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**Kern Community College District**  
**Board Policy**  
Chapter 7 – Human Resources

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**BP 7240 Confidential Employees**

**References:**

Government Code Section 3540.1, subdivision (c);  
Title 5 Section 53602

**NOTE:** This policy is ~~legally required~~.

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. ~~Except in extenuating circumstances and approved by the Chancellor, confidential employees do not have the ability to supervise other employees.~~

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. The terms and conditions of their employment are not controlled by any collective bargaining agreement.

The terms and conditions of employment for confidential employees shall be provided for by procedures developed by the Chancellor. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers and reassignments. The evaluation of confidential employees must include consideration of the employee's demonstrated, or progress toward, proficiency in diversity, equity, inclusion, and accessibility competencies that enable work with diverse communities.

Also see **BP/AP 7120** titled **Recruitment and Hiring**.