

Chapter 7

Human Resources

Policies:

BP 7100	Commitment to Diversity
BP 7110	Delegation of Authority
BP 7120	Recruitment and Hiring
BP 7130	Compensation
BP 7140	Collective Bargaining
BP 7210	Academic Employees
BP 7230	Classified Employees
BP 7240	Confidential Employees
BP 7250	Educational Administrators
BP 7260	Classified Supervisors and Managers
BP 7310	Nepotism
BP 7330	Communicable Disease
BP 7335	Health Examinations
BP 7340	Leaves
BP 7342	Family Medical Leave Act/California Family Rights Act
BP 7345	Catastrophic Leave
BP 7350	Resignations
BP 7360	Discipline and Dismissal, Academic Employees
BP 7365	Discipline and Dismissal, Classified Employees
BP 7370	Political Activity
BP 7380	Retiree Health Benefits: Academic Staff
BP 7385	Salary Deductions
BP 7400	Travel
BP 7510	Domestic Partners
BP 7600	College Police
BP 7700	Whistleblower Protection

BP 7100 Commitment to Diversity

Reference: Education Code Section 87100 et seq.; Title V, Section 53000, et seq.

The Yuba Community College 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.

See Administrative Procedure 3420, Equal Employment Opportunity

BP 7110 Delegation of Authority

Reference: Education Code Section 70902(d)

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.

See Administrative Procedure 7110

BP 7120 Recruitment and Hiring

Reference: *Education Code Section 70902(d), 87100 et seq.; 87360, Title V, Section 53000, et seq.; Accreditation Standard III.1.A*

The Chancellor shall establish procedures for the recruitment and selection of employees including, but not limited to, the following criteria.

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

Academic employees shall meet or exceed the minimum qualifications prescribed for their positions by the Board of Governors and the local governing board.

Hiring criteria, policies and procedures for new academic employees shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board.

The criteria and procedures for hiring classified employees shall be established after first affording the recognized classified bargaining unit an opportunity to participate in the decisions under the Board's policies regarding local decision making.

See Administrative Procedure 7120, 7125, and 7126

BP 7130 Compensation

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

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

BP 7140 Collective Bargaining

Reference: Government Code Sections 3540, et seq.

If eligible employees of the District select an employee organization as their exclusive representative, and if after recognition by the District or after a properly conducted election, an exclusive representative is certified as the representative of an appropriate unit of employees under the provisions of the Educational Employment Relations Act, Government Code Section 3540 et seq., the District will meet and negotiate in good faith on matters within the scope of bargaining as defined by law.

BP 7150 Evaluation

Reference: *Accreditation Standard III.A.1.b*

The Chancellor or designee will develop and maintain an evaluation tool for each employee category.

BP 7210 Academic Employees

Reference: *Education Code Sections 87400 et seq; 87419.1; 87600 et seq.; 87482.8; Title V, 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. The Board reserves the right, relying primarily upon the advice of the academic senate, 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 the Title V-required District five-year plan for making progress toward the standard of the full-time faculty obligation as defined by the California Community Colleges Chancellor's Office.

See Administrative Procedure 7210

BP 7230 Classified Employees

Reference: Education Code Sections 88003; 88004; 88009; 88013

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

The classified service does not include:

- Substitute 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. (See Board Policy 7110.)

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.

The probationary period for classified employees shall be one year.

See Administrative Procedure 7232, 7233, 7235, 7236

BP 7240 Confidential Employees

Reference: Government Code Section 3540.1(c)

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

A determination whether a position is confidential 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.

See Administrative Procedure 7240

BP 7250 Educational Administrators

Reference: *Education Code Sections 72411 et seq., 87002(b), 87457-87460; Government Code Section 3540.1(g) and (m)*

An administrator is a person employed by the Board in a supervisory or management position as defined in Government Code Sections 3540, *et seq.*

Educational administrators are those who exercise direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services programs of the District.

An educational administrator who has not previously acquired tenure as a faculty member in the District shall have the right to become a first year probationary faculty member once his or her administrative assignment expires or is terminated, if the following criteria are met:

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

Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board upon recommendation by the 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 of up to four years in duration.

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

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

See Administrative Procedure 7250

BP 7260 Classified Supervisors and Managers

Reference: 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 in the same manner as the other members of the classified service. If a classified administrator is employed as a regular member of the classified service, employment shall be consistent with other provisions of these policies regarding employment of classified employees.

See Administrative Procedure 7260

BP 7310 Nepotism

Reference: *Government Code Section 12920 et seq., 1090 et seq.*

The District does not prohibit the employment of relatives or domestic partners as defined by Family Code Section 297 et seq. in the same department or division, with the exception that they shall not be assigned to a regular position within the same department, division or site that has an immediate family member who is in a position to recommend or influence personnel decisions.

Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, demotion, or salary of the relative or domestic partner as defined by Family Code Section 297 et seq.

Immediate family means spouse, parents, grandparents, siblings, children, grandchildren and in-laws or any other relative living in the employee's home. The District retains the right to identify further relationships as being governed by this policy.

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

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

See Administrative Procedure 7310

BP 7330 Communicable Disease

Reference: Education Code Sections 87408; 87408.6; 88021

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

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

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.

See Administrative Procedure 7330

BP 7335 Health Examinations

References: 42 U.S.C. Section 12112; 29 C.F.R., Part 1630; Government Code Section 12940

The Chancellor or designee may require medical examinations of candidates for appropriate positions prior to assuming the duties of the position. Such pre-employment medical examinations shall be required only after a conditional job offer has been made, and shall be required of any candidate for a position for which a pre-employment medical examination has been deemed appropriate. No candidate shall be required to participate in such an examination on the basis of the candidate's age or disability.

The Board authorizes the Chancellor or designee to require any employee to undergo a physical or mental examination at any time it appears to be in the District's interest to obtain verification of an employee's fitness for duty. Such medical examinations shall be at the District's expense and shall be conducted by a physician chosen by the District.

See Administrative Procedure 7335

Rev. 1/07 References Added

BP 7340 Leaves

Reference: Education Code Sections 87763 et seq., 88190 et seq. and cites 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 service, administrators, supervisors, and managers. Employees may not accrue more than two years of vacation leave;
- 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; 88210);
- Leave of absence to serve as an elected member of the legislature (Education Code Section 87701);
- Pregnancy leave (Education Code Sections 87766; 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 Section 87036; 87037);
- Military service (Education Code Section 87700)
- Sabbatical leaves for permanent faculty, academic employees, administrators, and managers.

Vacation leave for members of the classified service, educational administrators, and classified supervisors and managers shall not accumulate beyond two years of paid leave. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.

In addition to these policies and collective bargaining agreements, the Board retains the power to grant leaves with or without pay for other purposes or for other periods of time.

See Administrative Procedure 7340, 7341, 7343, 7344, 7345, 7346, and 7347

BP 7342 Family Medical Leave Act/California Family Rights Act

The Board supports the intent set forth in Federal Law and the provisions for Family Medical Leave Act (FMLA) and California State Law and the provisions of the California Family Rights Act (CFRA). The District shall implement FMLA leave and CFRA leave consistent with the provisions of law and abide by the Administrative Procedure outlining use of such leave.

See Administrative Procedure 7342

New 1/31/07

BP 7350 Resignations

Reference: Education Code Sections 87730; 88201

The Board hereby delegates to the Chancellor the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Board when accepted in writing by the Chancellor. When accepted by the Chancellor, the resignation is final and may not be rescinded. All such resignations shall be forwarded to the Board for ratification.

Ratification of an employee resignation by the Board shall include fixing the time when the resignation takes effect, which shall not be later than the close of the academic year during which the resignation has been received by the Board.

BP 7360 Discipline and Dismissals - Academic Employees

Reference: Education Code Section 87669, 87732

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.

See Administrative Procedure 7360

BP 7365 Discipline and Dismissals - Classified Employees

Reference: Education Code Section 88013

The Chancellor shall enact procedures for the disciplinary proceedings applicable to permanent classified employees of the District. Such procedures shall conform to the requirements of the Education Code.

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

No disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent, or for any cause that arise more than two years preceding the date of the filing of any charge against the employee, unless the cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the District.

A permanent member of the classified service shall be subject to disciplinary action, including, but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or discharge, for any of the following grounds:

- Fraud in securing employment or making a false statement on an application for employment.
- Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
- Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee in the position.
- Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of, or insulting or demeaning the authority of a supervisor or manager.
- Dishonesty involving employment.
- Being impaired by or under the influence of alcohol or illegal drugs or narcotics while on duty, which could impact the ability to do the job.
- Excessive absenteeism.
- Unexcused absence without leave.
- Abuse or misuse of sick leave.
- The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or verdict of guilty, or a conviction showing a plea of *nolo contendere* made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this Section.
- Discourteous treatment of the public or other employees.

- Improper or unauthorized use of District property.
- Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.
- Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, or the employee's department or division.
- Inattention to duty, tardiness, indolence, carelessness, or negligence in the care and handling of District property.
- Mental or physical impairment which renders the employee unable to perform the essential functions of the job without reasonable accommodation or without presenting a direct threat to the health and safety of self or others.
- Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.
- The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.
- Willful violation of policies, procedures, and other rules which may be prescribed by the District, college(s), or departments.
- Working overtime without authorization.

BP 7370 Political Activity

Reference: Education Code Sections 7054, 7056;; Government Code Section 8314

Employees shall not use District funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Governing Board. This policy prohibits political activity during an employee's working hours, but shall not be construed to prohibit an employee from urging the support or defeat of a ballot measure or candidate during nonworking time.

See Administrative Procedure 7370

BP 7380 Retiree Health Benefits

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.

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.*

See Administrative Procedure 7380

BP 7385 Salary Deductions

Reference: Education Code Sections 87040; 87833; 87834; 88167

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

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

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

The District shall reduce the salary payment by the amount which the employee has authorized in writing for the purpose of paying his or 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.

BP 7400 Travel

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.

All travel outside the United States must be approved in advance by the Board.

See Administrative Procedure 7400

7510 Domestic Partners

Reference: Family Code Sections 287, 288, 288.5, 287.5, 289, 289.2 and 289.3

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 the rights and obligations of former spouses. Surviving domestic partners shall have the same rights, protections, and benefits as are granted to a surviving spouse of a decedent.

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

New 10/05 Legally required per AB 205, which became effective January 2005

BP 7600 Police Department

Reference: Education Code Sections 72330, et seq.; Penal Code Section 830.32

The Board has established a police department under the supervision of one Chief of Police, who shall report directly to the Vice Chancellor of Administrative Services. The department shall have jurisdiction to enforce the law on or near the campuses and other grounds or properties owned, operated, controlled, or administered by the District.

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

The Vice Chancellor of Administrative Services shall establish minimum qualifications of employment for the Chief of Police including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officers' Standards and Training (POST).

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

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

The Vice Chancellor of Administrative Services, in cooperation with the Chief of Police, shall issue, and amend as needed, such other regulations, guidelines, policies, and procedures as may be necessary for the administration of the police department.

See Administrative Procedure 7600

BP 7700 Whistleblower Protection

Reference: CA Labor Code Section 1102.5, 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.

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.

See Administrative Procedure 7700

New 8/06