoting a climate which enhances the worth, dignity, potential, intellectual development, and uniqueness of each individual, as well as the collegiality of a learning community. Although we work in various settings and positions, we are committed to protecting human rights and to the advancement of learning. While we require an environment with freedom of inquiry and open communication, we accept the responsibility these freedoms require: competency; objectivity in the application of skills; concern for the best interest of students, colleagues, and a learning community; and avoidance of conflicts of interest and the appearance of impropriety.

The consistent exercise of integrity is the cornerstone of ethical behavior.

Ethical behavior is often defined as "right" or "good" behavior as measured against commonly accepted rules of conduct for a society or profession. The ethical person is often described as one who is fair, honest, straightforward, trustworthy, objective, moral, and unprejudiced.

The RSCCD Board of Trustees, administration, faculty, staff, and contractors shall subscribe to the following standards of ethical and professional behavior. For purposes of this policy "employees" refers to individuals

hired and/or paid by the District, including members of the Board of Trustees, full- and part-time employees, and student employees. Employees will:

- address responsibilities and work with people without prejudice, and therefore not discriminate unjustly against or in favor of any student or employee. Employees will act to prevent intimidation, harassment, favoritism, and discrimination.
- ensure the accurate representation of district and college goals, services, programs, and policies to the public, students, and colleagues.
- avoid creating the impression that, when speaking as individuals, we speak or act for the District or the colleges.
- not enter into relationships that seek to benefit the employee at the expense of the District, a student, or a person under their supervision. They avoid conflicts of interest which may result from dual relationships, such as those of a contractual, personal, financial, or sexual nature.
- avoid conflicts of interest between their contractual obligations to the District and those to private business or personal commitments. For example, they will not solicit clients and sell services or products during the course of their regular work at RSCCD, and they refuse remuneration for services rendered to persons for whom they perform the same services as an employee of the District.
- not use the resources of the District (e.g., computers, programs, offices, supplies) to secure financial gain for oneself or any other person or party. No employee shall conduct business at the District that is not directly related to the mission of the District and colleges.
- recognize that personal problems and conflicts can interfere with employee effectiveness. Accordingly, employees monitor their personal and professional effectiveness, seek assistance when needed (e.g., psychological, medical, legal), and maintain physical, mental, and emotional health.
- contribute to the development of their respective professions through dialogue with colleagues; serving professional organizations; and serving as mentors to emerging professionals.
- maintain and enhance individual professional effectiveness, currency, and competence through continuing education to improve abilities and acquire new knowledge, and they assure the same opportunity for persons within their supervision.
- accurately represent their experience and credentials, competencies and limitations to all concerned. Employees will provide services within the boundaries of their competence, based on their education, training, professional experience, ongoing professional development and licensure.
- in supervisory, management and administrative roles, treat those they supervise with respect and integrity, and value the well-being of employees as they make decisions about the needs of the institution. They use the power inherent in their positions wisely and with serious regard for individual worth and personal and professional growth.
- foster openness by encouraging and maintaining two-way communication, characterized by honesty and integrity.
- ensure that students and employees have access to varying points of view.
- make reasonable effort to protect students and employees from conditions harmful to learning or to health and safety.
- not disclose private information about students or employees obtained in the course of professional service, unless disclosure serves a compelling professional purpose or is required by law.
- recognize that an information society gives us access to increasing amounts of data, much of it automated. They exercise the privilege of using such information with care and integrity, actively protect the privacy of individuals, and use due caution when creating conclusions relative to such data specific to RSCCD.
- avoid knowingly making false or malicious statements about students or employees.
- not intentionally embarrass or disparage a student or employee.
- be respectful of fellow employees, community members, and students and their opinions. Diverse opinions and free inquiry should be encouraged.

- facilitate a climate of trust and mutual support through relationships focused on respect for reason, freedom of expression, and the right to peacefully dissent.
- not impose personal values, beliefs, and behaviors on others.

~~Adopted February 7, 2005~~ Revised \_\_\_\_\_ (Previously BP7020)