



SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • CONTINUING EDUCATION

DISTRICT GOVERNANCE COUNCIL

October 18, 2017

3:00 p.m. – Room 245

AGENDA

- *1.0 Review Minutes of October 4, 2017
- 2.0 Review of Board Agenda for October 24, 2017
(Tentative pages will be handed out at the meeting)
- 3.0 Additional Agenda Items
- 4.0 State Budget Update Carroll, Dowd
- *5.0 Chapter 2 Board Policies (2nd review) Lamb
- *6.0 Chapter 7 Board Policies and
Administrative Procedures (2nd review) Surbrook
- 7.0 District ListServe Academic Senate Presidents
- 8.0 Roundtable

*Attachments

Next DGC MEETING scheduled: Wednesday, November 1, 2017 – 3:00 p.m.
District Office – Room 245

Visitors and observers are welcome. The District Governance Council (DGC) follows an open process and conducts open meetings. However, because of limited space, we ask that visitors sit in the extra chairs provided against the walls to leave room available at the table for voting DGC members. Your help is appreciated.



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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DISTRICT GOVERNANCE COUNCIL MINUTES

October 4, 2017

Present: Akers, Beresford, Bocaya, Bulger, Cortez, Hsieh, Hubbard, Lareau (for Manis), Larson, Luster, Mahler, McMahon, Neault, Payne, Perigo, Rogers (for Dowd), Shabazz, Surbrook, Watkins, Weinroth, and Chairperson Chancellor Carroll

Absent: Dowd, Kovrig, Manis

1. **APPROVAL OF MINUTES**

The minutes of September 20, 2017, were approved.

2. **CHAPTER 2 BOARD POLICIES**

Margaret Lamb brought BP 2210, 2310, and 2436 for first review. These policies will come back to the next meeting for further review.

3. **JOB APPLICANTS WITH IMMIGRATION STATUS**

Vice Chancellor Surbrook explained that the District's outdated process regarding the immigration status of job applicants will be updated so that it is nondiscriminatory.

4. **STUDENT SERVICES POLICIES AND PROCEDURES**

Vice Chancellor Neault brought several Student Services Policies and Procedures back for a final review and received no comments or concerns. The policies will be considered for adoption (first reading) by the Board of Trustees its meeting on October 24, 2017.

5. **STRATEGIC PLANNING COMMITTEE COMPOSITION 2017-2018**

Vice Chancellor Bulger brought back an updated list of members for the Strategic Planning Committee. A vote taken to approve the membership categories listed on the handout was unanimously approved.

6. **CHAPTER 7 BOARD POLICIES AND ADMINISTRATIVE PROCEDURES**

Vice Chancellor Surbrook brought policies and procedures for an initial review including changes made to BP 7347. Many of the procedures are new, he said, and align with the CCLC templates. He noted that in conflicts between administrative procedure and Collective Bargaining Agreements (CBA), the CBA provisions shall prevail. These items will be brought back for further review at the next DGC meeting.

7. **FACILITIES POLICIES BP 3500-6990**

In response to AFT President Jim Mahler's concerns regarding insufficient time to review the materials, Chancellor Carroll asked that these policies be deferred until January 2018.

8. DISCUSSION

The Academic Senate Presidents asked for an update on the MOU process, saying they are comfortable with the T-MOU item for now. Vice Chancellor Bulger indicated that she is meeting with the Articulation Officers to discuss this further and will provide information at a later date.

The Academic Senate Presidents also asked for an update regarding the scheduling of discipline meetings. The Council agreed that they need to become a regular practice. College and CE presidents were directed to talk to their deans about scheduling the meetings. Dr. Bulger asked the academic senate presidents to share with her the critical disciplines so that they can be prioritized.

9. PRIORITY REGISTRATION FOR STUDENT ATHLETES

Vice Chancellor Neault read through a handout regarding priority registration for student athletes to facilitate balancing team practice schedules with student academic plan needs. There was some discussion about adding other groups to receive priority registration, but it was decided that this group would go forward first and that other categories could be added later as needed. The Council voted unanimously to approve the proposal and plan as presented.

Adjourned 3:40 p.m.

Chancellor's Office & Board of Trustees



Board Policies

Chapter 2 - Board of Trustees

The following Chapter 2 Board Policies are being put forth for **revision** as part of the Board's ongoing 6-year comprehensive review of all Board policies and procedures:

BP 2210 Officers (minor changes for consistency, to update references, and to add Board President and Secretary responsibilities to align with best practices)

BP 2310 Regular Meetings of the Board (minor changes for consistency, and to update references, including outdated language regarding CE "centers")

BP 2436 President Selection (College/Continuing Education) (minor changes for consistency and to update references, and to allow for campuswide forums for presidential finalists)

NOTE for all following documents: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current adopted board policies. The language in **blue ink** is included for consideration.



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Board Policy

Chapter 2 – Board of Trustees

BP 2210 – OFFICERS

The Board [of Trustees](#) shall elect, from among its members, a President of the Board and an Executive Vice President. The remaining three members shall be designated as Vice Presidents.

ELECTION OF OFFICERS

The President and the Executive Vice President of the Board of Trustees shall be elected from the members of the Board by roll call vote of the members at the annual organizational meeting of the Board of Trustees in accordance with the period specified in the Education Code Section 72000, subdivision (c)[\(2\)\(A\)](#).*:

*The period specified in subdivision (c)[\(2\)\(A\)](#) is a day within the 15-day period that commences with the date upon which a governing Board member elected in the current year's election takes office. Organizational meetings in years in which there is no election for governing Board members shall be held during the same 15-day period on the calendar.

The President and the Executive Vice President shall each receive the votes of a majority of the voting membership of the Board before being declared elected.

TERM OF OFFICE

The President and Executive Vice President shall hold their offices for one year beginning the first working day of January next to the following first working day of January and until their successors shall be duly elected and qualified.

VACANCY IN OFFICE

In the event of a vacancy in the office of President or Executive Vice President by death, resignation, or otherwise, the Board of Trustees shall immediately elect a successor to the President or Executive Vice President, as the case may be, to fill the vacancy for the remainder of the normal term of office and until a successor shall be duly elected and qualified.

PRESIDING OFFICER

The President [of the Board](#) shall preside at all meetings of the Board of Trustees at which he/she is present. He/she shall perform such duties and exercise such powers as usually pertain to the office of President, and he/she shall also have such additional powers as may be granted to him/her by law or by the Board.

The duties of the President of the Board of Trustees include, but are not limited to:

- Preside over all meetings of the Board of Trustees;
- Call emergency and special meetings of the Board of Trustees as required by law;
- Consult with the Chancellor on Board meeting agendas;

- [Communicate with individual Board members about their responsibilities;](#)
- [Participate in the orientation process for new Board members;](#)
- [Assure Board compliance with policies on board education, self-evaluation, and evaluation of the Chancellor;](#)
- [Represent the Board of Trustees at official events or ensure Board representation.](#)

PRESIDING OFFICER IN ABSENCE OF PRESIDENT

The Executive Vice President shall preside at all meetings of the Board of Trustees in the absence of the President, and shall perform such other duties as may be enjoined upon that office by the Board. In the case of absence of the President [of the Board](#), and/or in the case of a delay of more than three (3) working days in responding to District business with signature authority by the President [of the Board](#), or if there be a vacancy in the office of the Presidency, all the powers and duties of that office shall devolve upon the Executive Vice President who shall continue to exercise such powers and duties until the President [of the Board](#) returns or the vacancy is filled.

PRESIDING OFFICER IN ABSENCE OF PRESIDENT AND EXECUTIVE VICE PRESIDENT

In case of the absence, disability, or refusal to act of the President and the Executive Vice President at a meeting of the Board of Trustees when a quorum is present, as determined by the Secretary by roll call, the members present may elect, by a majority vote of all of the voting membership constituting the Board, a Chair Pro Tem for that meeting. If a Chair Pro Tem is not elected, one of the members shall be picked by lot to act as Chair Pro Tem for that meeting.

CHANCELLOR AS OFFICER OF BOARD

The Chancellor, as Chief Executive Officer, shall be appointed as Secretary of the Board of Trustees at the annual meeting by the adoption of [this policy](#) ~~these policies~~. He/She shall supervise preparation of the dockets for all meetings of the Board. Unless otherwise directed by the voting Board, he/she shall conduct official correspondence for the District.

[The duties of the Secretary of the Board of Trustees include, but are not limited to:](#)

- [Notify members of the Board of regular, special, emergency, and adjourned meetings;](#)
- [Prepare and post Board meeting agendas;](#)
- [Have prepared for adoption minutes of Board meetings;](#)
- [Attend all Board meetings and closed sessions, unless excused, and in such cases to assign a designee;](#)
- [Conduct the official correspondence of the Board;](#)
- [Certify as legally required all Board actions;](#)
- [Sign, when authorized by law or by Board action, any documents that would otherwise require the signature of the Secretary or the Clerk of the Board.](#)

[In addition,](#) cContracts, agreements, reports, leases, surveys, deeds and all other official documents shall be authenticated/executed by the Chancellor's signature or by the signature of such persons as he/she may designate, unless otherwise directed by the Board. The Board does not abrogate its responsibility by the delegation of this power and authority. All authorization and approvals which are reserved to the Board by law and which are not specifically delegated by the Board shall be enforced as a prerequisite to the execution of said documents.

The Chancellor shall make known his/her recommendations on all matters pending before the Board of Trustees (except those items submitted by Board members who introduce items on the

docket pertinent to the educational jurisdiction of the District) prior to the time the presiding officer calls for the vote.

The Chancellor will advise the Board as to any request for public records concerning legal matters or financial disclosures under either state or federal law and provide copies of the request to all Board members. Individual Board members may request copies of all materials provided to individuals or groups who have requested such information.

The Board does not have an official system of rotation of officers; it elects the officers each year from among all its members.

[Also see BP 2305 Annual Organizational Meeting](#)

~~SDCCD — former policy 1001.1, 1001.2, 1001.3, 1001.4, 1001.5, 1001.6, 1001.7, 1001.15~~

Reference:

Education Code Section 72000

Adopted: 12/14/06

Revised:

(Replaces current SDCCD BP 2210)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Board Policy

Chapter 2 – Board of Trustees

BP 2310 – REGULAR MEETINGS OF THE BOARD

~~Officers of the Board of Trustees shall be elected pursuant to BP 2305 Annual Organizational Meetings.~~ Regular meetings of the Board of Trustees shall typically be held ~~normally~~ on the second and fourth Thursday of each month, beginning at 4:00 p.m., unless otherwise specified in the posted agenda. Regular meetings of the Board of Trustees shall ~~normally~~ typically be held in the Board ~~e~~Conference ~~r~~Room, Suite 235, The Charles W. Patrick Building, 3375 Camino del Rio South, San Diego and at such other locations, if any, which are identified as teleconference locations for a meeting to be conducted through teleconferencing.

Regular meetings may be adjourned to a subsequent time or day at the discretion of the Board should it appear to the Board that the business of the meeting has not been completed.

The setting of time limits on Board Meetings:

1. In the event the Board has scheduled both Open and Closed Sessions during one meeting, the total meeting time of both sessions shall not exceed 5 hours, except by majority vote of the Board at that time;
2. The Board shall adjourn no later than 10:00 p.m. No action shall be taken after that time, unless there has been a majority vote of the Board to determine a time certain for adjournment in order to hear urgent matters before the Board;
3. No item shall be considered or discussed longer than 20 minutes in any one meeting of the Board except by a majority vote of the Board. This time limit; however, will not preclude input within the time limits set by Board, from the Senates, other District staff, students or the general public. The Board may determine how much time will be allowed for discussion or action on any item;
4. Recommended guidelines are that members of the Board shall have a total of no more than five (5) minutes each to speak or question staff, and shall be recognized no more than twice by the presiding officer, on any item during the same meeting. ~~The Board, by majority vote, may make exceptions to this section. The motion shall contain the precise parameters of the exceptions to be made.~~
5. If a Board member believes that a detailed explanation is needed on his/her views on an issue, he/she will be invited to prepare a written paper detailing the main points or concerns. Copies will be distributed to the Board and relevant parties. The Board may by majority vote, table or postpone to a date certain, any item before the Board; and

6. Individual Board members shall have no more than five (5) minutes during the REPORT OF THE TRUSTEES, to discuss any matter they determine to be pertinent to the educational jurisdiction of this District.

The president of the faculty senates and classified senates at each college and Continuing Education, and the presidents/representatives from all District unions shall be invited to attend regular meetings of the Board. Also, the president of the associated students at each of the colleges, and one student representative from ~~the adult centers, and one from the Educational Cultural Complex~~ Continuing Education shall be invited to attend regular meetings of the Board.

A notice identifying the location, date, and time of each regular meeting of the Board of Trustees shall be posted at least ten ~~(10)~~ days prior to the meeting and shall remain posted until the day and time of the meeting. All regular meetings of the Board of Trustees shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency or is meeting with its attorney to discuss pending litigation if the attorney's office is outside the District.

All regular and special meetings of the Board of Trustees shall be open to the public, be accessible to persons with disabilities, and otherwise comply with Brown Act provisions, except as required or permitted by law.

[Also see BP 2320 Special and Emergency Meetings, BP 2340 Agendas, BP 2345 Public Participation at Board Meetings, BP 2350 Speakers, and BP 2355 Decorum](#)

~~SDCCD- former policies 1001.8, 1001.17~~

References:

Education Code Section 72000(d);
Government Code Sections 54952.2, 54953 et seq., and 54961

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current SDCCD BP 2310 titled Regular Meetings of the Board adopted on 12/14/06. The language in **blue ink** is included for consideration.

Adopted: 12/14/06

Revised:

(Replaces current SDCCD BP 2310)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Board Policy

Chapter 2 – Board of Trustees

BP 2436 – PRESIDENT SELECTION (COLLEGE/CONTINUING EDUCATION)

The Board of Trustees shall direct the Chancellor to oversee the search process to fill the president position in the event of a vacancy. A search committee shall be formed which will include members of governance groups and, as determined, appropriate representatives from the community. The search committee shall make recommendations concerning all aspects of the search process, [which may include a campuswide forum for finalists](#), and shall recommend final candidates to the Chancellor.

The Chancellor will recommend at least two finalists for interview with the Board [of Trustees](#) and Chancellor in closed session. The final selection will be announced in open session and voted on for approval pursuant to Title 5 and relevant Government Code ~~regulations~~ [sections](#).

Reference: Title 5, Sections 53000 et seq.;
[WASC/ACCJC Accreditation Standards IV.B.1, IV.B.1.j, and IV.D.4](#)

~~Accreditation Standard IV.B.1, IV.B.1.j;~~
~~Title 5, Sections 53000 et seq.~~

Adopted: 12/09/2010

New Policy

Adopted: 12/09/10

Revised:

(Replaces current SDCCD BP 2436)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Board Policy

Chapter 7 – Human Resources

BP 7800 – EMPLOYEE CONFLICT OF INTEREST

CONDITION

District officers/employees are required to be alert to situations where a conflict of interest may occur in relation to their duties with the District.

POLICY

All District employees/officers are by law subject to restrictions of their outside activities/enterprises/employment where a conflict of interest would occur.

A District employee/officer shall not engage in any outside employment, activity or enterprise for compensation which is inconsistent, incompatible, or in conflict with his/her their duties with the District. A District employee/officer shall not perform any work, service, or counsel for compensation outside of his/her their District where any part of his/her their efforts will be subject to approval by any other officer, employee, committee of the District, or of the Board of Trustees.

Prohibited activities shall include the following, as well as other legal provision:

- The use of District time, facilities, equipment, supplies, prestige or influence for private gain or advantage.
- Receipt or acceptance of money or other consideration from other than the District for any activity which the employee/officer is expected to render in the regular course of work hours of his/her their employment with the District.
- Performance of an act in other than his/her their capacity as an employee/officer which may later be subject to control, inspection, review, audit, or enforcement of any other District employee/officer.
- Time demands which would render his/her their duty performance less efficient.

Any violation of these prohibited activities shall be cause for disciplinary action which may result in dismissal or prosecution under current law regarding dismissal proceedings. Any such disciplinary action is subject to appeal rights in accordance with current law and District policies/procedures.

~~October 14, 1998~~

~~SUPERSEDES: AC-4857, 7/27/73~~

[Also see BP 2710 titled Conflict of Interest, BP 2715 titled Code of Ethics/Standards of Practice and AP 4460.2 titled Conflict of Interest](#)

Adopted: 08/14/98

Revised:

(Replaces current SDCCD Policy 4460)



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Board Policy

Chapter 7 – Human Resources

BP - 7365 DISCIPLINE AND DISMISSAL, CLASSIFIED EMPLOYEES

[Also see the collective bargaining agreements/handbook for applicable employee groups.](#)

The [District](#) 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 District Chancellor shall assure collective bargaining agreements and employee organization handbooks reflect language regarding disciplinary proceedings.](#)

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 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 [unless separate grounds are contained within collective bargaining agreements or within employee organization handbooks:](#)

- 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](#).
- 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, 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 with 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/ [er](#) 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.
- Sexual Harassment ([also see BP/AP 3430 titled Prohibition of Harassment](#)).

References: [Education Code Sections 88013](#)

Adopted: 09/11/07

Revised:

(Replaces current SDCCD BP 7365)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Board Policy

Chapter 7 – Human Resources

BP 7340 – LEAVES

The [District](#) 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 or injury leaves for all classes of permanent employees ([Education Code Sections 87781 and 88192](#)) ([see AP 7344 titled Notifying the District of Illness](#));
- [Paid sick leave \(Labor Code Section 246\)](#);
- Vacation leave for members of the classified service, administrators, supervisors, 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 or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization (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](#));
- [Leave to bond with a new child \(Education Code Sections 87784.5 and 88207.5\) \(see AP 7347 titled Paid Family Leave\)](#);
- [Use of illness leave for personal necessity \(Education Code Sections 87784 and 88207\)](#);
- [Industrial accident and illness leave \(Education Code Sections 87787 and 88192\) \(see BP/AP 7343 titled Industrial Accident and Illness Leave\)](#);

- Bereavement leave ([Education Code Sections 87788 and 88194](#));
- Jury service or appearance as a witness in court ([Education Code Sections 87036 and 87037](#));
- [Military service \(Education Code Section 87700\) \(see AP 7346 titled Employees Called to Military Duty\)](#); and
- Sabbatical leaves [for permanent faculty; administrators and managers \(see AP 7341 titled Sabbaticals\)](#).

[Vacation leave for members of the classified service and supervisory and professional administrators shall not accumulate beyond twice the annual allowance. Managers shall not accumulate beyond three times the annual allowance. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.](#)

In addition to [this policy](#) and collective bargaining agreements, the Board [of Trustees](#) retains the power to grant leaves with or without pay for other purposes or for other periods of time.

[References:](#)

Education Code Sections 87036, 87037, 87700, 87701, 87763 et seq., 87766, 87768.5, 87784, [87784.5](#), 88190 et seq., 88193, 88207, [88207.5](#), and 88210;
 Government Code Section 12945;
[Labor Code Sections 245 et seq.](#)

Adopted: 09/11/07

Revised:

(Replaces current SDCCD BP 7340)



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Board Policy

Chapter 7 – Human Resources

BP 7335 – HEALTH EXAMINATIONS

The [District](#) Chancellor 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 [of Trustees](#) authorizes the [District](#) Chancellor 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.

[Also see AP 7335 titled Health Examinations and AP 7336 titled Certification of Freedom from Tuberculosis](#)

Adopted: 09/11/07

Revised:

(Replaces current SDCCD BP 7335)



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Board Policy

Chapter 7 – Human Resources

BP 7330 – COMMUNICABLE DISEASE

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 academic or classified employees must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis by providing the District with a certificate from the employee's examining physician showing that the employee was examined and found to be free from active tuberculosis.

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

References:

Education Code Sections 87408, 87408.6, and 88021.

Also see BP/AP 5210 Communicable Disease (Students), BP/AP 7335 titled Health Examinations, and AP 7336 titled Certification of Freedom from Tuberculosis.

Adopted: 09/11/07

Revised:

(Replaces current SDCCD BP 7330)



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Board Policy

Chapter 7 – Human Resources

BP 7260 – CLASSIFIED SUPERVISORS AND MANAGERS

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

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 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 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. If employed by contract, the terms and conditions of employment shall be included in the contract and any employee handbook approved by the Board of Trustees applicable to the position.

References:

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

Adopted: 09/11/07

Revised:

(Replaces current SDCCD BP 7260)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Board Policy

Chapter 7 – Human Resources

BP 7250 – EDUCATIONAL ADMINISTRATORS

An administrator is a person employed by the Board [of Trustees](#) 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.

Every educational administrator shall be employed by an individual contract which shall not exceed four (4) years duration. The contract shall provide for terms and conditions of renewal, dismissal, and imposition of penalties for cause. Terms and conditions of employment, compensation, and benefits shall be provided under the applicable Management Employees Handbook or other appropriate Handbook for supervisory educational administrators.

[If the Board of Trustees determines that the administrator is not to be reemployed when their 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.](#)

References:

[Education Code Sections 72411 et seq., 87002\(b\), and 87457-87460;](#)
[Government Code Sections 3540 et seq. \(*especially Sections 3540.1\(g\) and \(m\)*\)](#)

Adopted: 09/11/07

Revised:

(Replaces current SDCCD BP 7250)



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Board Policy

Chapter 7 – Human Resources

BP 7240 – CONFIDENTIAL EMPLOYEES

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 [of Trustees](#) 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 District Chancellor and a Handbook for Confidential Employees recommended by the District Chancellor and approved by the Board of Trustees](#). [Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers, and reassignments.](#)

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New Procedure



SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • CONTINUING EDUCATION

Board Policy

Chapter 7 – Human Resources

BP 7230 – CLASSIFIED EMPLOYEES

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 [of Trustees](#) shall fix and prescribe the duties of the members of the classified service. [\(See BP 7110 titled Delegation of Authority, Human Resources\)](#)

Before a short-term employee is employed, the Board of Trustees, at a regularly scheduled meeting, shall specify the service required to be performed and certify the ending date of the service. The Board of Trustees may later act to shorten or extend the ending date, but shall not extend it beyond 75 percent of an academic year.

The [District](#) 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 not greater than one year.

References:

Education Code Sections 88003, 88004, 88009, [and](#) 88013

Adopted: 09/11/07

Revised:

(Replaces current SDCCD BP 7230)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Board Policy

Chapter 7 – Human Resources

BP 7140 COLLECTIVE BARGAINING

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.

References:

Government Code Sections 3540 et seq.

[Also see BP/AP 2610 titled Presentation of Initial Collective Bargaining Proposals](#)

Adopted: 09/11/07

Revised:

(Replaces current SDCCD BP 7140)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Board Policy

Chapter 7 – Human Resources

BP 7130 – COMPENSATION

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 [of Trustees](#) following appropriate collective bargaining obligations as provided in Board Policy 7140 [titled Collective Bargaining](#).

Prohibition on 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.

References:

Education Code Sections 70902(b)(4), [72411](#), 87801, [and](#) 88160;
Government Code Section 53200;

[34 Code of Federal Regulations 668 \(U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended\)](#)

Adopted: 9/11/07

Revised:

(Replaces current SDCCD BP 7130)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Board Policy

~~Chapter 7 – Human Resources~~ **Chapter 6 – Business, Finance, and Information Technology**

BP 6800 – OCCUPATIONAL HEALTH AND SAFETY ~~BP 4800 – INJURY AND ILLNESS PREVENTION PROGRAM~~

POLICY

The Board of Trustees, recognizing that the health, safety, and well-being of its employees is of paramount importance in the effective management of the San Diego Community College District, affirms its commitment to create and maintain a safe and healthful working environment.

To implement this policy, the District Chancellor is authorized to create and implement an Occupational Health and Safety Program which ~~that will~~ consists of appropriate policies, programs, and procedures to:

1. Identify and evaluate all workplace hazards, including methods to mitigate identified hazards.
2. Delegate responsibility for the implementation and enforcement of the District's Injury and Illness Prevention Plan at each of the District's places of operation.
3. Train all employees, supervisors, and managers in the recognition of workplace hazards and proper safe work practices.
4. ~~Provide~~ Ensure that all employees will comply with safe work practices, ~~giving recognition to employees who demonstrate compliance.~~
5. Create a system of communications between employees, supervisors, and management ~~which will~~ management and employees to promote a safe working environment, including means for employees to inform the District of potential hazards without the fear of retaliation.
6. Investigate the causes of accidents and illnesses.
7. Correct unsafe or unhealthy conditions or practices in a timely manner.

SUPERSEDES:

Policy 7400, 12/23/76

References: California Code of Regulations, Title 8, Section 3203
Code of Federal Regulations, Title 29, Section 1910

Adopted: 12/23/1976

Revised: 02/29/1996

08/28/2017

(Replaces SDCCD BP 4800)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Administrative Procedure

Chapter 7 – Human Resources

AP 7800 – EMPLOYEE CONFLICT OF INTEREST

This procedure is applicable to all officers and employees. It specifies activities which are inconsistent, incompatible, or conflicting with their duties or offices and requires action be taken by supervisory/management personnel.

FUNCTION - Regulations

A District employee or officer shall not engage in any activity or enterprise for compensation which is inconsistent with or inimical to either ~~his/her~~ **their** own duties with the District or to the functions or responsibilities of the District.

This prohibition includes, but is not limited to, the following:

- a. Use of District time, facilities, equipment, supplies or name in a manner clearly for private gain or advantage.
- b. Receipt or acceptance of money or other consideration from other than the District for activity which the employee or officer is expected to render in the regular course or hours of ~~his/her~~ **their** employment with the District.
- c. Employment involving time demands which would render performance of ~~his/her~~ **their** duties as a local agency officer or employee less efficient.
- d. Sale or promotion, on District property during employee's or officer's duty hours, of products or services, rental of property or products, or promotion of any academic or non-academic enterprise in which the employee or officer may have a pecuniary interest.
- e. Acceptance of remuneration, direct or indirect, for tutoring a student who is, or was during the past two semesters, enrolled in a faculty member's classes. No faculty member shall engage in tutoring for which ~~his/her~~ **their** receives a fee on any of the campuses of the District nor may any equipment belonging to the District be used for this purpose.
- f. Outside employment and attendance at classes/courses at colleges and universities must be scheduled outside of the assigned hours.
- g. Receiving or giving of gifts, presents, or articles of value between students and staff.
- h. Submission of bids to purchase surplus District personal property when such is offered for public sale by the District.

- i. Outside activity which involves the use for private gain or advantage of the prestige or influence of the individual's position as a faculty or staff member, or employee of a particular department or office. This includes the use of information not readily available to the general public, gained in the course of District employment, for private gain or advantage, or the gain or advantage of another.
- j. Performance, outside of the District, of any work or service for compensation where any part of his/~~her~~ **their** efforts will be subject to approval or control by any other District employee, unless reported and approved in accordance with paragraph 1 below.

IMPLEMENTATION

- 1. All officers and employees should apprise their immediate supervisor, in writing, when they are engaged or intend to engage in any activity, employment or enterprise which could be in violation of the regulations enumerated above.

This requirement is in addition to the reporting requirements for designated employees covered by the District Conflict of Interest Code.

- 2. When a conflict of interest is suspected, the issue shall be resolved in the following sequence:
 - a. The immediate supervisor/manager shall confront the employee with the allegation that activities engaged in by the employee violate a specific prohibition of this procedure. (If this step is verbal, a follow-up written memo shall be sent confirming the verbal allegation.)
 - b. The employee shall be informed of his/~~her~~ **their** right to appeal any determination of conflict of interest, and from its application in his/~~her~~ **their** specific case. Questions regarding conflicts of interest shall be resolved by and referred, in order, to the president/director via the appropriate chain of command. Presidents and directors may contact County Counsel for advice, and shall report each such question and decision to the Chancellor's Cabinet.
 - c. Continued or willful disregard for the restrictions of this procedure shall be cause for disciplinary action which could result in dismissal and/or prosecution.

[Also see BP 7800 titled Conflict of Interest, BP 2710 titled Conflict of Interest, BP 2715 titled Code of Ethics/Standards of Practice and AP 4460.2 titled Conflict of Interest](#)

APPROVED: _____
 Constance M. Carroll, Ph.D.
 Chancellor

DATE: _____



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Administrative Procedure

Chapter 7 – Human Resources

AP 7500 – VOLUNTEER POLICY

A volunteer worker shall be defined as an individual who performs an identifiable service without compensation under the supervision, control and management of the District. Each volunteer may be subject to the screening process set forth in this policy, with the following exceptions:

- Volunteers serving in single-day College events.
- Individuals serving as volunteers in Associated Student Organization (ASO) officer positions at the colleges. ASO officers are not entitled to defense and indemnity by the District.

The Risk Management Department may authorize suspension of the screening process when they believe that this process is not necessary for the volunteers serving in the particular event.

General

The District may enter into agreements with outside organizations to provide volunteers to the District to work at college locations. Such agreements will contain appropriate defense and indemnification language to protect the District from liability in connection with the volunteer services.

Volunteers serve the District in an "at will" capacity. The District may terminate a volunteer's services for any reason or no reason at all.

Pursuant to California Government Code Section 3119.5, no person aged sixty, (60) years or older may be excluded from volunteer service if the person is physically, mentally and professionally capable of performing the services involved. A person shall be deemed "professionally capable" if they can demonstrate reasonable proficiency or relevant certification and performs the professional duties in accordance with laws, regulations or the technical standards that govern their area of volunteer responsibility.

Volunteers may not be used in lieu of classified employees. The District may not refuse to employ a person in a vacant classified position and use volunteers instead, nor may it abolish any classified positions and use volunteers instead.

Screening

The District shall/may use a written application form that requires, at a minimum, the volunteer's name, address, phone number and history of **criminal felony** convictions.

A volunteer's service record shall be maintained by the District.

Subject to the limitations of this policy, employees assigned to other **full or part time** positions within the District may serve as volunteers during off-hours. **Employees are prohibited from performing volunteer duties during their normal work hours.**

Each volunteer may be required to submit to Live Scan background and TB Assessment prior to volunteer assignments. Organizations that provide volunteers for the District are responsible for complying with this requirement.

No person may serve as a volunteer in the District if:

- They have been convicted of or if **they have** charges pending which pertains to any sex offense (as defined in **California** Education Code Section 87010), or controlled substance offense (as defined in **California** Education Code Section 87011).
- They have been convicted of a crime and the **District Manager** determines that: the nature of the crime is too serious to serve as a volunteer; the crime was too recent; and/or the crime is inconsistent with obligations in performing assigned duties as a volunteer.
- They have a health condition that would preclude them from satisfactorily performing essential duties of the position.
- They make a false statement or **omit** a statement as to any material fact on the application form.

Incidental Expenses

Persons serving as volunteers may receive reimbursement for incidental expenses **that occur while performing activities for the District.**

Injuries or Illnesses

Volunteers are employees of the District only for the purpose of workers' compensation benefits for injuries sustained while engaged in the performance of any service under the direction and control of the District. All accidents and injuries that occur to volunteers as a result of the activities they perform for the District shall be handled through the normal accident reporting and occupational injury treatment procedure.

Benefits

With the exception of worker's compensation (**California** Education Code Section 72401), volunteers shall serve without any type of compensation or any other benefits granted to district employees. Volunteers shall not be entitled to defense and indemnity from the District.

Volunteer/Visitor Conduct Expectations

~~In accordance with Policy 3100, Student Rights, Responsibilities, Campus Safety and Administrative Due Process, all students shall have the right to a campus learning environment free from interference or disruption.~~

1. All visitors and volunteers are expected to adhere to the policies and procedures of the ~~San Diego Community College~~ District, as well as all federal, state, and local laws. Visitors and volunteers will be subject to removal from classrooms, service areas, and activities of the campus for any of the acts listed below. Any violation may be subject to permanent removal from all colleges, campuses, sites, programs, and activities of the District in accordance with *Section 2, Implementation*.
 - a. Act or threat of damage to or theft of property belonging to or located on District-controlled property or facilities.
 - b. The physical or verbal disruption of instructional or student services activities, administrative procedures, public service functions, authorized curricular or co-curricular activities, the orderly operation of the campus, or prevention of authorized visitors from carrying out the purposed for which they are on campus.
 - c. Physical, verbal, or written intimidation or harassment of such severity or pervasiveness as to have the purpose or effect of unreasonably interfering with a student's academic performance, or a District employee's work performance, or of creating an intimidating, hostile, or offensive educational or work environment.
 - d. Any expression which is obscene, libelous, or slanderous according to current legal standards, which so incites others as to create a clear and present danger of the commission of unlawful acts, or the substantial disruption of the orderly operation of the college/campus/District.
 - e. Physical altercation or threats of violence including assault or battery upon a student or District personnel on District premises or at any time or place while under the authority of District personnel.
 - f. Unlawful conduct of a sexual nature including but not limited to indecent exposure, prostitution, voyeurism, or loitering for the purpose of soliciting or engaging in any lewd act or conduct.
 - g. Sexual assault or physical abuse including but not limited to rape, sexual assault, domestic violence, dating violence, or stalking as defined by California law below: Consent – Affirmative consent to sexual activity by both parties. "Affirmative consent" means affirmative, conscious, and voluntary

agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other party. Lack of protest or resistance does not mean consent, nor does silence mean consent. Consent must be ongoing and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Sexual Assault – Includes but is not limited to rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

Domestic Violence – Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse; by a person similarly situated to a spouse of the victim under California law; or by any other person against an adult or youth victim who is protected from that person's acts under California law.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress

- h. Any conduct that threatens the health or safety of any person, including oneself.
- i. Participation in hazing (California Education Code Sections 32050 through 32052).
- j. Possession of weapons, explosives, unlicensed dangerous chemicals or objects which may be used as weapons or to threaten bodily harm, as specified in the California Penal Code or other applicable laws.
- k. Conduct which is in violation of federal, state, or local laws or ordinances; while on District premises or at District-sponsored or supervised activities. (Ref. 76020, 76120)
- l. Failure to comply with directions of staff members of the District who are acting within the scope of their employment. Continued and willful

disobedience or open and persistent defiance of the authority of District personnel providing such conduct is related to District policies, activities or college/campus attendance.

- m. Smoking on District premises; or in vehicles provided by the District used for transporting students except as permitted by applicable ordinances, laws, college and District guidelines and procedures.
- n. Use, possession, distribution, or sale of alcoholic beverages on campus except as permitted by law.
- o. Use, possession, distribution, manufacture or sale of narcotics or other hallucinogenic drugs or substances or inhaling or breathing the fumes of, or ingesting, any poison classified as such by the California Business and Professions Code Section 4160, Schedule "D," except as provided by law, is prohibited when on District premises.

Violations of state, federal, or local laws or ordinances, while on District premises, will be addressed by college police in accordance with the California Penal Code.

2. Implementation:

- a. In the event of disruption, **volunteer/visitor** will be asked to leave the classroom or office/service area by faculty or staff.
- b. If the **volunteer/visitor** does not comply, the Vice President, Student Services, or other appropriate administrator should be contacted.
- c. The Vice President will respond and assess the incident.
- d. In the event of serious disruption, **College Police** should be contacted immediately.
- e. In the event the **volunteer/visitor** does not cooperate, or if apparent conflict arises between the **volunteer/visitor** and any member of District faculty or staff, the **College Police** will be contacted to assist. College police will assist with removing the disruptive person from campus as appropriate.

References:

[Education Code Section 35021](#)
[Education Code Section 44836](#)
[Education Code Section 49024](#)
[Education Code Section 49406](#)

Approved by
The Chancellor: March 2, 2015

Supersedes: ~~Procedure 3100.4 — 4/24/07, 6/1/11~~

Also see BP/AP 3430 titled Prohibition of Harassment, BP/AP 3510 titled Workplace Violence, BP/AP 3540 titled Sexual and Other Assaults on Campus, BP/AP 5500 titled Standards of Student Conduct, AP 5520 titled Student Discipline Procedures, and AP 5530 titled Student Rights and Grievances.

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

Supersedes: Replaces AP 3100.4 4/24/07, Rev. 6/1/11, Rev. 3/2/15



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Administrative Procedure

Chapter 7 – Human Resources

AP 7347 – PAID FAMILY LEAVE

The employee may take Family Necessity Leave (Paid Family Leave) to care for a child, parent, spouse or domestic partner whether or not said leave would qualify under the provisions of the FMLA. In such cases that the Family Necessity Leave is FMLA qualifying, both leaves shall run concurrently.

Also see the Collective Bargaining Agreements (CBA)/Handbooks for applicable employee groups. If there is any conflict between this procedure and the applicable CBA, the CBA provisions shall prevail.

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New Procedure



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Administrative Procedure

Chapter 7 – Human Resources

AP 7346 – EMPLOYEES CALLED TO MILITARY DUTY

The following applies to any District employee, academic or classified, who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of any branch of the military service, during any period of national emergency declared by the President of the United States or during any war in which the United States of America is engaged.

Leave

Upon presentation of a copy of orders for active duty in the Armed Forces, the National Guard, or the Naval Militia, the District shall grant a military leave of absence for the period of active duty specified in the orders, but not to exceed five years for a permanent, probationary, or exempt employee, or for the remainder of a limited-term employee's appointment or a temporary employee's appointment.

Salary

Any District employee called to active duty who has been in the service of the District for at least one year will continue to receive their salary for the first 30 calendar days of ordered military service. Employees who are members of the National Guard will continue to receive salary for the first 30 calendar days of active service regardless of length of service with the District.

Reinstatement

An employee on active duty military leave shall be entitled to return to the position held at the time of their entrance into the service within six months after the employee honorably leaves the service or is placed on inactive duty.

In the case of an academic or classified employee, absence on military leave shall not be construed as a break in the continuity of service.

Also see the [Collective Bargaining Agreements \(CBA\)/Handbooks for applicable employee groups](#). If there is any conflict between this procedure and the applicable CBA, the CBA provisions shall prevail.

References:

Education Code Sections 87018, 87700, 87832 and 88116;
Military and Veteran's Code Sections 389 et seq;
38 U.S. Code Sections 4301 et seq.

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Administrative Procedure

Chapter 7 – Human Resources

AP 7345 – CATASTROPHIC LEAVE PROGRAM

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

For the purposes of this procedure, the following terms are defined as follows:

- "Catastrophic illness" or "injury" means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's family requiring the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he/she has exhausted all of his/her sick leave and other paid time off.
- "Eligible leave credits" means vacation leave and sick leave accrued to the donating employee.

Also see the Collective Bargaining Agreements (CBA)/Handbooks for applicable employee groups. If there is any conflict between this procedure and the applicable CBA, the CBA provisions shall prevail.

Reference:

Education Code Section 87045

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New Procedure



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Administrative Procedure

Chapter 7 – Human Resources

AP 7343 - INDUSTRIAL ACCIDENT AND ILLNESS LEAVE

Academic Employees

Academic employees shall be entitled to not less than sixty (60) days of leave on account of an accepted industrial accident or illness in any one (1) fiscal year for the same accident.

Allowable leave shall not be accumulated from year to year.

Industrial accident or illness leave shall commence on the first day of absence.

When an academic employee is absent from their duties on account of an industrial accident or illness, the employee shall be paid the portion of the salary due to them for any month in which the absence occurs as, when added to their temporary disability indemnity under the Labor Code, will result in a payment to the employee of not more than their full salary. "Full salary," shall be computed so that it shall not be less than the employee's "average weekly earnings" as that phrase is used in Labor Code Section 4453. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in the California the California Labor Code Section 4453 shall otherwise not be deemed applicable.

Industrial accident or illness leave shall be reduced by one (1) day for each day of authorized absence regardless of a temporary disability indemnity award.

When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due to them for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in the California Education Code Sections 87780, 87781 and 87786, and, for the purposes of each of these sections, their absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave. However, if the employee continues to receive temporary disability indemnity, they may elect to take as much of their accumulated sick leave which, when added to their temporary disability indemnity, will result in a payment to the employee of not more than their full salary.

During any paid leave of absence, the employee may endorse to the District the temporary disability indemnity checks received on account of their industrial accident or illness. The District shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the salary warrants.

Classified Employees

Classified employees shall be entitled to not less than sixty (60) days leave on account of an accepted industrial accident or illness, in any one (1) fiscal year for the same accident.

Allowable leave shall not be accumulative from year to year.

Industrial accident or illness leave of absence will commence on the first day of absence.

Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.

Industrial accident leave will be reduced by one (1) day for each day of authorized absence regardless of a compensation award made under workers' compensation.

When an industrial accident or illness occurs at a time when the full sixty (60) days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under California California Education Code Section 88191. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation, the person shall be entitled to use only so much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

During all paid leaves of absence, whether industrial accident leave as provided in this procedure, sick leave, vacation, compensated time off or other available leave provided by law or the action of the District, the employee shall endorse to the District wage loss

benefit checks received under the workers' compensation laws of this state. The District, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this procedure.

When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of the person's position, the person, if not placed in another position, shall be placed on a reemployment list for a period of thirty-nine (39) months. When available, during the thirty-nine (39) month period, the person shall be employed in a vacant position in the class of the person's previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations.

The District may require that an employee serve, or have served continuously, according to the employee's governing Collective Bargaining Agreement, before the benefits provided by this section are made available to the person. All service of an employee prior to the effective date of any such requirement shall be credited in determining compliance with the requirement.

An employee who has been placed on a reemployment list, as provided above, who has been medically released for return to duty and who fails to accept an appropriate assignment, shall be dismissed.

Also see the collective bargaining agreements (CBA) for applicable employee groups. If there is any conflict between this policy and the applicable CBA, the CBA provisions shall prevail.

References:

- Education Code Section 44984
- Education Code Section 45292
- Education Code Section 87780
- Education Code Section 87781
- Education Code Section 87786
- Education Code Section 88192

NOTE: *The red ink signifies language that is legally required and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). This procedure reflects updates/revisions from the Policy and Procedure Service in February 2011.*

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Administrative Procedure

Chapter 7 – Human Resources

AP 7342 – HOLIDAYS

Official District holidays will be established upon approval by the Board of Trustees. Designated holidays are determined through the annual state and federally approved holidays and in conjunction with the District's master calendar process and subject to the applicable collective bargaining agreement or employee handbook.

Also see BP/AP 4010 titled Academic Calendar as well as the collective bargaining agreements/handbook for applicable employee groups.

Reference:

[Education Code Section 79020](#)

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



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Administrative Procedure

Chapter 7 – Human Resources

AP 7341 – SABBATICALS

The District may grant a leave of absence for study and travel (sabbatical) to any academic, supervisory, or management employee who has rendered service to the District for at least six consecutive years preceding the granting of the leave, but not more than one such leave of absence shall be granted in each six-year period.

No absence from the service of the District under a leave of absence, other than another sabbatical leave, shall be deemed a break in the continuity of service required by this section, and the period of the absence shall not be included as service in computing the six consecutive years of service required by this section.

Service under a nationally recognized fellowship or foundation approved by the Board of Trustees, for a period of not more than one year, for research, teaching or lecturing shall not be deemed a break in continuity of service, and the period of the absence shall be included in computing the six consecutive years of service required by this section.

Every employee, as a condition to being granted a leave of absence pursuant to this procedure, shall agree in writing to render a period of service to the District following their return from the leave of absence that is equal to twice the period of the leave.

Also see the [Collective Bargaining Agreements \(CBA\)/Handbooks for applicable employee groups](#). If there is any conflict between this procedure and the applicable CBA, the CBA provisions shall prevail.

References:

[Education Code Sections 87767 et seq.](#)

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Administrative Procedure

Chapter 7 – Human Resources

AP 7340 – LEAVES

The District recognizes several different forms of leave for employees as delineated in the collective bargaining agreements and employee handbooks. Employees are responsible for completing and filing appropriate leave forms and/or entering time in the District's timekeeping system at the earliest possible date.

Also see BP 7340 titled Leaves, AP 7341 titled Sabbaticals, AP 7342 titled Holidays, AP 7343 titled Industrial Accident and Illness Leave, AP 7344 titled Notifying District of Absence/Illness, BP/AP 7345 titled Catastrophic Leave, AP 7346 titled Employees Called to Military Duty, and AP 7347 titled Paid Family Leave.

Also see the Collective Bargaining Agreements (CBA)/Handbooks for applicable employee groups. If there is any conflict between this procedure and the applicable CBA, the CBA provisions shall prevail.

References:

Education Code Sections 87763 et seq. and 88190 et seq.;
Labor Code Section Sections 234 and 245 et seq.

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



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Chapter 7 – Human Resources

AP 7335 – HEALTH EXAMINATIONS

The primary purpose of the pre-placement physical is to provide a safe work environment for all District employees under the District’s legal obligation. An offer of employment to the person selected for a position is contingent upon successful completion of a pre-placement physical exam at District expense. No candidate shall be required to participate in such an examination solely on the basis of the candidate’s age or disability. A candidate or employee must be able to do the essential job functions stated in the job description with or without accommodations.

Physical Examination of Employees

All candidates who have successfully completed the selection process and have been offered employment for regular positions shall be required to complete a pre-placement physical examination in order to determine their ability to perform the essential job functions.

Candidates will execute an authorization or release of medical information for this examination only after an offer of employment has been made (post-offer) and as a condition of employment. These examinations will be at the District’s expense. Applicants for temporary positions designated as “high risk” or “moderate risk” may be required to complete a physical examination to determine their ability to perform the essential job functions without risk to themselves or others. Physical-agility testing for a high level of physical work may be included in the physical examination.

Campus Police officers are required under the Peace Officer Standards and Training (P.O.S.T.) to complete the Medical Examination Report (POST2-253), which will be more extensive and thorough than the pre-placement physical examination mentioned above.

Reasonable accommodation of disabled applicants and employees will be provided in accordance with federal (ADA and Section 504 of the Rehabilitation Act) and state (FEHA) mandates.

The District may require a “fitness-for-duty” health examination of any regular or substitute employee where doubt exists as to the ability to continue to perform the essential job functions of the position. Such examination will be conducted by any of the licensed physicians authorized to conduct health examinations for the District at no expense to the employee.

Mental Health Screenings

The District may require an employee to obtain a psychiatric clearance whenever, in the judgment of the District, such employee shows evidence of deviation from normal mental health

of such a degree as to render the employee incompetent to perform the essential job functions. The selection of the physician and the cost of the examination shall be the responsibility of the District.

Appeal Process

If, as a result of such examination or screening, the candidate/employee is determined to be unable to perform the essential job functions of their position, an evaluation by the designated physician will be conducted to determine whether their needs can reasonably be accommodated on either a temporary and/or permanent basis.

The District must conduct an interactive process meeting with the candidate/employee, the employee's immediate supervisor, the appropriate division head, and the District's Risk Manager/ADA Coordinator, with input from the examining medical/mental health provider, to review the physical abilities and restrictions of the person, and determine if the position for which the person has been selected can be modified in order to accommodate his/her restrictions. The candidate must sign an authorization form for Use of Disclosure of Protected Health Information to permit the medical facility to release the information regarding physical/mental limitations. If the candidate does not release the information regarding these limitations or if it is determined the candidate cannot perform the essential job functions with or without reasonable accommodations, the employment may be denied. If the candidate has any questions on the results, he/she is free to contact the medical facility and the physician after he/she receives the results from the District.

References:

- [Government Code Section 12940:](#)
- [42 U.S. Code Section 12112:](#)
- [29 Code of Federal Regulations Part 1630](#)

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



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Chapter 7 – Human Resources

AP 7330 – COMMUNICABLE DISEASE

All newly hired academic or classified employees must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis by providing the District with a certificate from the employee’s examining physician showing that the employee was examined and found to be free from active tuberculosis.

For successful applicants for academic or classified positions:

- A medical certificate is required showing that the applicant is free from any communicable disease, including, but not limited to, active tuberculosis, unfitting the applicant to instruct or associate with students.
- The medical certificate shall be submitted by a physician as authorized by code.
- The medical examination is conducted not more than six months before the submission of the certificate and is at the expense of the applicant.
- A contract of employment may be offered to an applicant subject to the submission of the required medical certificate.
- The medical certificate becomes a part of the personnel record of the employee and is open to the employee or his/her designee.

New and current employees shall be required to submit a tuberculosis risk assessment to a medical provider who is a licensed physician or physician assistant. If risk factors are identified, a tuberculosis examination shall be required to determine whether the employee is free from active tuberculosis.

All employees shall be required to undergo an assessment within four years of employment and every four years thereafter.

References:

Education Code Sections 87408, 87408.6, and 88021.

Also see BP/AP 5210 Communicable Disease (Students), BP/AP 7335 titled Health Examinations, and AP 7336 titled Certification of Freedom from Tuberculosis.

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____



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AP 7310 – NEPOTISM

Applicants for employment must declare on their District applications their relatives or immediate family members who are current District employees, or members of the Board of Trustees.

Present employees working in the same department or division who become relatives must notify the Human Resources Office. If that relationship causes or it is reasonably foreseeable that it will cause a conflict of interest or a problem with supervision, safety, security, or morale, the District will make every attempt to reassign one of the employees or will make arrangements which mitigate the problems until such a transfer is possible.

No District employee or Board of Trustees member shall serve on a committee for the purpose of selecting or evaluating an employment candidate if the committee member is in the immediate family, living in the same household, or romantically involved with any candidate being considered.

References:

Government Code Sections 1090 et seq. and 12940 et seq.

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



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Chapter 7 – Human Resources

AP 7250 – EDUCATIONAL ADMINISTRATORS

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 their 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 District Chancellor and the Academic Senate and approved by the Board of Trustees. The Board of Trustees 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 of Trustees upon recommendation by the District Chancellor. Educational Administrators shall further be entitled to health and welfare benefits made available by action of the Board of Trustees upon recommendation by the District 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 District Chancellor.

Administrative Retreat Rights

The following Administrative Retreat Rights apply to educational administrators who are reassigned or whose individual contract is not renewed:

1. Any student services or instructional services administrator hired after June 30, 1990, who did not have faculty tenure within the District prior to the hiring date as an administrator, may be reassigned to a first-year probationary faculty position provided that he or she meets all of the following:
 - a. The administrator has served at least two years or more within the District in one of the following areas: a faculty member, a student services administrator or an instructional services administrator.

- b. The administrator is being dismissed due to the elimination of that position as a part of an administrative reorganization or as a part of a reduction in work force among administrators, that is for reasons other than dismissal for cause as determined by the Board of Trustees. However, if another administrative position of similar rank and responsibilities is open within the District for which the administrator has the minimum qualifications, he or she shall be assigned to that position prior to being assigned to a faculty position. In no case shall the District reassign an administrator to a faculty position if evidence exists that justify dismissal for cause as determined by the Board of Trustees.
2. This policy does not apply to academic administrators hired before June 30, 1990. Any academic administrator, who had tenure rights shall maintain that right, provided they meet the minimum qualifications of the faculty position to which they are being reassigned.
3. Administrators must declare Faculty Service Areas prior to February 15 of each year. Failure to declare a Faculty Service Area will result in non-reassignment.
4. Any administrator can be assigned to a discipline in which he or she has the minimum qualifications as specified by the Board of Trustees of the San Diego Community College District.
5. Criteria for Faculty Service Area of Reassignment:
 - a. A position at one college or location which has had sufficient assignments in the discipline or service area by adjunct faculty members to justify an additional faculty member.
 - b. The Administrator's academic preparation, interest, and/or preference.

The Board of Trustees 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 of Trustees and the administrator, for a new term to commence on the effective date of the termination of the existing term of employment.

Also see BP/AP 7120 titled Recruitment and Hiring.

References:

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

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



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Chapter 7 – Human Resources

AP 7240 – CONFIDENTIAL EMPLOYEES

Confidential employees shall receive at least the same salary and health benefits as non-confidential employees who work under the same job titles or, in the case of classified employees, who work in the same classifications.

The terms and conditions of employment for confidential employees shall be provided for as necessary by additional procedures developed by the [Vice Chancellor, Human Resources](#).

The terms and conditions of employment shall be included in any Employee Handbook approved by the Board of Trustees applicable to the position.

Reference:

[Government Code Section 3540.1\(c\)](#)

Adopted: __/__/__

Revised:

(This is a new procedure)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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AP 7237 – LAYOFFS

Whenever it becomes necessary to reduce the number of classified employees because of lack of work or funds, or because it is in the best interest of the District, the District Chancellor shall recommend the specific positions to be discontinued to the Board of Trustees for a decision.

When a position or positions in a class are discontinued or eliminated by the Board of Trustees, incumbents shall be listed in order of length of service in the class and prior service in higher classes to establish a seniority list.

Layoffs shall be made in reverse order of seniority with the person with the least seniority being laid off first, until the number of persons laid off equals the number of positions discontinued or eliminated.

No person with regular, permanent, or probationary status shall be laid off until all temporary and limited-term workers in the class have been laid off.

Names of regular employees with permanent or probationary status who are laid off shall be placed on a reemployment list of the class in reverse order of seniority so that the person with the greatest seniority among those laid off shall be the first rehired for any opening in the class.

Persons laid off have the right to participate in promotional examinations within the District during the period of 39 months.

In the event limited-term casual work occurs, the persons on the reemployment list for the class in which the work occurs shall take precedence for assignment of work.

A. Demotion in Lieu of Layoff

Probationary or permanent employees who take voluntary demotions or voluntary reductions in assignment in lieu of layoff shall be, at the employee's option, returned to a position in their former class or to positions with increased assigned time as vacancies become available, and with no time limit, except that they shall be ranked in accordance with their seniority on any reemployment list

B. Re-employment After Layoff

A re-employment list for each class subject to layoff shall be established and maintained for at least 39 calendar months. The names of probationary or permanent employees who are laid off shall be placed on the re-employment list in accordance with the length of service in the class plus higher classes. Re-employment shall be made in accordance therewith as vacancies occur

in the class for which the list has been established. Employees laid off are eligible for re-employment in preference to new applicants.

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall retain eligibility to be considered for re-employment at the previous class level for 39 calendar months. These employees shall retain eligibility for an additional 24 calendar months provided that the same tests of fitness under which they qualified for appointment to the class still apply.

Also see the Collective Bargaining Agreements (CBA)/Handbooks for applicable employee groups. If there is any conflict between this procedure and the applicable CBA, the CBA provisions shall prevail.

References:

Education Code Sections 87743, 88001, 88014, 88117, and 88127

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



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Chapter 7 – Human Resources

AP 7236 – SUBSTITUTE AND SHORT-TERM EMPLOYEES

"Substitute employee" means any person employed to replace any classified employee who is temporarily absent from duty. In addition, one or more substitute employees may be hired for not more than sixty (60) calendar days if the District is engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position.

"Short-term employee" means any person who is employed to perform a service for the District, upon the completion of which the service required or similar services will not be extended or needed on a continuing basis.

Reference:

Education Code Section 88003

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



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AP 7235 – PROBATIONARY PERIOD: CLASSIFIED EMPLOYEES

The Board of Trustees shall prescribe written rules and regulations, governing the personnel management of the classified service, which shall be printed and made available to employees in the classified service, the public, and those concerned with the administration of this section, whereby such employees are designated as permanent employees of the District after serving a prescribed period of probation which shall not exceed one year.

The collective bargaining agreement or applicable handbook summarizes the factors evaluating and terminating probationary employees. At any time during the probationary period, the appointee may be dismissed if their services are not satisfactory to their immediate supervisor.

Permanent Appointments

An appointee whose services have been declared satisfactory during the probationary period by their superiors, including the District Chancellor and Human Resources shall be a permanent employee upon the employee's anniversary date if no action is taken. The employment of a permanent employee shall continue, unless terminated previously by resignation or for cause. Change in rate of pay, or advancement of the schedule shall be in accordance with the most recent classified employee pay scale adopted by the Board of Trustees.

Also see the Collective Bargaining Agreements (CBA)/Handbooks for applicable employee groups. If there is any conflict between this procedure and the applicable CBA, the CBA provisions shall prevail.

References:

Education Code 88013

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



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Administrative Policy

Chapter 7 – Human Resources

AP 7234 – OVERTIME

Overtime is defined to include any time required to be worked in excess of eight (8) hours in any one day and in excess of forty (40) hours in any calendar week. If the Board of Trustees establishes a workday of less than eight (8) hours but seven (7) hours or more and a workweek of less than forty (40) hours but thirty-five (35) hours or more for all of its classified positions or for certain classes of classified positions, all time worked in excess of the established workday and workweek shall be deemed to be overtime.

The foregoing provisions do not apply to:

- classified positions for which a workday of fewer than seven (7) hours and a workweek of fewer than thirty-five (35) hours has been established,
- positions for which a workday of eight (8) hours and a workweek of forty (40) hours has been established, but in which positions employees are temporarily assigned to work fewer than eight (8) hours per day or forty (40) hours per week when such reduction in hours is necessary to avoid layoffs for lack of work or lack of funds and the consent of the majority of affected employees to such reduction in hours has been first obtained.

For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leave of absence shall be considered as time worked by the employee.

When compensatory time off is authorized in lieu of cash compensation, such compensatory time off shall be granted following the month in which the overtime was worked and without impairing the services rendered by the District.

An employee having an average workday of less than four (4) hours during a workweek shall, for any work required to be performed on the seventh day following the commencement of his/her workweek, be compensated for at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

Persons serving in exempt positions shall be excluded from these procedures regarding overtime.

Also see the Collective Bargaining Agreements (CBA)/Handbooks for applicable employee groups. If there is any conflict between this procedure and the applicable CBA, the CBA provisions shall prevail.

References: Education Code Sections 88027, 88028, 88029, and 88030

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____



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AP 7233 – CLAIMS FOR WORK OUT OF CLASSIFICATION

Classified employees shall not be required to perform duties that are not fixed and prescribed for the position by the Board of Trustees unless the duties reasonably relate to those fixed for the position, for any period of time that exceeds five working days within a 15-calendar-day period except as authorized in these procedures.

An employee may be required to perform duties inconsistent with those assigned to the position for a period of more than five working days if their salary is adjusted upward for the entire period they are required to work out of classification and in amounts that will reasonably reflect the duties required to be performed outside their normal assigned duties.

Also see the Collective Bargaining Agreements (CBA)/Handbooks for applicable employee groups. If there is any conflict between this procedure and the applicable CBA, the CBA provisions shall prevail.

Reference:

Education Code Section 88010

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____



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AP 7232 – CLASSIFICATION REVIEW

Every position in the classified service in the District shall be assigned a classification.

These classifications will determine the salary levels that shall be applied to these positions.

Review of class specifications shall be undertaken to revise and update the duties and/or responsibilities of positions in the classified service.

Also see the Collective Bargaining Agreements (CBA)/Handbooks for applicable employee groups. If there is any conflict between this procedure and the applicable CBA, the CBA provisions shall prevail.

References:

Education Code Sections 88001 and 88009

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



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AP 7231 – SENIORITY

The Board of Trustees shall make assignments and reassignments in a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render. The establishment of each employee's seniority within their particular unit shall be determined based on the employee's hire date as a permanent employee. A lottery system will be utilized in the case of a tie. Procedures regarding employee seniority should be read in conjunction with the appropriate collective bargaining agreement.

Also see the Collective Bargaining Agreements (CBA)/Handbooks for applicable employee groups. If there is any conflict between this procedure and the applicable CBA, the CBA provisions shall prevail.

References:

Education Code Sections 87743 et seq., 88017(b), 88117, and 88127

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



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AP 7216 – ACADEMIC EMPLOYEES: GRIEVANCE PROCEDURE FOR CONTRACT DECISIONS

Rules and procedures for academic grievances can be found in the AFT Guild, Local 1931 American Federation of Teachers, AFL-CIO (AFT) collective bargaining agreement.

Grievance procedures have been developed to provide a prompt and orderly means of resolving contractual issues. A Grievance is a formal allegation by a grievant that the grievant had been adversely affected by a misinterpretation, a misapplication, or a violation of a specific section or article of the contract. A grievant may be any member of the bargaining unit covered by the terms of the contract. Grievances are typically filed with the first level manager or the immediate supervisor (outside of the bargaining unit) having direct jurisdiction over the grievant.

Grievances may be lodged by a faculty member; by a faculty member accompanied by a representative; through an AFT representative; or by an AFT representative in the name of AFT.

Also see the Collective Bargaining Agreements (CBA)/Handbooks for applicable employee groups. If there is any conflict between this procedure and the applicable CBA, the CBA provisions shall prevail.

Reference:

Education Code Section 87610.1

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



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AP 7215 – ACADEMIC EMPLOYEES: PROBATIONARY CONTRACT FACULTY

The District shall employ a faculty member for the first academic year of their employment by contract. Any person who, at the time an employment contract is offered to them by the District, is neither a tenured employee of the District nor a probationary employee then serving under a second or third contract shall be deemed to be employed for "the first academic year of their employment."

A faculty member shall be deemed to have completed their first contract year if they provide service for seventy-five percent (75%) of the first academic year.

Before making a decision relating to the continued employment of a contract employee, the following requirements shall be satisfied:

- The employee shall be evaluated in accordance with the evaluation standards and procedures established in accordance with law and AFT Guild, Faculty Bargaining Unit, Collective Bargaining Agreement, Article 15.
- The Board shall receive statements of the most recent evaluations.
- The Board shall receive recommendations of the District Chancellor
- The Board shall consider the statement of evaluation and the recommendations in a lawful meeting of the Board of Trustees.

If a contract employee is working under their first contract, the Board, at its discretion, shall elect one (1) of the following alternatives:

- Not enter into a contract for the following academic year.
- Enter into a contract for the following academic year.
- Employ the contract employee as a regular employee for all subsequent academic years.

If a contract employee is working under their second contract, the Board, at its discretion, shall elect one of the following alternatives:

- Not enter into a contract for the following academic year.
- Enter into a contract for the following two academic years.
- Employ the contract employee as a regular employee for all subsequent academic years.

If a contract employee is employed under their third consecutive contract, the Board shall elect one of the following alternatives:

- Employ the probationary employee as a tenured employee for all subsequent academic years.
- Not employ the probationary employee as a tenured employee.

The Board of Trustees shall give written notice of its decision and the reasons therefore to the employee on or before March 15 of the academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with Human Resources. Failure to give the notice as required to a contract employee under their first or second contract shall be deemed an extension of the existing contract without change for the following academic year.

The Board of Trustees shall give written notice of its decision under Education Code Section 87609 and the reasons therefore to the employee on or before March 15 of the last academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with Human Resources. Failure to give the notice as required to a contract employee under their third consecutive contract shall be deemed a decision to employ them as a regular employee for all subsequent academic years.

Also see the Collective Bargaining Agreements (CBA)/Handbooks for applicable employee groups. If there is any conflict between this procedure and the applicable CBA, the CBA provisions shall prevail.

References:

Education Code Sections 87600 et seq.

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



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Chapter 7 – Human Resources

AP 7130 – COMPENSATION

This procedure is applicable to all District employees. The District Chancellor shall identify any covered employees of the District and determine whether the District's compensation arrangements comport with the prohibition on incentive compensation, and to the extent that they do not, make necessary modifications to comply. Similarly, the District Chancellor shall identify any covered service providers, evaluate whether the contract pricing structure is consistent with the prohibition on incentive compensation, and if not, determine what modifications the District can make to any applicable contract.

Also see the collective bargaining agreements/handbook for applicable employee groups.

References:

Education Code Sections 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.

APPROVED: _____

Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

New procedure



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Administrative Procedure

Chapter 6 – Business, Finance, and Information Technology

AP 6801 - WORKER'S COMPENSATION – ON-THE-JOB INJURIES AND ILLNESSES

This procedure is applicable to all District activities. It outlines the reporting requirements and the benefits available under Workers' Compensation for industrial accidents and illnesses.

1. Eligibility:
 - a. All paid District employees are covered for injuries on-the job as well as illnesses associated with their duties.
 - b. All authorized volunteers are covered for injury-related to their volunteer activity. In order that a volunteer be authorized, a Volunteer Registration form containing the following must be sent by the supervising District official to the Risk Management office, room 385.
 - i. Period of volunteer service
 - ii. Description of volunteer activity
 - iii. Location where activity will take place; and
 - iv. Name of the volunteer
 - v. Possible LiveScan and TB Assessment documentation.
2. Benefits
 - a. All medical, surgical, and hospital expenses to treat the accepted injury or illness
 - i. Temporary disability benefits
 - ii. Permanent disability benefits
 - iii. Death benefit
 - iv. Burial expenses
 - b. Disability benefits begin after the third calendar day of disability exclusive of the day of injury. If the disability exceeds twenty-one (21) days, the first three (3) days will be paid retroactively. Also, if hospitalization is required, disability benefits begin immediately upon hospitalization.
 - c. Amount of Compensation- salary plus accident leave compensation shall not exceed the employee's normal salary.
 - d. Emergency Medical Care; The District's primary responsibility is to provide prompt medical care for employees injured on the job.
3. Mandatory Reports
 - a. Workers' Compensation Law requires that the District file reports on all employee job injuries within twenty-four (24) hours of the injury.
 - b. The employee must report all injuries to their supervisor immediately or, in the event of a severe injury, as soon as practical.

Accident Reporting Process

1. Employee
 - a. Informs supervisor of accident or injury that occur during work hours immediately, no matter how minor the injury may seem.
 - i. If the employee is rendered incapable of notifying their supervisor, any staff member who knows the details of the injury can effect notification.
 - b. Obtains necessary medical care.
 - i. The employer has the right under the provisions of Section 4600, Workers' Compensation Laws of California, to designate the attending physician for the first thirty (30) days of treatment after which the employee may change to the physician of their choice.
 - ii. If an employee has completed a Designation of Attending Physician form prior to the date of injury, the employee shall have the right to be treated by that physician from the date of injury.
 - iii. In an emergency, the employee should be taken to the nearest available facility. The employee or the employee's supervisor should notify the attending physician that this is an industrial accident.
 - c. Sends itemized bills or receipts for miscellaneous items such as prescriptions to the District's insurance carrier for reimbursement. The doctor and hospital will bill the carrier directly and may not charge more than Industrial Commission scheduled fees.
2. Supervisor
 - a. Completes an Injury and Illness Incident and Investigation Report and forwards to the Risk Management Office. (**Note:** the supervisor and **not** the injured employee **must** complete the accident report.) When there is any injury or work-related illnesses, regardless of the nature, reported to a supervisor, this Report must be submitted. Refer to the District's Injury and Illness Prevention Plan for additional details. A report of injury doesn't necessarily constitute an admission of liability.
3. Risk Management Office
 - a. Upon receipt of an Injury and Illness Incident and Investigation Report, the Risk Management Office performs the steps to produce a Form 5020, Employer's Report of Occupational Injury or Illness, and forwards to the insurer.
 - b. Will notify the District Payroll Office of an accepted claim and Industrial Accident Leave provision.
4. Insurer
 - a. Processes claims after performing such investigation and research as they deem necessary
 - b. Makes determination as to approval of claim and notifies injured employee as to benefits.
 - c. Determines from District Risk Management office if employee continues in a paid leave status. If so, advises the Risk Management Office and the District Payroll Office of the amount of Total Temporary Disability benefit due the employee, so that the employee's paid leave benefit can be offset in accordance with District procedures. In all other cases, including hourly employees, without paid leaves, and volunteers the insurer mails benefits directly to the employee.
5. District Payroll Office
 - a. Adjusts employee's Gross Income to offset Worker's Compensation benefits for Income Tax purposes.

- b. Adjusts employee's sick leave account to compensate for Worker's Compensation leave entitlement.

References: [California Labor Code, Division 4](#)
[California Labor Code, Division 4.5](#)
[BP 7500 Volunteer Policy](#)

APPROVED: _____
Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

Supersedes: **AP 6801 Adopted 01/15/1973, Rev. 06/02/1981**



SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • CONTINUING EDUCATION

Administrative Procedure

Chapter 7—Human Resources

Chapter 6 – Business, Finance, and Information Technology

AP 6800 – INJURY AND ILLNESS PREVENTION PLAN PROGRAM

FUNCTION

The San Diego Community College District, recognizing that the health, safety, and well-being of its employees is are of paramount importance in the effective management of the San Diego Community College District, wishes affirms its commitment to create and maintain a safe and healthful working environment.

The District strives to meet and exceed compliance with all applicable California Department of Industrial Relations Health and Safety (Cal-OSHA), Environmental Protection Agency (EPA), and Federal Occupational Safety and Health Administration (OSHA) regulations and requirements as they relate to occupational safety and health.

In order to meet the requirements of California Code of Regulations Title 8, Section 3203, the District will create and maintain a written *Injury and Illness Prevention Program*.

The District Chancellor directs the Office of Risk Management to develop and oversee implementation of the *Injury Illness and Prevention Program*.

The *Injury and Illness Prevention Program* shall:

1. Articulate the District's Safety Policy
2. Assign authority, roles, and responsibilities for the creation, implementation, and enforcement of all District and Facility occupational health and safety programs
3. Delineate required occupational health and safety programs for each District Facility
4. Outline methods of determining compliance
5. Outline methods of communication regarding occupational health and safety topics
6. Direct the formation of site Safety Committees
7. Outline the process of hazard assessment
8. Outline the process of hazard abatement
9. Outline the process for accident and incident investigations
10. Outline the process for occupational health and safety-related training.

The *Injury and Illness Prevention Program* will provide the basis for all of the District's occupational health and safety programs as well as those for each College and Facility.

In order to meet the requirements of 8 CCR §3203, each College and Facility must develop or adopt the regulatory-required programs delineated in the District's *Injury and Illness Prevention Program*.

IMPLEMENTATION

The District Chancellor directs the following Cabinet Members designees to submit to the Chancellor for approval before implementation, site Safety Plans in accordance with this procedure no later than July 1, 1996: to provide for the adoption and implementation of the required occupational health and safety programs pursuant to the District's Injury Illness and Prevention Program:

For City College sites, the President of City College, For Mesa College sites, the President of Mesa College,
 For Miramar College sites, the President of Miramar College,
 For the Educational Cultural Complex, the Provost for Continuing Education, For Continuing Education Sites, the Provost for Continuing Education,
 For the District Administrative Offices, the Assistant Chancellor, Human Resources,
 For the District Service Center, the Assistant Chancellor, Facilities.

<u>Location</u>	<u>Designee</u>
<u>San Diego City College</u>	<u>President of San Diego City College</u>
<u>San Diego Mesa College</u>	<u>President of San Diego Mesa College</u>
<u>San Diego Miramar College</u>	<u>President of San Diego Miramar College</u>
<u>San Diego Continuing Education</u>	<u>President of San Diego Continuing Education</u>
<u>SDCCD District Administrative Offices</u>	<u>Vice Chancellor, Human Resources</u>
<u>SDCCD District Service Center</u>	<u>Vice Chancellor, Facilities</u>

Additionally, the District Chancellor directs the designees to make provisions and resources available for the compliance and maintenance of the required programs.

SITE SAFETY PLANS

1. ~~The site Safety Plans will be uniform to the extent allowed by the various geographical and occupational environments.~~
2. ~~Each site Safety Plan will provide for:~~
 - a. ~~A restatement of the District's Safety Policy.~~
 - b. ~~Declaration that the designated Chancellor's Cabinet Member is responsible to the Chancellor for the effective implementation of Site Safety Plans for his/her area of responsibility.~~
 - c. ~~The appointment of Safety Officers appropriate in number and training to the occupational groups.~~
 - d. ~~The formation of a site Safety Committee.~~
 - e. ~~Training for employees in workplace hazards and the safety rules prescribed for the workplace. <P<~~
 - f. ~~Supervisor training in hazard recognition, accident investigation, workers' compensation reporting, American with Disabilities Act requirements, and workplace self inspections.~~
 - g. ~~Accident Investigation Procedures by supervisors and Safety Officers.~~
 - h. ~~Scheduled workplace inspections by Safety officers, documented by written~~

reports.

i. ~~The distribution of an Employee Safety Manual to all employees which shall include the following:~~

- ~~1) District safety policy.~~
- ~~2) Requirement for employee compliance and discipline measures for failure to comply with safe work practices.~~
- ~~3) Recognition of employee compliance with safe workplace practices.~~
- ~~4) Role of Safety Officers and of supervisors.~~
- ~~5) Accident and hazard reporting, training, and procedures.~~
- ~~6) Scheduled monthly workplace safety meetings conducted by supervisors.~~
- ~~7) Workplace self inspections by supervisors and Safety Officers.~~
- ~~8) Workers' Compensation rights and reporting procedures.~~
- ~~9) Safety rules, specific to particular workplaces.~~

j. ~~Emergency and Evacuation Procedures including, as required:~~

- ~~1) Definition of emergency.~~
- ~~2) Responsibility/authority to declare emergency or evacuation.~~
- ~~3) Safety Officer role.~~
- ~~4) Campus Police role.~~
- ~~5) Site Emergency Response teams.~~
- ~~6) Communication to senior management and District office.~~
- ~~7) Determination of exits and escape routes.~~
- ~~8) Determination of critical employees who must remain.~~
- ~~9) Procedure to account for all employees and students.~~
- ~~10) Reporting and further interface with civil authorities.~~
- ~~11) Procedures for cleanup of hazardous materials and chemical spills; notification of appropriate authorities.~~
- ~~12) Alarm System procedures, including employee access, periodic testing, back up system, distinctive sounds.~~

k. ~~A Fire Prevention Program (Cal Code Regs., Sections 3221/6184)~~

Each program must:

1. Be uniform in content to similar programs throughout the District to the extent allowed by the various geographical, occupational, and physical environments
2. Be written and include
 - a. A restatement of the District's Safety Policy
 - b. The individual with the authority and responsibility for the effective implementation of each Program and portions, therein
 - c. Procedures for each Facility to meet the requirements for the relevant local, state and federal occupational safety and environmental laws, regulations, codes, and standards as well as any referenced consensus standards
 - d. Appropriate regulatory and code references
 - e. Training topics

- f. Required records, including retention time frames
- g. A Revision Record
- h. A Program Authorization record.
- 3. Be subject to a review process that should include affected managers, supervisors, and employees
- 4. Be approved by the Chair of the site Safety Committee through a process of their choosing
 - a. District safety programs shall be approved by the Risk Manager
- 5. Be reviewed by the Risk Management Office prior to implementation
- 6. Be made available to all affected employees upon request.

SITE SAFETY COMMITTEE

Specifically, the site Safety Committee will:

- ~~a. Be chaired by the site Business Manager or other appropriate manager.~~
- ~~b. Consist minimally of the Business Manager, the site Safety Officers and the District Risk Manager.~~

~~Meet not less than monthly to review reports and recommendations of the Safety Officers, determine and implement safety training, direct measures for hazard abatement, promulgate workplace safety rules.~~

- ~~c. Create and maintain the Employee Safety Manual.~~
- ~~d. Semiannually advise the District Safety and Occupational Health Committee on site safety matters and policy implementation.~~

DISTRICT SAFETY AND OCCUPATIONAL HEALTH COMMITTEE

~~The Chancellor and the designated Cabinet Members shall meet not less frequently than semi-annually to review the District's Safety and Health requirements as reported by the chairs of the site Safety Committees and to direct appropriate measures to fulfill the District's Safety Policy.~~

FORMS/REFERENCES

~~SDCCD, February 29, 1996~~

~~Title 8, CCR, Section 3203 California
Labor Code Section 6400~~

~~Adopted: February 29, 1996~~

~~SUPERSEDES:~~

~~Policy 7400, 12/23/76~~

References: California Labor Code 6400

California Code of Regulations, Title 8, Section 3203

APPROVED: _____

Constance M. Carroll, Ph.D.
Chancellor

DATE: _____

Supersedes: SDCCD AP 4800.1, 12/23/1976 (Policy 7400), Rev. 02/29/1996