

# Procedure



---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6100      Delegation of Authority, Business & Fiscal Affairs**

**References:**

Education Code Sections 70902(d), 81644, 81655, and 81656;  
Public Contract Code Sections 20651, 20658, and 20659

**Note: This procedure is legally required.**

The Chief Business Officer is delegated authority from the District Chancellor to supervise budget preparation and management; oversee fiscal management of the District; and contract for, purchase, sell, lease, or license real and personal property, in accordance with Board policy and law. Responsibility for the development of internal policies and procedures consistent with the provision of this regulation remains with the Chief Business Officer. This delegated authority is subject to the condition that certain of these transactions be submitted to the District Chancellor for review and approval from time to time as determined by the District Chancellor.

When transactions do not exceed the dollar limits established in the Public Contracts Code, the Education Code or other laws pertaining to the taking of competitive bids, the Chief Financial Officer may contract for goods, services, equipment and rental of facilities so long as the transactions comply with law and any limitations or requirements set forth therein. Furthermore, the Chief Financial Officer may amend the terms and conditions of any contractual arrangement so long as the total expenditure of funds and period of contract do not exceed the limitations set forth in applicable law or regulation.



---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6150      Designation of Authorized Signatures**

**References:**

Education Code Sections 85232 and 85233

**Note: This procedure is legally required.**

The Chief Financial Officer or designee is designated as the District officer authorized to sign warrants on behalf of the District.

Proper documentation regarding signing District warrants shall be filed with the County Superintendent of Schools.

The Chief Business Officer or designee will withhold approval of District warrants when:

- Disbursement of the funds will result in the total amounts expended in any major account classification to exceed the amount budgeted.
- Established procedures have not been followed to permit verification of authenticity of the expenditure.



---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6200      Budget Preparation**

**References:**

Education Code Section 70902(b)(5):  
Title 5 Sections 58300 et seq.:  
ACCJC Accreditation Standard III.D

**Note: This procedure is legally required.**

Guidelines for budget preparation will include ~~the following~~:

1. A statement of philosophy that includes that budget planning supports institutional goals and is linked to other institutional planning efforts.
2. A budget calendar that includes presentation of the tentative and final budgets. The tentative budget shall be presented no later than July 1 [Title 5, Section 58305(a)], and the final budget no later than September 15 [Title 5, Section 58305(c)]. A public hearing on the budget shall be held on or before September 15 [Title 5, Section 58301].
3. Two copies of the adopted budget to be submitted to the California Community College Chancellor's Office on or before September 30 [Title 5 Section 58305(d)].
4. Budget development processes ~~sd,~~ will include including consultation with appropriate groups.
5. Criteria and institutional guidelines for the financial planning and budgeting.
6. Submission of appropriate forms (311's) to the California Community College Chancellor's Office.

Budget preparation will be developed using an established process as approved by the District, District-wide Budget Committee, and College's Budget Committees. A budget preparation calendar will be developed annual, which will include the tentative and final budget deadlines.





---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6250      Budget Management**

**References:**

Title 5 Sections 58305, 58307, and 58308

**Note: This procedure is legally required.**

Total amounts budgeted as the proposed expenditure for each major classification of expenditures shall be the maximum expended for that classification for the school year, except as specifically authorized by the Board.

Transfers may be made from the reserve for contingencies to any expenditure classification by written resolution of the Board, and must be approved by a two-thirds vote of the members of the Board.

Transfers may be made between expenditure classifications by written resolution of the Board, and may be approved by a majority of the members of the Board.

Excess funds must be added to the general reserve of the District, and are not available for appropriation except by resolution of the Board setting forth the need according to major classification.



---

**Kern Community College District  
Administrative Procedure**  
Chapter 6 – Business and Fiscal Services

---

**AP 6300      Fiscal Management**

**References:**

Education Code Section 84040(c);

Title 5 Section 58311;

ACCJC Accreditation Standard III.D.9;

2 Code of Federal Regulations Parts 200.302 subdivision (b)(6)-(7), 200.305, and 200.400 et seq.

**Note: This procedure is legally required.**

**3A14 Fiscal Accountability**

**3A14A** The District Chancellor, Chief Financial Officer, and Internal Auditor are delegated the authority to implement the procedures required to properly administer technical duties relative to fiscal responsibility formerly performed by the County Superintendent. ~~Procedures for implementing this policy are detailed in Procedure 3A14A of this Manual.~~

**3A2A Income**

**3A2A1** All money received by the District, regardless of the source, will be deposited according to Education Code and County requirements. (Education Code Sections 41001-41002)

**3A2A2** The Chief Financial Officer will establish a procedure for clearly identifying all sources of income. Such delineation with amounts received will be shown on the budget and all income financial reports.

**3A2A3** All money received by and/or collected by any member College or its auxiliary organizations for any purpose whatsoever must be deposited with the College's Business Services Office.

**3A2A4** All income received for activities and events will be deposited in the same funding sources as the expenses for such activities and events.

**3A2A5** The administration is authorized to prepare and submit federal, state, local governmental and/or local private foundation grant applications that further

the Kern Community College District's strategic mission. (~~See Procedure 3A2E and Appendices 3A2E (1 & 2) of this Manual for Grant Preparation and Submission Procedures and Guidelines~~)

## **~~AP 3A14A Fiscal Accountability Implementation~~**

### **~~B-Warrant Audit Procedure~~**

- ~~1) Back-up documentation will be reviewed on all payments exceeding \$5,000.~~
- ~~2) Back-up documentation will be reviewed for any service contract of \$15,000 or more or for any purchase of materials of \$21,000 or more.~~
- ~~3) There shall be spot-check audits involving review of documentation on any payment(s) deemed appropriate by the Internal Auditor.~~

### **~~Payroll-Retirement Audit Procedure~~**

- ~~1) Back-up documentation will be reviewed for:
  - ~~a. Appointment of employees and setting of salaries~~
  - ~~b. Changing employment status~~
  - ~~c. Review and approval of personnel actions by the governing board~~
  - ~~d. Certification status~~
  - ~~e. Overtime pay~~~~
- ~~2) Monthly tapes for the State Teachers' Retirement System (STRS) and the Public Employees' Retirement System (PERS) reports will continue to be provided to the Office of the County Superintendent of Schools for merger with tapes from that office.~~

### **~~Warrants~~**

~~Warrants shall be stored in a secured compound within the District Information Technology Services (ITS) office. Accessibility is limited to the Director, ITS and his/her staff. An inventory of warrants, a log of warrants used and a transmittal sheet of warrants prepared are kept under his/her custody.~~

### **~~Signature Plates~~**

~~Signature plates will be placed in the custody of the Internal Auditor.~~

### **~~Log~~**

~~A log of all warrants issued and all warrants signed shall be maintained by the Internal Auditor. Voided warrants shall be accounted for and forwarded to the Director, Accounting Services.~~

### **~~Budget Limitations~~**

The Business Manager at each College controls the budget for his/her respective campus and reviews the monthly budget/expenditure reports. Each department receives a copy of the appropriate budget/expenditure report for information purposes. The, Chief Financial Officer, and the Director, Accounting Services, shall review the District's financial statement for budget control on a monthly basis prior to submission to the Board of Trustees for information at regularly scheduled Board meetings. The financial statements are prepared by major object code levels. The budget/expenditure reports by department, object code sequence, or funded projects option contain individual account numbers.

### **Public Accessibility of Records**

~~Hours .. .....Normal Business hours—8:00 a.m. to 5:00 p.m. Monday through Friday~~

~~Copies. ....A nominal fee shall be charged for copies provided to interested parties.~~

### **Records Retention**

~~Records shall be maintained according to Title 5 of the California Administrative Code.~~

### **Bank Reconciliation and Warrants**

~~The District accounting office shall prepare Bank Reconciliations. In conjunction with the Bank Reconciliations, the outlawing of warrants, issuance of duplicate warrants and forgery review shall be done by the District under the direction of the Assistant Chancellor, Business Services.~~

### **Garnishments**

~~The administration of these legal orders may vary according to the type of initiating agency: 1) Some orders are one-time only and must be renewed prior to each payday.~~

~~2) Some orders are indefinite until terminated, paid, or amended by Court order (i.e., Child Support).~~

~~3) Most orders include instructions for notification of employee of amounts to be withheld, as well as formulas for computing the deduction amount based on earnings, exemptions, minimums, etc. These computations are sometimes required of the employee on forms provided. The withholding period begins ten (10) calendar days after receipt of the order and continues until the total amount is collected. It may end sooner if written notice specifying an earlier termination date and signed by the levying officer is received.~~

~~4) The District Payroll Department shall receive all notices of garnishment or lien against employees and shall implement the necessary payroll deductions in accordance with the specific instructions provided with each type of notice. The administration of these legal orders will vary according to the type of initiating agency.~~

~~Using deduction codes already set into the District's computer system, payroll deduction warrants will be created each month payable to various agencies such as the District Attorney (Family Support), Sheriff, Internal Revenue Service, etc.~~

### **~~Stop Notices, Levies, Liens and Assignments~~**

~~When a subcontractor is seeking a lien against a general contractor, preliminary notice of the lien shall be filed by the subcontractor with the District within twenty (20) days after first furnishing material or labor.~~

~~If the subcontractor files a Stop Notice before the District's final ten percent (10%) payment and has complied with the above preliminary notice, the District shall notify the contractor of such notice and hold payment until material release and waiver of lien is obtained.~~

~~When a formal levy is filed against one (1) of the District's vendors by the Internal Revenue Service, Court Order, etc., the District Business Department shall administer such levy by complying with the specific instructions contained therein. This will entail withholding payment from the vendor, and remitting the amount required to be withheld to the levying agency, with a copy of the transaction going to the vendor. If there is no time limit specified in the levy, a *Release of Levy* is required before the District can resume payments to the vendor.~~

### **~~Lost and Forged Warrant Investigations~~**

~~If the original warrant is not available due to being lost, destroyed, or stolen, the District shall obtain from the payee a notarized *Affidavit to Obtain Duplicate of Lost or Destroyed Warrant*. If the missing warrant has been cashed with a forged signature, there is no *Request for Cancellation*. The Affidavit above, augmented with a statement in the payee's handwriting stating, *Under penalty of perjury, the signature on the warrant is not my signature*, is all that is required.~~

### **~~Duplicate Warrant Issuance~~**

~~Before a duplicate or replacement warrant is issued, disposition of the original warrant must be processed as follows:~~

~~If the original warrant is still available, it will be sent with a completed form, *Request for Cancellation of Warrant*, to the County Auditor-Controller and to the District Accounting Office. This form specifies the District, Fund, Payee, Warrant Number, Amount, Account Number, Reason for Cancellation and Signature of the County Auditor-Controller. This provision is also applicable to outlawed warrant issuance.~~

~~Upon completion of the appropriate disposition of the original warrant, per above, a replacement warrant can be prepared using the usual issuance process.~~

### **~~Credential Verification~~**

~~The Personnel office shall verify credentials or minimum qualifications in conjunction with payroll issuances.~~

## ~~Coordination with County Auditor/Controller~~

~~The County Auditor/Controller shall determine written procedures for:~~

- ~~1) Cash receipts to identify deposits~~
- ~~2) Requests for blank warrants~~
- ~~3) Verification of the cash balance in the County Treasury~~
- ~~4) Stop payments on warrants~~

## ~~Continuity of Disbursing Officer~~

~~The Chancellor shall act as the Internal Auditor in his/her absence. In the event of an extended absence of the Internal Auditor, an acting Internal Auditor may be appointed by the Board of Trustees.~~

## **AP 3A3D2 Guidelines for Processing and Maintaining Revolving Funds at the Colleges**

1. Funds will be maintained in a regular checking account by the College Business Office. The checking account will be in the name of the College, will have a requirement of at least two signatories on a check, and a check limit of \$2,500.00. Purchases are restricted to goods and services required for the operation of the College and the accomplishment of the College mission.
2. Reimbursements from the revolving fund will require a paper requisition with the appropriate approval and a vendor receipt. There will be no exceptions to the vendor receipt requirement.
3. A check may be issued for advance payment if the following conditions are met:
  - documentation indicating the amount and the requirement for advance payment is made available and,
  - a paper requisition is prepared with the appropriate approvals.
4. Funds initially will be accounted for through the establishment of a separate unit of accounting in the **Quick books** software program currently used for the travel funds.
5. Funds will be subject to spot audits, and documentation must be available to support all checks issued against the account and not yet reimbursed by the District.
6. Revolving funds will be reimbursed by the District based on direct pay entry to be accomplished in the Business Office according to the following:
  - The College Business Office to enter the direct pay data, supported by documentation.
  - The support documentation will include a purchase request and a vendor invoice.
  - The purchase request reflecting the appropriate approvals and the invoice stamped "revolving fund reimbursement" will be forwarded to the Learning Services Center after entry in the system as a direct pay.

- A copy of the purchase request will be maintained at the campus with the annotation that it has been posted and forwarded to the Learning Services Center.
- The Learning Services Center will verify the receipt of the documentation, approve the direct pay; reimbursement checks will be issued on the 15th and 30th of the month without further action.

Also see BP/AP 3300 titled Public Records, BP/AP 3310 titled Records Retention and Destruction, AP 6305 titled Reserves, AP 6310 titled Accounting, and AP 6315 titled Warrants.

The District is committed to principles of sound fiscal management and to provide for responsible stewardship of available resources. The District adheres to commonly accepted accounting standards as criteria for fiscal management regulations.

In order to ensure adherence to these principles and standards, the Chief Financial Officer will:

- Provide for responsible stewardship of available resources.
- Provide for safeguarding and managing District assets to ensure ongoing effective operations; maintenance of adequate cash reserves; implementation and maintenance of effective internal controls; determination of sources of revenues prior to making short-term and long-term commitments; establishment of a plan for the repair and replacement of equipment and facilities.
- Provide for an organizational structure that incorporates a clear delineation of fiscal responsibilities and staff accountability.
- Provide that appropriate administrators keep the Board current on the fiscal condition of the District as an integral part of policy and decision-making.
- Provide for development and communication of fiscal policies, objectives and constraints to the board, staff and students.
- Provide for an adequate management information system that gives timely, accurate and reliable fiscal information for planning, decision making and budgetary control.
- Provide for appropriate fiscal policies and procedures and adequate controls to ensure that established fiscal objectives are met.
- Provide a process to evaluate significant changes in the fiscal environment and make necessary, timely, financial and educational adjustments.
- Provide both short term and long-term goals and objectives, and broad-based input coordinated with District educational planning.

---

## Kern Community College District

### Chapter 6 – Business and Fiscal Services

---

#### **AP 6305 Reserves**

##### **References:**

Budget and Accounting Manual, Chapter 5; Appendix A

**Note: This procedure is legally advised.**

The District must provide a prudent reserve and may include procedures related to establishing and maintaining reserves.



---

## Kern Community College District Administrative Procedure

---

### **AP 6307      Debt Issuance and Management**

#### **References:**

Government Code Section 8855;  
Title 4 Sections 6000 et seq.

#### **Note: This procedure is legally advised.**

No later than 30 days prior to the sale of any debt issue, the District shall submit a report of the proposed issuance to the California Debt and Investment Advisory Commission through the Commission's online submittal system. The report of the proposed debt issuance shall include a certification by the District that it has adopted local debt policies concerning the use of debt and that the contemplated debt issuance is consistent with those local debt policies.

No later than 21 days after the sale of the debt, the District shall submit a report of final sale to the California Debt and Investment Advisory Commission through the Commission's online submittal system. A copy of the final official statement for the issue shall accompany the report of final sale. If there is no official statement, the District shall provide each of the following documents, if they exist, along with the report of final sale:

=

- Other disclosure document.
- Indenture.
- Installment sales agreement.
- Loan agreement.
- Promissory note.
- Bond purchase contract.
- Resolution authorizing the issue.
- Bond specimen.

The District shall submit an annual report for any issue of debt for which it has submitted a report of final sale on or after January 21, 2017. The annual report shall cover a reporting period from July 1 to June 30, inclusive, and shall be submitted no later than seven months after the end of the reporting period. The annual report shall consist of the following information:

=

- Debt authorized during the reporting period, which shall include the following: (1) Debt authorized at the beginning of the reporting period; (2) Debt authorized and issued during the reporting period; (3) Debt authorized but not issued at the end of the reporting period; and (4) Debt authority that has lapsed during the reporting period.

- Debt outstanding during the reporting period, which shall include the following: (1) Principal balance at the beginning of the reporting period; (2) Principal paid during the reporting period; and (3) Principal outstanding at the end of the reporting period.
- The use of proceeds of issued debt during the reporting period, which shall include the following: (1) Debt proceeds available at the beginning of the reporting period; (2) Proceeds spent during the reporting period and the purposes for which it was spent; and (3) Debt proceeds remaining at the end of the reporting period.

## Article I

### Purpose and Goals

This Policy provides a framework for debt management and capital planning by the District.



This Policy has been developed to meet the following goals:

- Identifying the purposes for which the debt proceeds may be used.
- Identifying the types of debt that may be issued.
- Describing the relationship of the debt to, and integration with, the District's capital improvement program.
- Establishing policy goals related to the District's planning goals and objectives.
- Implementing internal control procedures to ensure that the proceeds of the proposed debt issuance will be directed to the intended use upon completion of the issuance.

## Article II

### Purpose for Which Debt Proceeds May be Used

#### **Section 2.01. Authority and Purposes of the Issuance of Debt**

The laws of the State of California (the "State") authorize the District to incur debt to make lease payments, contract debt, borrow money, and issue bonds for school improvement projects. The District is authorized to contract debt to acquire, construct, reconstruct, rehabilitate, replace, improve, extend, enlarge, and equip such projects; to refund existing debt; or to provide for cash flow needs.

#### **Section 2.02. State Law**

Section 18 of Article XVI of the State Constitution contains the "debt limitation" formula applicable to the District.

There are a number of State laws that govern the issuance of general obligation bonds ("GO Bonds") by community college districts. Sections 1(b)(2) (Proposition 46) and 1(b)(3) of Article XIII A (Proposition 39) of the State Constitution allow the District to issue GO Bonds. The statutory authority for issuing GO Bonds is contained in Education Code Section 15000 et seq. Additional provisions applicable only to Proposition 39 GO Bonds are contained in Education Code Section 15264 et seq. An

alternative procedure for issuing GO Bonds is also available in Government Code Section 53506 et seq.

The statutory authority for issuing Tax and Revenue Anticipation Notes (“TRANS”) is contained in Government Code Section 53850 et seq. Authority for lease financings is found in Education Code Section 17455 et seq. and additional authority is contained in Education Code Sections 17400 et seq., 17430 et seq. and 17450 et seq. The District may also issue Mello-Roos bonds pursuant to Government Code Section 53311 et seq.

### **Section 2.03 Debt Issued to Finance Operating Costs**

The District may deem it necessary to finance cash flow requirements under certain conditions. Such cash flow borrowing must be payable from taxes, income, revenue, cash receipts and other monies attributable to the fiscal year in which the debt is issued.

General operating costs include, but are not limited to, those items normally funded in the District’s annual operating budget.

The District’s Chancellor, or Chief Financial Officer (“CFO”), will review potential financing methods to determine which method is most prudent for the District. Potential financing sources include tax and revenue anticipation notes, temporary borrowing from the Kern County Treasurer and Tax Collector, and internal temporary inter-fund borrowing.

## **Article III Types of Debt That May be Issued**

### **Section 3.01 Types of Debt Authorized to be Issued**

- A. Short-Term: The District may issue fixed-rate and/or variable rate short-term debt, which may include TRANS, when such instruments allow the District to meet its cash flow requirements. The District may also issue bond anticipation notes (“BANs”) to provide interim financing for bond projects that will ultimately be paid from GO Bonds.
- B. Long-Term: Debt issues may be used to finance essential capital facilities, projects and certain equipment where it is appropriate to spread the cost of the projects over more than one budget year. Long-term debt should not be used to fund District operations.

Long term debt in the form of GO Bonds may be issued under Article XIII A of the State Constitution, either under Proposition 46, which requires approval by at least a two-thirds (66.67%) majority of voters, or Proposition 39, which requires approval by at least 55% of voters, subject to certain accountability requirements and additional restrictions.

The District may also enter into long-term leases and/or COPs for public facilities, property, and equipment.

- C. Lease Financing: Lease-purchase obligations are a routine and appropriate means of financing capital equipment and certain capital facilities. However, lease obligations may impact on budget flexibility.

- D. Use of General Obligation Bonds: A significant portion of the District's capital projects are projected to be funded by GO Bond proceeds. Projects financed by the GO Bonds will be determined by the constraints of applicable law and the project list approved by voters.

**Article IV**  
**Relationship of Debt to and Integration with District's Capital Improvement Program or Budget**

**Section 4.01. Impact on Operating Budget and District Debt Burden**

In evaluating financing options for capital projects, both short and long-term debt amortization will be evaluated when considering a debt issuance, along with the potential impact of debt service, and additional costs associated with new projects on the operating budget of the District. The cost of debt issued for major capital repairs or replacements may be judged against the potential cost of delaying such repairs.

**Section 4.02. Capital Improvement Program**

The Associate Vice Chancellor of Facilities staff have responsibility for the planning and management of the District's capital improvement program subject to review and approval by the Board of Trustees. Staff will, as appropriate, supplement and revise any applicable Facilities Master Plan in keeping with the District's current needs for the acquisition, development and/or improvement of District's real estate and facilities. Such plans may include a summary of the estimated cost of each project, schedules for the projects, the expected quarterly cash requirements, and annual appropriations, in order for the projects to be completed.

**Section 4.03. Refunding and Restructuring Policy**

**A. Considerations for Refunding.**

1. District's Best Interest. Whenever deemed to be in the best interest of the District, the District shall consider refunding or restructuring outstanding debt if it will be financially advantageous or beneficial for debt repayment and/or structuring flexibility.
2. Net Present Value Analysis. The Chief Financial Officer shall review a net present value analysis of any proposed refunding in order to make a determination regarding the cost-effectiveness of the proposed refunding.
3. Maximization of Expected Net Savings. Another consideration in deciding which debt to refinance and the timing of the refinancing shall be maximization of the District's expected net savings over the life of the bonds.
4. Comply with Existing Legal Requirements. The refunding of any existing debt shall comply with all applicable State and Federal laws governing such issuance.

**Article V**  
**Policy Goals Related to District's Planning Goals and Objectives**

In following this Policy, the District shall pursue the following goals:

1. The District shall strive to fund capital improvements from voter-approved GO Bond issues to preserve the availability of its General Fund for District operating purposes and other purposes that cannot be funded by such bond issues.
2. The District shall endeavor to attain the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements.
3. The District shall take all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues.
4. The District shall, with respect to GO Bonds, remain mindful of its statutory debt limit in relation to assessed value growth within the school district and the tax burden needed to meet long-term capital requirements.
5. The District shall consider market conditions and District cash flows when timing the issuance of debt.
6. The District shall determine the amortization (maturity) schedule which will fit best within the overall debt structure of the District at the time the new debt is issued.
7. The District shall match the term of the issue to the useful lives of assets funded by that issue whenever practicable and economic, while considering repair and replacement costs of those assets to be incurred in future.
8. The District shall, when planning for the issuance of new debt, consider the impact of such new debt on overlapping debt of local, state and other governments that overlap with the District.
9. The District shall, when issuing debt, assess financial alternatives to include new and innovative financing approaches, including whenever feasible, categorical grants, revolving loans or other State/federal aid, so as to minimize the encroachment on the District's General Fund.
10. The District shall, when planning for the sizing and timing of debt issuance, consider its ability to expend the funds obtained in a timely, efficient and economical manner.

## **Article VI**

### **Internal Control Procedures for Issuance of Debt to Ensure Intended Use of Proceeds**

#### **Section 6.01. Structure of Debt Issues**

- A. Maturity of Debt: The duration of a debt issue shall be consistent, to the extent possible, with the economic or useful life of the improvement or asset that the issue is financing. Accordingly, the average life of the financing shall not exceed 120% of the average life of the assets being financed. In addition, the District shall consider the overall impact of the current and future debt burden of the financing when determining the duration of the debt issue.
- B. Debt Structure:
  1. GO Bonds:
    - a. New Money Bond Issuances: For new money bond issuances, the District shall size the bond issuance consistent with the "spend-down" requirements of the Internal Revenue Code and within any limits approved by the District's voters. To the extent possible, the District will also consider credit issues, market factors (e.g. bank qualification) and tax law when sizing the District's bond issuance.

- b. Refunding Bond Issuances: The sizing of refunding bonds will be determined by the amount of money that will be required to cover the principal of, accrued interest (if any) on, and redemption premium for the bonds to be defeased on the call date and to cover appropriate financing costs.
  - c. Maximum Maturity: All bonds issued by the District shall mature within the limits set forth in applicable provisions of the Education Code or the Government Code. The final maturity of bonds will also be limited to the average useful life of the assets financed or as otherwise required by tax law.
2. Lease-Purchase Obligations: The final maturity of equipment or real property lease obligations will be limited to the useful life of the assets to be financed.
- C. Debt Service Structure: The District shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, provide flexibility, and, as practical, to recapture or maximize its debt capacity for future use.

### **Section 6.02. Use of Proceeds**

The District shall be vigilant in using bond proceeds in accordance with the stated purposes at the time such debt was incurred. In furtherance of the policy, and in connection with the issuance of all GO Bonds:

- 1. As required by Government Code Section 53410, the District shall only use GO Bond proceeds for the purposes approved by the District's voters; and
- 2. The Chief Financial Officer shall have the responsibility, no less often than annually, to provide to the District's Board of Trustees a written report which shall contain at least the following information:
  - (i) The amount of the debt proceeds received and expended during the applicable reporting period; and
  - (ii) The status of the acquisition, construction or financing of the school facility projects, as identified in any applicable bond measure, with the proceeds of the debt.

These reports may be combined with other periodic reports which include the same information, including but not limited to, periodic reports made to the California Debt and Investment Advisory Commission, or continuing disclosure reports or other reports made in connection with the debt. These requirements shall apply only until the earliest of the following: (i) all the debt is redeemed or defeased, but if the debt is refunded, such provisions shall apply until all such refunding bonds are redeemed or defeased, or (ii) all proceeds of the debt, or any investment earnings thereon, are fully expended.

- 3. The District shall post on the District website the Annual Report of the District's Independent Bond Oversight Committee which has been given the responsibility to review the expenditure of GO Bond proceeds to assure the community that all GO Bond funds have been used for the construction, renovation, repair, furnishing and equipping of school facilities, and not used for teacher or administrator salaries or other operating expenses.

4. The District shall hire an independent auditor to perform an annual independent financial and performance audit of the expenditure of GO Bond proceeds, and to post such audits on the District website.



**AP 6310 - New**

---

**Kern Community College District  
Administrative Procedure**

---

**AP 6310     Accounting**

**References:**

Budget and Accounting Manual, Chapters 3 and 4

**Note: This procedure is legally advised.**

Local practice may be inserted as long as it complies with the Community College Budget and Accounting Manual (BAM) and auditing standards.



**AP 6320** – formerly 3A8

---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6320      Fiscal Management**

**References:**

Government Code Sections 53600 et seq.

**Note: This procedure is legally required.**

The Chief Financial Officer is responsible for investing the funds of the District that are not required for the immediate needs of the District. Funds so invested shall follow the investment policy approved by the Governing Board in accordance with the Government Code Sections cited above and the following:

=



- Funds that are not required for the immediate needs of the District shall be prudently invested in order to earn a return on such investment.
- The preservation of principal is of primary importance. Each transaction shall seek to ensure that capital losses are avoided, whether from securities or erosion of market value.
- The investment program should remain sufficiently flexible to enable the District to meet all operating requirements that may be reasonably anticipated in any fund. After preservation of principal, liquidity is the objective.
- In managing District investments, District officials should avoid any transactions that might impair public confidence.
- Investments should be made with precision and care, considering the probable safety of the capital as well as the probable income to be derived. (See Government Code Section 53600.6 regarding solvency and creditworthiness.)

District funds maintained by the County Treasurer that are not required for the immediate needs of the District may be invested as follows:

· **County Treasurer's Investment Pool** -- Investment of District funds may be delegated to the County Treasurer. In accordance with county procedures, District funds may be pooled with other local agencies and invested by the County Treasurer in accordance with the investment guidelines specified by Government Code Section 53635 and investment policies adopted by the County Board of Supervisors.

· **State's Local Agency Investment Fund** (Government Code Sections 16429.1-16429.3) -- District funds not required for immediate needs of the District may be remitted to the State Local Agency Investment Fund (LAIF) for the purpose of investment (Government Code Section 16429.1). District funds deposited with the LAIF shall be invested by the State Treasurer in securities prescribed by Government Code Section 16430, or the Surplus Money Investment Fund and as determined by the Local Investment Advisory Board (Government Code Section 16429.2).

· **Other Investments** - Other investments as permitted by Government Code Sections 53600 et seq., and in particular Government Code Sections 53601, 53601.8, 53635, and 53635.8 may be made by the Chief Financial Officer subject to prior approval of the Governing Board. *(NOTE: Government Code Sections 53601, 53601.8, 53605, and 53635.8 permit many very specific investments. Questions should be referred to financial advisors or legal counsel.)*

### **3A8 Investments**

**3A8A** Excess funds of the District shall be invested by the Chancellor or designee and overseen by Board Finance and Audit Committee.

**3A8B** All funds will be held in the name of the Kern Community College District and will be invested in accordance with California Government Code Section 53600 et seq. Permissible investments include the following:

**3A8C** Investments will be selected based on the criteria which is prioritized as follows:

- Safety - The safety and risk associated with an investment refers to the potential loss of principal, interest or a combination of these amounts. The primary objective is to protect, preserve and maintain intact amounts invested under this policy.
- Liquidity - Liquidity refers to the ability to dispose of investments at any moment in time with a minimal chance of losing some portion of principal or interest. An adequate percentage of the portfolio should be maintained in liquid short-term securities which can be converted to cash if necessary to meet disbursement requirements. No investment shall be for a term greater than five (5) years, unless specifically authorized by the Board of Trustees as provided in Section 53601 of the California Education Code.
- Yield - Yield is the potential dollar earnings an investment can provide

**3A8D** The Chancellor or designee shall render periodic reports to the Board of Trustees of all outstanding investments and investment transactions for the month including the additional information specified by California Government Code Section 53646.

**3A8E** Securities purchased from brokers/dealers may be held by the broker/dealer provided that the total principal and interest of all securities held for the account of the Kern Community College District by each broker/dealer does not exceed the amount of the individual account insurance coverage carried by the broker/dealer. In the absence of adequate insurance coverage, securities shall be held in third party safekeeping by the trust department of a designated bank in the name of the Kern Community College District.



AP 6322 - New

---

**Kern Community College District  
Administrative Procedure**  
Chapter 6 – Business and Fiscal Services

---

**AP 6322 Employee Indemnity Bonds**

**References:**

Title 5 Section 58318

**Note: This procedure is legally advised.**

Each employee of the District whose duty it is to handle District funds, shall be bonded under a suitable bond indemnifying the District against loss.

At the discretion of the designated employees of the District whose duty it is to handle district property may be required to be bonded to indemnify the District against loss.



AP 6325 - New

---

**Kern Community College District  
Administrative Procedure**  
Chapter 6 – Business and Fiscal Services

---

**AP 6325      Payroll**

**References:**

Education Code Section 70902

**Note: This procedure is legally advised.**

Local procedures should address:

- Payroll periods (10 month, 11 month, 12 month)
- Frequency of payment for particular classes of employees (once or twice or more often per payroll period)
- Lead time needed for payroll record adjustment (e.g. name changes, etc.)
- Procedures to be followed if wages are garnished
- Procedures to be followed if an employee is underpaid
- Procedures to be followed if an employee is overpaid



**AP 6330** – formerly 3A3 and 3A5

---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6330 Purchasing**

**References:**

Education Code Section 81656;  
Public Contract Code Sections 20650 and 20651

**Note: This procedure is legally required.**

Procedures on purchasing may be maintained in a separate Purchasing Handbook, and if so the Chief Financial Officer may delegate responsibility and authority for the Handbook.

- From current AP 3A3E(b)

**AP3A3E(b) Purchase Orders**

**Supplies and Equipment**

All requests concerning physical condition of rooms, routine, classroom office supplies and similar supplies or equipment may be requested from the College President or designee on forms provided for those various purposes.

Requests for supplies or equipment which concern instruction should be prepared on a Purchase order by the head of the department and approved by the College President or designee on a **Purchase Request** form. The approximate costs must be listed on all **Purchase Request** forms.

- From current KCCD AP 3A3C

### **AP 3A3C Standardization of Microcomputers**

1) Requests for purchase of a District Standard microcomputer will be handled in the usual manner. If a request is received for a microcomputer other than a District Standard, that request must be accompanied by a justification for the purchase stating the factors, which make the purchase of the standard(s) inappropriate.



2) This justification should include the cost of maintenance for the proposed microcomputer and the account numbers, which will be used to cover the purchase price and the expenditures for maintenance or repairs.

3) This justification will be considered by the Microcomputer Purchase Committee consisting of one representative from each College and the District Office. If it is determined by the Committee that the intended function for the microcomputer ordered cannot be met by the District Standard microcomputer, the order will be processed. If the committee does not approve the purchase, the reason for refusal and the requisition will be returned to the originator.

4) Remedial maintenance and installation of the District Standard Micros will be handled by a District data processing services technician.

See the Purchase Request Form and Instructions in the Appendix section.

Procedures related to procurement are contained in the District's Purchasing Manual.

- From current KCCD AP 3A5G

### **Use of CAL-Cards Issued by Kern Community College District**

#### 1. DEFINITION

A State of California Purchasing Card Program, CAL-Card I.M.P.A.C. VISA, is a unique business card intended to simplify purchasing and payment for services, to reduce total processing costs, and to provide greater flexibility for its users.

#### 2. GENERAL

1. The CAL-Card is to be used in accordance with these and all purchasing procedures found in the Kern Community College District Board Policy Manual. The Chief Financial Officer and the Director, Accounting Services have the authority to determine the issuance or continuance of cards. Proper accounting procedures must be followed. It is the responsibility of

all Kern Community College District employees involved to utilize a CAL-Card in a responsible and accountable manner.

2. CAL-Cards will display both the cardholder's name and the Kern Community College District. This card is to be used only by the cardholder. No other employee, member of the cardholder's family, or anyone else may use this card. It is especially designed to avoid confusion with the cardholder's personal credit cards. **THE CAL-CARD IS TO BE USED FOR OFFICIAL KERN COMMUNITY COLLEGE DISTRICT BUSINESS AND MAY NOT BE USED FOR PERSONAL PURCHASES.**
3. The issuance of a CAL-Card in the cardholder's name does not allow the credit card company to check the cardholder's personal credit. The credit card company will not request any personal information from the cardholder, nor should any personal information be furnished.
4. Each single purchase may comprise multiple items, but the total cannot exceed the single purchase dollar limit on the cardholder's CAL-Card. Purchases may not be made to circumvent purchasing regulations per the Government Code or District Policy. When purchases exceed the limits established, normal purchasing procedures must be followed.
5. Use of the CAL-Card is not intended to replace effective procurement planning that enables volume discounts. Cardholders should always look for the lowest priced item that will meet specific needs.
6. Cardholders must be able to explain the nature of all purchases. If the cardholder cannot substantiate that the purchase was necessary and for official use, the cardholder's supervisor will address the situation in accordance with established policies. These policies include, but are not limited to, seeking reimbursement, appropriate disciplinary action, and revocation of the cardholder's CAL-Card. Unauthorized or unsubstantiated purchases will result in a small claims filing to permit the District to recover the costs.
7. Every CAL-Cardholder will be assigned an Approving Official. The Approving Official, or designee, is responsible for receiving completed statements from all assigned cardholders; reviewing the statements; resolving questions that cardholders may have about the purchases; approving the statements; and delivering the completed statements with all attachments to the appropriate Business Office.

#### C. CARD RESTRICTIONS

1. The Purchase CAL-Card can be used for travel and to purchase supplies, materials, and equipment that do not exceed the single transaction limit. Each card will have its own unique restrictions based on the need of the cardholder. Other restrictions may apply as determined by the Approving Official, College Approving Authority and the Chief Financial Officer.
2. Maximum dollar amounts will be established for each single purchase made and for total purchases made with the cardholder's CAL-Card in a given month. Generally, the Kern Community College District limit is \$500 per transaction and \$3,000 per month. In special cases, the Approving Official, College Approving Authority, and the Chief Financial Officer may establish a higher limit.

#### D. PROHIBITED PURCHASES

1. Rental or lease of land or buildings
2. Purchase of telephone services except approved travel business- related telephone calls
3. Gambling, Betting
4. Securities, Insurance
5. Tax Payments (exclusive of sales or occupancy taxes).
6. Court Costs, Fines, Bail, and Bond Payments
7. Alcohol

## E. PURCHASE PROCEDURES

1. CAL-Cards generally will only be issued to District and College Educational Administrators and Classified Managers when their job duties require the regular use of a credit card. CAL-Cards will be issued to non-managers only in cases where there is a compelling business reason and is approved by the College President or Chancellor, and will be limited to travel, supplies, or equipment. ~~(See Policy 3A5G of this Manual)~~
2. Cal-Card applications will be completed prior to issuance by:
  - completing the Request for Purchase Card form [\[See Appendix\]](#). ~~[See Appendix 3A5G(b)]~~.
  - obtaining approval from the CAL-Card applicant's supervisor.
  - forwarding the completed form to the applicant's College Director of Administrative Services where it will be reviewed and forwarded to the applicant's College President or designee for approval and assignment of an Approving Official. The applicant's request will then be forwarded to the District Business Services Office for processing.
3. The District Business Services Office will notify the applicant when the CAL-Card is received. The CAL-Card will be issued when the applicant completes and signs a Receipt Acknowledgment form.
4. To activate the CAL-Card account, the cardholder must phone Card Services at 1-800-344-5696. The cardholder must know the dollar limits assigned to the CAL-Card to complete the activation process.
5. Use of the CAL-Card is subject to the limitations of the cardholder's particular card at any merchant that accepts VISA for payment of purchases.
6. The cardholder must verify that budgeted funds are available prior to making any purchases.
7. Over-the Counter Transactions

Once items have been selected for purchase, present the items and the CAL-Card to the merchant. The merchant will complete a credit card transaction receipt that includes the following information:

- Imprint of the CAL-Card, including card number, expiration date, and cardholder's name
- Date and amount of purchase
- Brief description of item(s) purchased
- Imprint of merchant name and identification number



8. The merchant will obtain authorization for the transaction via telephone or direct telecommunication link to the VISA authorization network. The merchant will obtain an authorization number, which will also be included on the credit card transaction receipt.
9. Occasionally, a transaction may be declined at the merchant location. The merchant is not provided a reason via the terminal display. When this happens, the cardholder should consider the following to resolve the denial.
  1. Is the transaction amount within the cardholder's single purchase limit?
  2. Will the transaction amount exceed the cardholder's 30-day limit or the Office limit of the Approving Official?
  3. Has the cardholder been authorized to make purchases at this type of supplier?

10. The merchant will request that the cardholder sign the credit card transaction receipt. Before doing so, the cardholder must verify that the information, especially the dollar amount, is correct.

11. The cardholder will be provided one copy of the signed credit card transaction receipt. Retain this copy as verification and back-up of the monthly Statement of Account; attach to the signed Statement of Account; forward to the Approving Official, or designee.

#### 12. Mail or Telephone Order Purchases

When placing a telephone or mail order, the cardholder will be asked to provide name, card number, account expiration date, and billing address. The billing address is the cardholder's statement mailing address.

### F. PAYMENT PROCEDURES

At the close of each billing cycle, the cardholder will receive a Statement of Account from Card Services. The Statement of Account will itemize each transaction that was posted to the CAL-Card account during the billing cycle. The Statement of Account prints at the close of business on the 22<sup>nd</sup> of every month. Upon receipt, the cardholder will complete each of the actions listed below within five working days. If the cardholder is unable to complete the following actions within five working days, the cardholder will forward all receipts to the Approving Official, or designee, for completion.

1. Review the Statement of Account for accuracy.
2. Provide a complete description of each item purchased on the Description line.
3. Indicate the FOAPAL for each transaction on the Accounting Code line. If charging to more than one FOAPAL per transaction, indicate the dollar amount to be applied to each FOAPAL.
4. Attach sales receipts, order blanks, packing slips/receipts, and copies of approved Absence/Travel Request/Reimbursement Claim forms **[See Procedure 3C3A(a)]** to the Statement of Account.
5. Verify any credit vouchers received for returned items and attach to the Statement of Account on which the credit appears, and indicate the FOAPAL to receive the credit.
6. If the cardholder is incorrectly charged for an item, the cardholder will contact the vendor first in an effort to resolve the problem. If the merchant agrees to process

a credit voucher, the cardholder will indicate the FOAPAL for the charge on the current statement and will use the same FOAPAL for the credit voucher on the next statement. If the merchant refuses to issue a credit voucher, the cardholder must attach a complete explanation of the error to the Transaction Dispute form. Transaction Dispute forms can be obtained from District Accounting.

7. Sign the Statement of Account.
8. Retain copies of all statements and receipts in an appropriate file.
9. Promptly submit the completed Statement of Account to the Approving Official(s) or designee, for written approval of each item purchased.

## G. PROCESSING STATEMENT OF ACCOUNT

Prompt receipt of the cardholder's Statement of Account within five working days is an essential part of the CAL-Card process.

1. If the District Accounting Office does not receive the cardholder's Statement of Account within five working days, the cardholder's name and the dollar amount outstanding will be forwarded to the appropriate College President and Business Manager. District Office names will be forwarded to the Chancellor and the Chief Financial Officer.
2. After ten working days, the total outstanding charges from any Statement of Account will be applied to a FOAPAL maintained by the cardholder's College President or the Chancellor, and the District Accounting Office will make payment to CAL-Card.
3. To remove these charges from the College President's or Chancellor's FOAPAL, forward the CAL-Card Statement of Account, together with Expenditure Transfers for each item, through the College Business Office to the District Accounting Office for processing.
4. The CAL-Card may be suspended or revoked at the discretion of the cardholder's College President or the Chancellor for failure to forward the Statement of Account within five working days to the District Accounting Office.

## H. LOST OR STOLEN CARDS

1. The cardholder will immediately notify Customer Service at 1-800-344-5696 and the District Accounting Office in the event a CAL-Card has been lost or stolen, or if the cardholder believes the account number has been compromised in a fraudulent manner. A new card will be mailed to the cardholder within two business days from the time it is reported as lost or stolen to Customer Service. A new account number will be assigned to the cardholder's new CAL-Card.
2. The cardholder must contact the District Accounting Office and be prepared to provide the following information: cardholder's complete name, the card number, the date the loss or theft occurred, the date Customer Service was notified, and any purchase(s) made on the day the card was lost or stolen.

## 9. CHANGE TO CARDHOLDER INFORMATION

Changes to a cardholder's name, address, organization, 30-day or single purchase limit, and type of merchant or supplier should be reported to the

College Business Office by completing the Request for Changes to Cardholder Information form. [See Appendix [3A5G\(d\)](#)]

#### 10. CLOSURE OF ACCOUNT

1. If the cardholder transfers to another department, the cardholder must complete the Request to Close Account form. [See Appendix [3A5G\(e\)](#)] and return the CAL-Card to the appropriate College Business Office. If the cardholder's new assignment requires a CAL-Card, a new Request for Purchasing Card form will be required.
2. On termination of employment, the cardholder must return the CAL-Card to the appropriate College Business Office before the cardholder's final check will be released.



---

## Kern Community College District

### Chapter 6 – Business and Fiscal Services

---

#### AP 6340 Bids and Contracts

##### References:

Education Code Sections 81641 et seq.;

Public Contract Code Sections 20103.7, 20112, 20650 et seq., and 22000 et seq.;

Labor Code Sections 1770 et seq.;

Government Code Section 53060.;

ACCJC Accreditation Standard III.D.16;

2 Code of Federal Regulations Part 200.318

*Note: This procedure is legally required.*

#### AP 3A4(a) Purchasing Bids and Contracts

##### Limits

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

1. Purchase of goods or services up to the limits set out in the Public Contract Code will require documented quotes.
2. Purchase of goods or services in excess of the limits set out in the Public Contract Code will require formal advertised bids.
3. Construction services shall be limited to the bid limits outlined in the Cost Accounting Policies Manual of the California Uniform Public Construction Cost Accounting Mission. Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award. *[see AP 3A4(b)]*

In securing bids or quotations, the District will avoid acquisition of unnecessary or duplicative items. Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

**NOTE:** The bid minimums are annually readjusted by the Board of Governors as required by Public Contract Code Section 20651(d); the 1/1/~~07~~22 adjustment increased

the minimum for materials or supplies to ~~\$69,000~~99,100. The current bid minimum can be found at <http://www.cde.ca.gov/fg/ac/co/>

## **Bid Specifications**

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.



## **Notice Calling for Formal Advertised Bids**

The District shall publish at least once a week for two weeks in a newspaper of general circulation published within the District, or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post on the District's website or through an electronic portal, a notice calling for bids or proposals, stating the work to be done or materials or supplies to be furnished and the time and place when bids will be opened. The District may accept a bid that was submitted either electronically or on paper.

Bid and contract forms shall be prepared and maintained by the Chief Financial Officer. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Chief Financial Officer shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with California Labor Code Sections 1775 and 1776 governing payment of prevailing wages and California Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

The Chief Financial Officer shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and material personnel may examine the specifications and drawings.

Chief Financial Officer shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room.

**When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.**

## Awarding of Bids and Contracts Awards

The awarding of bids and contracts shall be subject to the following conditions:

1. Any and all bids and contract proposals may be rejected by the District for good and sufficient reason.
2. All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
3. Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
4. Selection and Award to Lowest Responsible Bidder:
  1. Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications
5. Non-Public works bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. The District reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.
6. Selection and Award Based on Best Value:
  1. For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value pursuant to policies and procedures adopted by the governing board in accordance with this section.
  2. "Best value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.
  3. The District will consider all of the following in a best value selection and award:
    - Price and service level proposals that reduce the District's overall operating costs, including end-of-life expenditures and impact.
    - Equipment, services, supplies, and materials standards that support the District's strategic acquisition and management program direction.
    - A procedure for protest and resolution in the request for proposal.
  4. The District may also consider any of the following in a best value selection and award:
    - The total cost to of its purchase, use, and consumption of equipment, supplies, and materials.
    - The operational cost or benefit incurred by the District.
    - The added value to the District, as defined in the request for proposal, of vendor-added services.
    - The quality and effectiveness of equipment, supplies, materials, and services.
    - The reliability of delivery and installation schedules.

- The terms and conditions of product warranties and vendor guarantees.
  - The financial stability of the vendor.
  - The vendor's quality assurance program.
  - The vendor's experience with the provisions of equipment, supplies, materials, and services within the institutional marketplace.
  - The consistency of the vendor's proposed equipment, supplies, materials, and services with the District's overall supplies and materials procurement program.
  - The economic benefits to the local community, including, but not limited to, job creation and retention.
  - The environmental benefits to the local community.
5. The District will award a contract to the lowest responsible bidder, whose proposal offers the best value to the District based solely on the criteria set forth in the request for proposal. The District shall document its determination in writing.
  6. The District shall issue a written notice of intent to award supporting its contract award and stating in detail the basis of the award. The notice of the intent to award and the contract file must be sufficient to satisfy an external audit.
  7. The District shall publicly announce its award, identifying the bidder to which the award is made, the price proposal of the contractor awarded the contract, and the overall combined rating on the request for proposal evaluation factors. The announcement shall also include the ranking of the contractor awarded the contract in relation to all other responsive bidders and their respective price proposals and summary of the rationale for the contract award.
  8. The District shall ensure that all businesses have a fair and equitable opportunity to compete for, and participate in, district contracts and shall also ensure that discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, does not occur in the award and performance of contracts.

### **Purchase without Advertising for Bids**

The Chief Financial Officer or designee is authorized to make purchases from firms holding public agency contracts without calling for bids where it appears advantageous to do so.

The Chief Financial Officer or designee may, without advertising for bids within all California counties, cities, towns, or districts, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The Chief Financial Officer or designee may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

The Chief Financial Officer is authorized to make purchases with a value between \$5,000 and \$250,000 from a certified small business, microbusiness, or disabled veteran business enterprise.

### **Duration of Continuing Contracts for Services and Supplies**

1. Continuing contracts for work or services furnished to the District are not to exceed five years.
2. Contracts for materials and supplies are not to exceed three years.

### **Emergency Repair Contracts without Bid**

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Chief Financial Officer may make a contract on behalf of the District for labor, materials, and supplies without advertising for or inviting bids, subject to ratification by the Board.

### **Unlawful to Split Bids**

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

### **Record Retention**

The District will retain records sufficient to detail the history of procurement. These records include: rationale for the method of procurement, selection of contract type, contractor selection and rejection, and the basis for the contract price.

### **Kindergarten-University Public Education Bond Act Projects**

For projects funded by 2002, 2004, or 2006 Bond Funds, the Chief Financial Officer will initiate and enforce, or contract with a third party to initiate and enforce, a labor compliance program for that project under Labor Code Section 1771.7. The program will include:

- Appropriate language concerning the wage requirements of Labor Code Sections 1720 et seq. in all bid invitations and public works contracts.
- A pre-job conference with the contractor and subcontractors to discuss applicable federal and state labor law requirements.
- Project contractors and subcontractors shall be required to maintain and, at designated times, furnish certified copies of weekly payroll containing a statement of compliance signed under penalty of perjury.
- The District shall review, and if appropriate audit, the payroll records of the employees of the contractor and/or subcontractor. The review and audit shall be conducted by the Chief Financial Officer or an independent third party, but not the third party with whom the District contracts to initiate and enforce a labor compliance program under Labor Code Section 1771.7.
- If an investigation establishes that an underpayment of wages has occurred, the District shall withhold any contract payments, equal to the amount of underpayment and any applicable penalties.



- The Chief Financial Officer shall transmit a written finding that the District has initiated and enforced, or has contracted with a third party to initiate and enforce, the required labor compliance program, to the Director of the Department of Industrial Relations or any successor agency that is responsible for the oversight of employee wage and work hour laws.

---

**Kern Community College District**

Chapter 6 – Business and Fiscal Services

---

**AP 6345 Bids and Contracts - UPCCAA**

**References:**

Education Code Sections 81641 et seq.:

Labor Code Sections 1770 et seq.:

Public Contract Code Sections 20110 et seq., 20650 et seq., 22000 et seq.  
(Uniform Public Construction Cost Accounting Act (Act))

**Note: This procedure is legally required.**

**Informal and Formal Bidding Procedures under the Uniform Public Construction Cost Accounting Act, adopted by resolution by the Board of Trustees**

Public Projects are defined in Public Contract Code (PCC) Section 22002(c) as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, or painting or repainting of or involving any publicly owned, leased or operated facility. Public projects estimated to cost up to \$200,000[1] shall be let to contract by procedures described below.

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of this Procedure requiring work to be done by contract after competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions must contain all documents necessary to assure compliance with these Labor Code sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

Public Projects funded by the Kindergarten-University Public Education Bond Acts of 2002 and 2004 and any future State Bond funds require that the District initiate and enforce a labor compliance program pursuant to Labor Code Section 1771.5.

**Procedures Not Covered by this AP**

When this procedure does not establish a process for bidding Public Projects, the procedures described in AP 6430 Bids and Contracts shall govern.

**Contractors List**

Lists of contractors shall be developed and maintained.

### **Award to Low Bidder; No Bids**

All contracts must be awarded to the lowest responsible bidders. If two or more bids are the same and lowest, the District may accept the one it chooses. When no bids are received, the District may perform Public Projects with District employees or through a negotiated contract without further complying with this procedure.

### **Notice Inviting Informal Bids**

When a Public Project anticipated to cost less than \$200,000 is to be performed, the District shall prepare a notice of the opportunity to bid. The notice must describe the project in general terms, state the time and place for the submission of bids and describe how to obtain more detailed information about the Project. The District shall mail the notice to all contractors for the category of work to be bid, as shown on the Contractors List. The District may also mail the notice to all construction trade journals. Other contractors and/or construction trade journals may also be notified at the discretion of the department soliciting bids. Mailing shall be completed at least ten days before bids are due.

### **Award of Informally-Bid Contracts**

The District Chancellor or designee for the District, is authorized to award informal contracts (defined as contracts for less than \$200,000.00), except those contracts described below.

### **Bids Exceed Informal Bidding Limit**

If all informal bids received exceed \$200,000, and the District determines that the cost estimate was reasonable, the District may award the contract at up to \$212,500 to the lowest responsible bidder. The contract must be approved by Resolution receiving a four-fifths (4/5) vote of the Board of Trustees.

### **Bid Documents for Formal Bids**

The Chancellor or designee, will see that plans, specifications and working details for all Public Projects estimated to cost more than \$200,000 are adopted.

### **Notice Inviting Formal Bids**

When a Public Project, which is anticipated to cost in excess of \$200,000 is to be performed, the District shall publish a notice inviting formal bids in a newspaper of general circulation. The notice shall be published at least 14 calendar days before the date of bid opening. The notice shall also be sent electronically, if available, by facsimile or electronic mail and mailed to all construction trade journals. The notice to construction trade journals shall be sent at least 15 calendar days before the date of bid opening. Other contractors and/or construction trade journals may also be notified, at the discretion of the department soliciting bids. Mailing shall be completed at least 30 days before the date of bid opening.

### **When Contractors List Has Not Been Prepared: Proprietary Product or Service**

Notwithstanding the above:

- If the District has not prepared a list of contractors for the particular category of work to be performed, the notice inviting bids shall be sent to each of the construction trade journals.
- If the product or service is proprietary in nature, such that it can be legally obtained only from a certain contractor(s) pursuant to Public Contract Code Section 3400, the notice inviting informal bids may be sent exclusively to such contractors.

=  
**Contracts for Maintenance Work**

Contracts for Maintenance Work may be bid pursuant to the Informal Bidding Procedures described above. Maintenance Work is routine, recurring work done for the preservation or protection of a public facility; minor repainting; landscape maintenance including mowing, watering, trimming, pruning, planting or replacement of plants, and servicing of irrigation systems; work performed to keep, operate, or maintain publicly owned water, power, or waste disposal systems.

=  
**Rejection of Bids; Re-solicitation; Use of District Employees**

If the District intends to reject all bids, it must mail the apparent low bidder a written notice of the District's intent to reject the bid at least two business days prior to the hearing at which the bids will be considered.

=  
After rejecting all bids, the District may:

- abandon the project;
- re-advertise the project; or
- perform the work with District employees, after passing a resolution by a four-fifths (4/5) majority of the Board of Trustees declaring that the project can be performed more economically by District employees.

**Emergency Procedures**

When an emergency necessitates repair or replacement, contracts shall be awarded pursuant to the procedures described in AP 6340 Bids and Contracts.

---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6350      Contracts – Construction**

**References:**

Education Code Section 81800;  
Public Contract Code Sections 20650

**Note: This procedure is legally advised.**

The designated officer shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities that require state approval. This includes the planning and programming of college-initiated new construction, additions to existing plants, and major alterations and repairs of buildings and grounds.

=  
The designated officer shall be responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations and improvements of buildings and grounds together with estimates of costs.

=  
The preliminary drawings, which shall cover all proposed facilities together with construction cost estimates, shall be submitted to the Board for approval and authorization to proceed with the working drawings and specifications. Upon completion, the working drawings, specifications and revised cost estimates, if any, will be submitted for approval to the California Community College Chancellor's Office and the State Department of General Services as required by statute in the name of the Board of Trustees.

=  
The final working drawings and specifications, approved by the State Department of General Services and the California Community College Chancellor's Office, together with revised estimates, if any, shall then be submitted to the Board of Trustees for adoption.

=  
The letting of contracts for construction shall comply with procedures of the District regarding contracts that exceed the statutory minimums for competitive bidding. (See AP 6340 Bids and Contracts)

---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6355      Job Order Contracts**

**References:**

Public Contract Code Sections 20665.20 et seq.

**Note: This procedure is legally advised.**

The designated officer shall prepare an execution plan for all modernization projects that may be eligible for job order contracting. The District shall select from that plan a sufficient number of projects to be initiated as job order contracts during each calendar year and shall determine for each selected project that job order contracting will reduce the total cost of that project. Job order contracting shall not be used if the District finds that it will increase the total cost of the project.

=  
**Bidding**

The District shall prepare a set of documents for job order contracts. The documents shall include a unit price catalog and pre-established unit prices, job order contract technical specifications, and any other information deemed necessary to adequately describe the community college district's needs.

=  
Any architect, engineer, consultant, or contractor retained by the District to assist in the development of the job order contract documents shall not be eligible to bid or to participate in the preparation of a bid with any job order contractor.

=  
Based on the documents prepared, a community college district shall prepare a request for bid that invites prequalified job order contractors to submit competitive sealed bids in the manner prescribed by the District. The prequalified job order contractors, as determined by a community college district, shall bid one or more adjustment factors to the unit prices listed in the unit price catalog based on the job order contract technical specifications. Awards shall be made to the prequalified bidders that the district determines to be the most qualified based upon pre-established criteria made by the District. The prequalified bidders shall be in compliance with the district's project labor agreement. Compliance shall constitute no more than three major violations on any community college district projects within the last three years. If a contractor has more than three violations within a three-year period of time, the District shall seek administrative review of the violations. Violations will include, but are not limited to, the following:

=

- Failure to register core workers with the appropriate building trade union.
- Failure to assign apprentices in accordance with Labor Code Section 1777.5.

- Failure to comply with subdivision (c) of Public Contract Code Section 20665.25.
- Incorrect assignment of work in accordance with the District's project labor agreement.

The District may award multiple job order contracts through a request for bid. Job order contracts shall be awarded to the most qualified prequalified bidders.

The request for bids may encourage the participation of local construction firms and the use of local subcontractors.

### **Pre-Qualification**

The District shall establish a procedure to prequalify job order contractors using a standard questionnaire that includes, at a minimum, the issues covered by the standardized questionnaire and model guidelines for rating bidders developed by the Department of Industrial Relations pursuant to subdivision (a) of Section 20101.

This questionnaire shall require information including, but not limited to, all of the following:

- If the job order contractor is a partnership, limited partnership, or other association, a listing of all of the partners or association members known at the time of bid submission who will participate in the job order contract.
- Evidence that the members of the job order contractor have the capacity to complete projects of similar size, scope, or complexity, and that proposed key personnel have sufficient experience and training to competently manage the construction of the project, as well as a financial statement that assures the District that the job order contractor has the capacity to complete the project.
- The licenses, registration, and credentials required to perform construction, including, but not limited to, information on the revocation or suspension of any license, credential, or registration.
- Evidence that establishes that the job order contractor has the capacity to obtain all required payment and performance bonding and liability insurance.
- Information concerning workers' compensation experience history, worker safety programs, and apprenticeship programs.
- A full disclosure regarding all of the following that are applicable:
  - Any serious or willful violation of Part 1 (commencing with Section 6300) of Division 5 of the Labor Code or the federal Occupational Safety and Health Act of 1970 (Public Law 91-596), settled against any member of the job order contractor.
  - Any debarment, disqualification, or removal from a federal, state, or local government public works project.
  - Any instance where the job order contractor, or its owners, officers, or managing employees submitted a bid on a public works project and were found to be nonresponsive, or were found by an awarding body not to be a responsible bidder.
  - Any instance where the job order contractor, or its owners, officers, or managing employees defaulted on a construction contract.
  - Any violations of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code), excluding alleged violations of federal or state law regarding the payment of wages, benefits, apprenticeship requirements, or personal income tax

withholding, or of Federal Insurance Contribution Act (FICA) withholding requirements settled against any member of the job order contractor.

- Any bankruptcy or receivership of any member of the job order contractor, including, but not limited to, information concerning any work completed by a surety.
- Any settled adverse claims, disputes, or lawsuits between the owner of a public works project and any member of the job order contractor during the five years preceding submission of a bid under this article, in which the claim, settlement, or judgment exceeds fifty thousand dollars (\$50,000). Information shall also be provided concerning any work completed by a surety during this period.

The information required shall be verified under oath by the entity and its members in the manner in which civil pleadings in civil actions are verified. Information that is not a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) shall not be open to public inspection.

#### **Maximum Amount and Term of Contract**

The maximum total dollar amount that may be awarded under a single job order contract shall not exceed five million dollars (\$5,000,000) in the first term of the job order contract and, if extended or renewed, a maximum of ten million dollars (\$10,000,000) over the subsequent two terms of the job order contract.

Job order contracts may be executed for an initial contract term of no more than 12 months, with the option of extending or renewing the job order contract for two 12-month periods. The term of the job order contract shall be for the contract term or whenever the maximum value of the contract is achieved, whichever is less. All extensions or renewals shall be priced as provided in the request for bids. The extension or renewal shall be mutually agreed to by the community college district and the job order contractor.

The District may issue job orders to the job order contractor that has been awarded the job order contract. The job order issued to the job order contractor shall not commence for seven days from the time the job order was issued and the job order contractor shall provide a minimum of seven days' notice for the addition of any subcontractor or substitution of any subcontractor as described in subdivision (e) of Public Contract Code Section 20665.26. The job order shall be based on a project scope of work prepared by the District as well as a proposal from the job order contractor who is awarded the job order contract. No single job order may exceed one million dollars (\$1,000,000).

Job orders may not be split or separated into smaller job orders any project for the purpose of evading the cost limitation provisions stated above.

All work performed under the job order contract shall be covered by a project labor agreement. Any change or alteration to a job order shall be in compliance with Public Contract Code Section 20118.4.

#### **Contractor's Use of Subcontractors**

If the primary job order contractor chooses to use subcontractors, the primary job order contractor is required to verify that the subcontractors possess the appropriate licenses and credentials required to perform construction.

=



The primary job order contractor may use subcontractors that are not listed at the time the job order is issued if the work to be performed under that job order is less than ten thousand dollars (\$10,000).

If the primary job order contractor chooses to use a subcontractor that is not listed at the time of bid to perform work on a job order, all of the following apply:

- The primary job order contractor shall provide public notice of the availability of work to be subcontracted by trade. The public notice shall include the scope of work; the project location; the name, address, and the telephone number of the primary job order contractor; and the closing date, time, and location for sealed bids to be submitted.
- The primary job order contractor shall take sealed bids from the subcontractors solicited for the proposal. These bids shall be publicly opened at a prescribed time and place by the primary job order contractor. After the bids are opened, the job order contractor shall notify the District which subcontractor was selected.
- The notification shall include every subcontractor for all tiers and shall establish the authorized subcontractor list for the job order. Work shall not commence prior to seven days' notice of the established subcontractor list and the subsequent addition of any subcontractor to the job order.
- The notification shall identify the scope of the work to be performed by each subcontractor to the job order, broken down by craft. If a subcontractor performs multiple crafts, the job order contractor shall identify the work of each craft to be performed.
- If the primary job order contractor chooses to make a substitution to the subcontractor list, the primary job order contractor shall provide a minimum of seven days' notice to the District along with justification as to the need for the substitution. The community college district may request a hearing to evaluate the substitution request, which shall be in accordance with Chapter 4 (commencing with Section 4100) of Part 1 of the Public Contract Code.
- If the District determines that there has been a violation of Chapter 4 (commencing with Section 4100) of Part 1 of the Public Contract Code, including bid shopping by the primary job order contractor, the District may terminate the job order or the contractor may lose authorization to proceed with awarded work subject to the District's administrative due process review, if that review is established pursuant to the District's project labor agreement. If the District determines that a job order contractor has violated any provision set forth in Chapter 4 (commencing with Section 4100) of Part 1 of the Public Contract Code, the District may declare the contractor ineligible for future job orders and may result in a loss of prequalification status for a period of time to be determined by the District.

### **District's Obligations**

The District will prepare for each individual job order developed under a job order contract an independent community college district estimate. The estimate will be prepared prior to the receipt of the contractor's offer to perform work and will be compared to the contractor's proposed price to determine the reasonableness of that price before issuance of any job order. The basis for any adjustments to the District estimate is to be documented. If the contractor's proposal for a given job order is found to be unreasonable, not cost effective, or

undesirable, the District is under no obligation to issue the job order to the job order contractor, and may instead utilize any other available procurement procedures.

=  
The District shall not issue a job order until the job order has been reviewed and approved by the appropriate level of management.

=  
Once a job order has been issued, all documents pertaining to preparation and approval of the job order, including the independent District estimate, shall be available for public review.

=  
The District shall designate one individual to act as a monitor to inspect job sites for labor compliance violations at the request of the designated labor representative in its project labor agreement.

---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6360      Contracts – Electronic Systems and Materials**

**References:**

Education Code Sections 81641 et seq., and 81651;  
Public Contract Code Sections 20651 et seq.

**Note: This procedure is legally advised.**

The District may contract with any vendor who has submitted one of the three lowest responsible competitive proposals or competitive bids for the purchase or maintenance of electronic data-processing systems and equipment, electronic telecommunication equipment, supporting software, and related material, goods and services.

= Except as otherwise stated here, bids shall be solicited and contracts shall be awarded in accordance with AP 6340 titled Bids and Contracts.

= Criteria to determine what constitutes a responsive bid shall be established by appropriate District staff.

= Supplemental instructional software packages may be purchased without taking estimates or advertising for bids.

= Sale and leaseback of data-processing equipment or another major item of equipment is permissible if the purchaser agrees to lease the item back to the district for use by the district following the sale. The Governing Board shall first adopt a resolution finding that the sale or leaseback is the most economical means for providing electronic data-processing equipment or other major items of equipment to the District.

---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6365      Contracts – Accessibility of Information Technology**

**References:**

Government Code Sections 7405 and 11135;

Title 5 Sections 59300 et seq.;

Section 508 of the Rehabilitation Act of 1973 (29 U.S. Code Section 794d);

36 Code of Federal Regulations Parts 1194.1 et seq.

**Note: This procedure is legally required.**

Whenever the District enters into a contract for the purchase, development, procurement, maintenance or use of any electronic or information technology, the vendor shall certify that it complies with the requirements of Section 508 of the Rehabilitation Act of 1973 and its related regulations. This requirement shall apply to software applications, operating systems, web-based intranet and internet information and applications, telecommunications products, video or multimedia products, self-contained closed products such as copiers, and desktop and portable computers.

Each contract with such a vendor shall contain the following provision:

"The vendor hereby warrants that the products or services to be provided under this agreement comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended, and its implementing regulations. Vendor agrees to respond promptly to and resolve any complaints regarding accessibility of its products or services that are brought to its attention. Vendor further agrees to indemnify and hold harmless the district from and against any claim arising out of its failure to comply with these requirements. Failure to comply with these requirements shall constitute a breach and be grounds for termination of this agreement."

---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6370      Contracts – Personal Services**

**References:**

Education Code Section 88003.1;  
Government Code Section 53060;  
Labor Code Sections 2750.3 and 3353;  
Public Contract Code Section 10335.5

**Note: This procedure is legally required.**

The District may enter into personal services contracts to achieve cost savings when each of the following conditions is met:

=

- It can be clearly demonstrated that the proposed contract will result in actual overall cost savings to the District;
- The contractor's wages are at the industry's level and do not undercut District pay rates;
- The contract does not cause the displacement of district employees;
- The savings are large enough to ensure that employees will not be eliminated by private sector and District cost fluctuations that could normally be expected during the contracting period;
- The amount of savings clearly justifies the size and duration of the contracting agreement;
- The contract is awarded through a publicized, competitive bidding process;
- The contract includes specific provisions pertaining to the qualifications of the staff that will perform the work under the contract, as well as assurance that the contractor's hiring practices meet applicable nondiscrimination standards;
- The potential for future economic risk to the District from potential contractor rate increases is minimal;
- The contract is with a firm; and
- The potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by the District.

=

Personal service contracts are also permissible when any one of the following conditions is met:

- the contract is for new functions mandated or authorized by Legislature to be performed by independent contractors;
- the services are not available within the District or cannot be satisfactorily performed by district employees;
- the services are incidental to a purchase or lease contract;
- the policy, administrative, or legal goals and purposes of the District cannot be accomplished through the regular or ordinary hiring process;
- the work meets the criteria for emergency appointment;
- equipment, materials, facilities, or support services could not feasibly be provided by the District; or
- the services are of an urgent, temporary, or occasional nature.

**Professional Experts** – Contracts for the services of persons who qualify as professional experts may be let without competitive bidding. Professional experts are persons specially qualified to provide services and advise in financial, economic, accounting, engineering, legal or administrative matters. They must be specially trained, experienced and competent to perform the services required. Compensation for special services and advice from professional experts may be paid from available funds in the amounts deemed proper for the services rendered.

**Consultants** – Consulting services contracts refer to all services that:

- are of an advisory nature,
- provide a recommended course of action or personal expertise,
- have an end product which is basically a transmittal of information either written or verbal, and,
- are obtained by awarding a procurement-type contract, a grant, or any other payment of funds for services of the above type.
- The product may include anything from answers to specific questions to design of a system or plan, and includes workshops, seminars, retreats, and conferences for which paid expertise is retained by contract.

**Independent Contractors** – To be an independent contractor, substantial conformance with all the following conditions must exist:

- The contractor is free from the control and direction of the District in connection with the performance of the work, both under the contract for the performance of the work and in fact;
- The contractor performs work that is outside the usual course of the District's business; and
- The contractor is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

=  
Contractors can't be fired so long as they produce a result that meets the contract specifications.

=  
Contractors are responsible for the satisfactory completion of a job or they may be legally obligated to compensate the hiring firm for failure to complete.

- From current KCCD AP 3A4(c)

### Independent Contractor Checklist

- A. Required documentation for contractors operating as corporation, non-profit entity, partnership, association or Doing Business As (DBA). If the contractor provided a product or supplies, rather than services, complete Item 3 only.
1. KCCD's Agreement with Independent Contractor or a specially negotiated agreement. Either must be signed by the Assistant Chancellor, Business Services and Director of Human Resources.
  2. Business license, if required, fictitious business name statement, business card and/or business letterhead. Provide any of the above.
  3. Brief description of services provided.

---

---

---

---

IF THE RESPONSES/DOCUMENTATION FOR NUMBERS 1-3 OBVIOUSLY SUPPORT THE CATEGORIZATION OF AN INDEPENDENT CONTRACTOR, YOU MAY STOP. YOU DO NOT NEED TO RESPOND TO OR DOCUMENT ANY OF THE FOLLOWING COMMON LAW QUESTIONS.

- B. "Common Law Questionnaire" Please complete the following IRS 20 Common Law Questions. Also, Educational Administrators carefully read the "Who are Employees" document before completing the questionnaire, and refer to Page 10 of "Who Are Employees" for factors that indicate the right to direct and control. Where your answer is 'yes', please provide a detailed rationale.

**IF THE ANSWERS ARE 'NO' FOR ALL QUESTIONS EXCEPT 15 & 16, THE POSITIONS SHOULD BE AN INDEPENDENT CONTRACTOR.**

1. If a contractor is required to comply with instructions concerning when, where, and how he/she is to complete the work, that individual is generally an employee. Does the District require the contractor providing services to comply with instructions concerning when, where, and how the work is done? NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

2. Training workers indicates that the workers are expected to perform their work in a specific manner or method. Dose the District require the contractor to receive training? NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

3. If the contractor's services are integrated into the business operations of the District, this generally shows that he/she is subject to direction and control. Are the services performed integrated into the KCCD business operations? NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

4. If the services must be performed personally, it generally means that the employer will exercise control over the methods. Is the contractor required to personally perform services? NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

5. Contractors may hire, supervise and pay other workers. This is indicative of an independent contractor status. Is the District responsible for supervising and paying any of the contractor's assistants? NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

---



6. A continuing relationship between a contractor and the District is a factor indicating control. Is the relationship between contractor and KCCD a continuing relationship (year-to-year)? NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

7. Does KCCD dictate the hours of work? NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

8. If a contractor is compelled to devote full attention and time to the performance of District business and is not free to attend to any of his/her other gainful work, then essentially full-time hours are required. Is contractor required to work full-time to provide services to KCCD?

NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

9. Is the majority of work performed at a designated location at KCCD?

NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

10. An employee/employer relationship is indicated when the worker is not free to follow his/her own pattern of work. Does the District determine the steps or sequence in which the work is completed? NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

11. If a worker is required to submit oral or written reports, this indicates a desire to control by the District. Is contractor required to provide oral or written reports? NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

12. Is contractor paid by the hour, week, month, or agreed contract amount, using installment payments? Please explain:

---

---

13. When business and traveling expenses are directly paid by the District rather than reimbursed according to the contract, then the contractor is generally considered to be an employee. Is business or traveling expenses directly paid by KCCD? NO \_\_\_\_\_ YES \_\_\_\_\_  
(If yes, please explain)

---

---

14. When the District furnishes the significant tools, materials and other equipment, and employer/employee relationship exists. Does contractor require significant use of KCCD equipment, supplies, and/or tools to complete work? NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

15. Does contractor have a significant investment in his/her own facilities and equipment? NO \_\_\_\_\_ YES \_\_\_\_\_ (If no, please explain)

---

---

16. The person who can realize a profit or suffer a loss as a result of his/her services is generally an independent contractor. Is contractor capable of gaining a profit or suffering a loss from the contract with KCCD? NO \_\_\_\_\_ YES \_\_\_\_\_  
(If no, please explain)

---

---

17. Persons who work for a number of individuals or firms at the same time are generally independent contractors. Does the contractor work solely for the District during the calendar year? NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

18. The fact that a person makes his/her services available to the general public on a regular basis usually indicates an independent contractor relationship. Does the District structure the work in such a manner as to require full-time hours for the calendar year or during the contract period? NO \_\_\_\_\_ YES \_\_\_\_\_  
(If yes, please explain)

---

---

19. An independent contractor cannot be discharged so long as he/she produces a result that meets contract specifications. Does KCCD have the right to terminate contractor for reasons not based on contract specifications? NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

20. To be able to terminate a working relationship without incurring a liability is a factor indicating that an employee/employer relationship exists. Does KCCD have the right to terminate without liability? NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please explain)

---

---

**IRS SECTION 530-SAFE HARBOR RULE**

The "Safe Harbor" rules apply where past practice in an industry recognizes a trade, profession, or service provider as being an independent contractor. If the decision to categorize this individual is based on known industry practice, please provide the required documentation/information to justify this decision. Below is a list of the information required to apply the Safe Harbor rule:

- 1. List other California Community Colleges that categorizes individuals working in a similar capacity as independent contractors. Please list names and current title of the contact person. Establish and document when the practice began. Collect any written procedures or policies that the school may have.
- 2. Describe any personal experience and knowledge with this practice within the trade or profession gained from interviews, industry tax literature, seminars, legal readings, etc. that would substantiate this categorization. (Please attach documentation)

My signature below indicates my agreement that this individual is appropriately categorized as an Independent Contractor.

---

Educational Administrator (Signature & Date)

---

Director of Human Resources (Signature & Date)

I have read the Independent Contractor Checklist and agree with the categorization of Independent Contractor for the services that I will be providing Kern Community College District.

---

Independent Contractor (Signature & Date)

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6380 Vendors**

**References:**

None

**Note: This procedure is legally advised.**

Permitting a vendor to operate on a district campus entails the following policies and procedures.

- BP and AP 3600 Auxiliary Organizations
- BP and AP 3900 Speech: Time, Place, and Manner
- BP and AP 6300 Fiscal Management
- BP 6340 Contracts
- AP 6340 Bids and Contracts
- BP and AP 6500 Property Management
- BP and AP 6540 Insurance

The following should be addressed:

- Process for student groups, employees, and external groups to apply for consent to vend on campus
- Responsibility to comply with related policies and procedures
- College personnel with approval authority
- Guidelines for establishing rental fees and other revenue to the college, if any.
- Guidelines for use of the revenue generated, if any.

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6400      Financial Audits**

**References:**

Education Code Sections 84040(b), 84040.5, and 81644;  
Title 5 Section 59102;  
ACCJC Accreditation Standard III.D.7

**Note: This procedure is legally required.**

On or before April 1 of the fiscal year, the Board shall approve the selection of an auditor who shall be a certified public accountant licensed by the California State Board of Accountancy.

An auditing firm's contract shall be determined by the District and for no longer than 5 years. The audit shall include all funds under the control or jurisdiction of the District. The audit shall identify all expenditures by source of funds and shall contain:

- A statement that the audit was conducted pursuant to standards and procedures developed in accordance with Education Code Section 84040.5, and
- a summary of audit exceptions and management recommendations.

Audit reports for the preceding fiscal year must be presented to the Board and submitted to the California Community Colleges Chancellor's Office by December 31.

---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6450      Wireless or Cellular Telephone Use**

**References:**

Vehicle Code Sections 12810.3, 23123, and 23124;  
26 U.S. Code Sections 274(d)(4) and 280F(d)(4)

**Note: This procedure is legally advised.**

The Chancellor or designee shall determine if it is in the best interests of the District to provide a cellular or wireless telephone at District expense.

Cellular telephones provided by the District for compensatory reasons are classified by the Internal Revenue Service as a fringe benefit, the value of which must be included in an employee's gross income.

The value of a cellular telephone provided by the District primarily for non-compensatory business purposes is excludable from an employee's income. Employees will generally not be required to keep notes of business and personal use of District-issued cellular telephones when the telephones are issued for non-compensatory business reasons.

These rules do not apply to wireless or cellular telephones owned by employees. Any reimbursements to employees for use of their own wireless or cellular telephones may be excluded from wages if the employee accounts for the expense pursuant to the Internal Revenue Service accountable plan.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device. Drivers may use a wireless or cellular telephone to contact a law enforcement agency or public safety entity for emergency purposes. Drivers of motor trucks or truck-tractors, farm vehicles, tow trucks, a listed or described implement of husbandry, or a commercial vehicle, used in commercial agricultural operations may use a digital two-way radio service that utilizes a wireless or cellular telephone.

There is no expectation of privacy in the use of a District-issued cellular telephone.

The Kern Community College District recognizes that certain specific job functions require the use of wireless communication devices to conduct official business. When the job duties of an \_\_\_\_\_ employee require the use of a wireless communication device to conduct District business, the Chancellor or President may provide the employee with a wireless communication device or allowance. \_\_\_\_\_ -

No personal calls may be initiated or received on District issued devices. Personal use may result in disciplinary action-

Use of wireless communication devices is prohibited while driving District vehicles and while driving any vehicle during the course or scope of employment. There are no exceptions, including hands-free devices.

- From current KCCD AP 3E5

All employees who require the use of a wireless communication device to conduct District business must complete and submit the Kern Community College District Wireless Communication Device Authorization Request form in the Appendix. (See **Appendix 3E5**)





---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6500      Property Management**

**References:**

Education Code Sections 70902 and 81300 et seq.

**Note: This procedure is legally advised.**

The Chief Financial Officer shall be responsible for supervising acquisitions of real property, including appraisals and valuations of real property and improvements; securing title insurance policies; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property.

- From current KCCD BP 3B5

**3B5 Operations**

**3B5A** The assignment of all building or room master keys shall be the responsibility of the College President or designee. They may be assigned only to authorized College personnel.

**3B5B** On all occasions where the Flag of the United States and the Flag of the State of California are displayed on College premises, federal and State rules on flag etiquette and procedures shall be strictly observed. It is the responsibility of each College to ensure that the Flag is treated with respect and handled with reverence at all times in accordance with regulations and policies of the Education Code and the Board of Governors of the California Community Colleges.

**3B5C** The Flag of the United States and the Flag of the State of California shall be prominently displayed at each member College and at the District headquarters. Both flags shall be prominently displayed at all open-air performances.



**3B5D** The national flag shall not be a vehicle for the expression of political, social, or economic philosophy. Nothing in past custom and usage or existing statutes or regulations authorizes the District to lower the flag to express approval or disapproval of the popular cause of the day. Determination regarding the flying of the flag at half-mast at the member Colleges of the District shall be made either by Congressional, Presidential or Governmental decree in the case of national or statewide proclamations, or by the Board of Trustees or the Chancellor in all other instances.



---

**Kern Community College District  
Administrative Procedure**  
Chapter 6 – Business and Fiscal Services

---

**AP 6520 Security for District Property**

**References:**

ACCJC Accreditation Standard III.B.1

**Note: This procedure is legally advised.**

Each District employee is responsible for the equipment under his/her control and shall not loan or allow the use of the equipment to any individual who is not authorized by the District (see AP 6535 titled Use of District Equipment). Loss of equipment and unauthorized use of equipment shall be reported immediately to the responsible administrator.

District facilities and grounds are for the use of District-authorized activities and events. (Also see BP/AP 6700 titled Civic Center and Other Facilities Use.)

The District is responsible for administering the process for issuance, use, and return, including monitoring, of keys/access control devices. All issued keys/access control devices are the property of the District. As such, they are subject to recall at any time.

**Authorization of Keys/Access Control Devices**

The District Chancellor or designee is/are the designated individual(s) who can authorize access to buildings, offices, etc.

Keys/access control devices will be issued only to employees of the District and to outside regular contractors/vendors who must have access to service areas, when approved by the - administrator for Maintenance and Operations or Police and Safety Services. Keys/access control devices shall not be issued to students, student workers, or short-term workers. Exceptions to this procedure can only be made by the District Chancellor.

Upon a change in assignment within the District, employees shall turn in any keys/access control devices no longer needed to the Police and Safety Services, District Chancellor, or designee.

Under no circumstances shall keys/access control devices be loaned to an unauthorized person.

Part-time faculty shall turn keys/access control devices in to Police and Safety Services at the end of each semester (if not returning the subsequent semester).

### **Key/Access Control Device Request**

To order a key/access control device, a request must be submitted by the District Chancellor or designee. All key/access control device requests must be submitted to Police and Safety Services.

### **Key/Access Control Device Responsibility**

The person who signs for the key/access control device assumes the responsibility for it. Any lost or stolen key/access control device must be reported to Police and Safety Services immediately and a report filed. Fees due to lost/stolen/missing keys/access control devices are required to be paid prior to issuance of replacement keys/access control devices. In the case of employee separation from the District, all keys/access control devices must be returned to Police and Safety Services. Appropriate fees will be assessed for all unreturned keys/access control devices.

### **Key/Access Control Device Duplication**

Each District key/access control device belongs to the District and shall not be duplicated. Any unauthorized duplication of a District key/access control device is a violation of Penal Code Section 469 and is punishable with a fine or imprisonment.



---

**Kern Community College District  
Administrative Procedure**  
Chapter 6 – Business and Fiscal Services

---

**AP 6530      District Vehicles**

**References:**

Public Contract Code Section 10326.1;

Title 13, California Code of Regulations, Division 1, Chapter 1

**Note: This procedure is legally advised.**

All District vehicles and drivers must comply with the California Vehicle Code and Title 13 (Motor Carrier Safety).

=  
All drivers of District-owned or leased vehicles both on and off campus must have a current license appropriate for the vehicle to be driven.

=  
All drivers of District-owned or leased vehicles that carry 15 or more persons including the driver must have a current Class B license, a current medical certificate and a current First Aid Certificate.

=  
All District facilities maintaining vehicles defined as buses must keep records of driver's hours, vehicle maintenance, and vehicle inspection records. All of these records must be made available to the California Highway Patrol (CHP). The CHP is required to inspect the records at least once every 13 months.

=  
All District vehicles with equipment for transporting the disabled must comply with all applicable laws and regulations regarding such vehicles.

=  
The District shall not operate or lease a 15-passenger van unless the driver holds both a valid class B driver's license, and an endorsement for operating a passenger transportation vehicle issued by the Department of Motor Vehicles.

Vehicles made available to the District personnel are for use in the conduct and operation of District business.

=  
Automobiles owned by the District and operated by district personnel may be replaced after a designated limit of miles or model years in age, whichever occurs first.

=

Regular or occasional garaging of District-owned vehicles at any location other than the one assigned is permitted only with prior written approval. Home garaging shall meet any one of the criteria listed below:

=

- Employees whose duties require regular or frequent reporting to locations other than their regular headquarters before or after regular working hours.
- Employees who are regularly or frequently subject to call before or after regular working hours.
- Employees with assigned vehicles who are headquartered at locations lacking secured overnight garaging facilities.

=  
The administrator for Maintenance and Operations of a location is responsible for controlling access to and use of all District vehicles assigned to that location.

=  
The name, home address, employee number, California driver's license number, insurance, and social security number of any employee to be authorized to drive District vehicles must be submitted to the designated officer prior to final granting of authorization.



---

**Kern Community College District  
Administrative Procedure**  
Chapter 6 – Business and Fiscal Services

---

**AP 6535      Use of District Equipment**

**References:**

Education Code Sections 70902;

ACCJC Accreditation Standards III.B.3 and III.C.4

**Note: This procedure is legally advised.**

Each member of the District staff shall be responsible for equipment under his/her/their control. Loss of equipment and unauthorized removal of equipment should be reported immediately to the appropriate administrator.

Equipment that is lost or stolen may be replaced upon submission of a request through the appropriate administrative office. The request must include an explanation about the loss or theft of the equipment and a justification that replacement is essential to the activity served.

District equipment shall not be loaned to persons not employed by or enrolled in the District.

Equipment shall only be removed from campus with proper authorization(s).



AP 6540 - New

---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6540 Insurance**

**References:**

Education Code Sections 70902, 72502, 72506, and 81601 et seq.

**Note: This procedure is legally required.**

Local practice must provide for the following forms of insurance:

- Liability insurance for damages for death, injury to person, or damage or loss of property.
- Liability insurance for the personal liability of the members of the Board and of the officers and employees of the District for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer or employee when acting within the scope of his/her/their office or employment.
- Fire insurance
- Real property damage
- Personal property loss or damage
- Insurance for District vehicles
- Insurance against “other perils” (Education Code Section 81601)
- Workers compensation insurance
- Actuarial evaluation of the future annual costs of health and welfare benefits



---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6550      Disposal of Property**

**References:**

Education Code Sections 70902 subdivision (b)(6), 81360 et seq., and 81450 et seq.

**Note: This procedure is legally advised.**

The District may sell for cash any district personal property if the property is not required for District purposes, or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for use.

Property cannot be sold until notice has been given. Notice must be posted in at least three public places in the district for not less than two weeks; notice can also be by publication for at least once a week for a period of not less than two weeks in a newspaper published in the district and having a general circulation. If there is no such newspaper, then notice can be published in a newspaper having a general circulation in the District; or if there is no such newspaper, then in a newspaper having a general circulation in the county in which the District or any part thereof is situated.

The Chief Financial Officer shall sell the property to the highest responsible bidder, or shall reject all bids.

Personal property authorized for sale as surplus may also be disposed of by means of a public auction conducted by employees of the District, or by other public agencies, or by contract with a private auction firm. The personal property shall be sold or transferred to the highest responsible bidder upon completion of the auction and after payment has been received by the District.

The District can also exchange for value, sell for cash, or donate any personal property belonging to the District without complying with the preceding procedures if all of the following criteria are met:

(a) The District determines that the property is not required for District purposes, that it should be disposed of for the purpose of replacement, or that it is unsatisfactory or not suitable for school use.



(b) The property is exchanged with, or sold or donated to, a school district, community college district, or other public entity that has had an opportunity to examine the property proposed to be exchanged, sold, or donated.

(c) The receipt of the property by a school district or community college district will not be inconsistent with any applicable district wide or school site technology plan of the recipient district.

If the Board, by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of \$5,000, the property may be sold by the Chief Financial Officer at private sale without advertising.

Any item or items of property having previously been offered for sale as provided in Education Code Section 81450, but for which no qualified bid was received, may be sold by the Chief Financial Officer at private sale without advertising.

In addition, the Board may sell or lease real property belonging to the District under the following conditions:

If a district has received only one sealed proposal from a responsible bidder that conforms with the standard rate or rates for the lease of its real property established by a majority vote of the Board, the Board may by majority vote delegate to an officer or employee the power to enter into leases, for and in behalf of the District, of any real property of the District.

Generally, the funds derived from the sale or from a lease with an option to purchase shall be used for capital outlay or deferred maintenance. However, the proceeds of property sold or leased that was first offered for park or recreational purposes where applicable and then offered for sale or lease with an option to purchase at fair market value may be deposited in the general fund of the district if, prior to the sale or lease, the Board has determined that the district has no anticipated need for additional sites or building construction for the five-year period following the sale or lease.

---

**Kern Community College District  
Administrative Procedure**  
Chapter 6 – Business and Fiscal Services

---

**AP 6600      Capital Construction**

**References:**

Education Code Sections 81005 and 81820;  
Title 5 Sections 57150 et seq.

**Note: This procedure is legally required.**

**Capital Outlay Program**

The District Chancellor will annually report to the Board and to the California Community Colleges Chancellor's Office a five-year capital outlay program. The program will consist of the plans of the District concerning its future academic and student service programs, and the effects of such programs on construction needs.

Specifically, the five-year capital outlay program will include the following:

- Statement of educational plans
- Statement of energy plans
- Statement of disabled persons' barrier removal plan
- Location of program delivery
- Location of other owned lands
- District-wide priority lists
- District-wide capacity/load ratios
- District-wide supporting detail

**Contracts**

Construction contracts will be let in accordance with AP 6350 titled Contracts – Construction and will comply with applicable laws relating to public works.

**Conversion of Buildings**

State funds earmarked for capital outlay financing may be used to acquire an existing government-owned or privately-owned building and to pay the necessary costs of converting such a building to community college use if all of the following criteria apply:

- The building was constructed as, and continues to qualify as, a school building, as provided by Education Code Sections 81130 et seq., or the building is determined to have, or is rehabilitated to an extent that it is determined to have, a pupil safety performance standard that is equivalent to that of a building constructed pursuant to Education Code Sections 81130 et seq. The determination of the pupil safety performance standard must meet all of the requirements of Education Code Section 81149(a)(1)&(2).

- The total cost of purchasing and converting the existing building to community college use is not greater than the estimated cost of constructing an equivalent building.
- The land associated with the building will be owned by, or controlled through a long-term lease of at least 50 years by, the District.
- The District has complied with facility site review guideline recommendations of the California Postsecondary Education Commission pursuant to Education Code Section 66904.
- The funding for the purchase and conversion of an existing building does not supersede funding for facilities that have previously been prioritized by the Board of Governors and are awaiting state funding.

---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6620 Naming of Properties, Facilities, and Programs**

**References:**

None

**Note: This procedure is legally advised.**

**3B4 Naming District/College Properties, Facilities, and Programs**

**3B4A** The naming of District/College properties, facilities, and programs as defined in **Policy 3B4B BP 6620** requires the approval of the Board of Trustees of the Kern Community College District.

**3B4B Definitions**

1. The term “facilities” includes, but is not limited to, buildings, rooms, interior spaces, streets, courts, athletic fields, open spaces, forests, and all other areas and properties owned, operated, or controlled by the Kern Community College District.
2. The term “program” includes colleges, departments, institutes, centers, and other units operated or controlled by District/College functions.

**3B4C** The Chancellor or designee shall be responsible for developing procedures for the naming of properties, facilities, or programs in accordance with Kern Community College District Board Policy **6620 3B4**. Such procedures will employ the advisories of appropriate District/College consultation groups. ~~See Procedure 3B4 of this Manual for procedures related to Naming District/College Properties, Facilities, and Programs~~

**3B4D** Recommendations for naming properties, facilities, and programs shall be submitted by the College President to the District Chancellor for consideration. The Chancellor reserves the right to make certain decisions related to the naming of District/College properties, facilities, and programs and shall make recommendations to the Board of Trustees for action.

**3B4E** Proposals for naming District/College properties, facilities, and programs shall be considered individually on the proposal’s own merits. No commitment or public announcement regarding a proposed name shall be made prior to the Board of Trustees’ approval. The Kern Community College District Board of Trustees reserves the right to accept or reject any recommendation related to naming.

**3B4F** Proposed names of a District/College property, facility, or program must meet at least one of the following criteria:

1. Designate the function of a property, facility, or program.
2. Reflect natural or geographical features.
3. Honor an individual or organization for making a significant contribution to the District/College.

**3B4F4(a)** A former employee, Board of Trustees member, or Board of Governors member must be retired at least three years.

A former employee, Board of Trustees member, or Board of Governors member may be deceased.

5. Honor individuals who have a record of scholarship, creativity, leadership, humanitarian service, or public service.
6. Honor benefactors, defined as individuals, corporations, and other organizations, who have made substantial financial contributions to the District/College.

**3B4G** Proposed names shall not confuse the public about location or function of the designated property, facility, or program, but rather should enhance a visitor's ability to identify, locate, and use it.

**3B4H** Names of District/College properties, facilities, and programs which are in use as of July 1, 2008 shall continue to be used unless the Board of Trustees takes action to re-name the property, facility, or program as defined in [BP 6620 Policy 3B4I](#).

**3B4I** Naming of properties, facilities, or programs shall be in perpetuity except as set forth in [BP 6620 Policies 3B4I1 and 3B4I2](#).

**3B4I1** The Board of Trustees of the Kern Community College District reserves the right to re-name a property, facility, or program in extenuating circumstances. Extenuating circumstances are defined as:

- a. Where events or information available subsequent to the approval of the designation mean that identification with the designation constitutes a significant and continuing challenge to the District/ College reputation.
- b. Where a benefactor has not met the conditions of a pledge commitment.

**3B4I2** Replacement or substantial renovation of a property, facility, or program shall be considered the end of the useful life of the property, facility, or program. A named property, facility, or program will retain that name for the useful life of the property, facility, or program or until there is a change in the designated use or activity of the property, facility, or program unless one (1) or more of the following conditions exist.

- A. A property, facility, or program is named for a term of years.
- B. An exception is made by the Board of Trustees based upon the recommendation of the Chancellor.

**3B4J** The District/College shall maintain a file of all District/College properties, facilities, and programs with approved names.



**AP 6700** – formerly 3B1(a)

**AP 6700 Civic Center and Other Facilities Use**

**References:**

Education Code Sections 82537 through 82548;

Public Resources Code Section 42648.3;

Clark v. Community For Creative Non-Violence (1984) 468 U.S. 288, 104 S.Ct. 3065, 82 L.Ed.2d 221

**Note: This procedure is legally required.**

**General Provisions**

District facilities identified as Civic Centers or as designated public forums are available for community use when such use does not conflict with District programs and operations. Facility use shall be limited to places and times identified by the District Chancellor or College President or designee, but shall be sufficiently frequent, and available on specific dates and times, so as to allow meaningful use by outside groups. Except as provided in these procedures, or as authorized by law, no organizations shall be denied the use of District facilities because of the content of the speech to be undertaken during the use.

=  
The District Chancellor or College President or designee is responsible for the coordination and implementation of these procedures. The District Chancellor or College President or designee shall determine all - fees allowed or required by law to be charged.

=  
Outside the designated public forum areas, the following shall apply: All user groups shall be required to provide the District with a hold harmless and indemnification agreement acknowledging that they will be financially responsible for any losses, damages, or injuries incurred by any person as a result of their use of the facilities. All user groups shall also be required to provide a certificate of insurance with limits acceptable to the District and/or other proof of financial responsibility acceptable to the District.

=  
**Civic Centers**

Eligible persons or groups may use District buildings or grounds designated as the Civic Center for public, literary, scientific, recreational, or educational meetings, or for discussion of matters of general or public interest, subject to this procedure.

=

=

- the cost of opening and closing the facilities, if no District employees would otherwise be available to perform that function as a part of their normal duties;
- the cost of a District employee's presence during the organization's use of the facilities if it is determined that the supervision is needed, and if that

- employee would not otherwise be present as part of his/her/their normal duties;
- the cost of custodial services, if the services are necessary and would not have otherwise been performed as part of the custodian's normal duties;  
and
  - the cost of utilities directly attributable to the organization's use of the facilities.

Except as provided herein, other groups shall be charged an amount not to exceed the direct costs of District facilities. Direct costs shall include costs of supplies, utilities, custodial services, services of any other District employees, and salaries paid District employees necessitated by the organization's use of District facilities. Additionally, except for classroom-based programs that operate after school hours and organizations retained by the college or District to provide instruction or instructional activities to students during school hours, direct costs shall also include the costs for maintenance, repair, restoration, and refurbishment of college facilities and grounds used by the group.

The District shall maintain a fee schedule adopted by the Board that includes the hourly fee for each specific school facility and grounds.

**The following shall be charged fair rental value for the use of District facilities:**

- Any church or religious organization for the conduct of religious services, which may be conducted for temporary periods where the church or organization has no suitable meeting place for the conduct of such services.
- Entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the District or for charitable purposes.

Fair Rental Value shall include the direct costs of supplies, utilities, custodial services, services of any other District employees, and salaries paid District employees necessitated by the organization's use of District facilities. Additionally, Fair Rental Value shall include the amortized costs of the college facilities or grounds used for the duration of the activity authorized.

The American Red Cross or other public agencies may use District facilities, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and the District will cooperate with these agencies in furnishing and maintaining services deemed by the Board of Trustees to be necessary to meet the needs of the community.

**NOTE: *The following section is legally advised.***

**Rules for Facilities Use**

Requests for use of the District's Civic Center must be made at least 30 days in advance of the first date of use being requested. Requests shall be made to the District Chancellor or College President or designee on forms provided by the District. Authorization to use the Civic Center shall be based on a reservation system and the priorities for student and other use detailed at the end of this Section.



Permission to use District facilities shall not be granted for a period to exceed one fiscal year. No person or organization may be granted a monopoly on any facility.

Overnight camping on District facilities, including in the designated public forum areas, is prohibited. No person or organization may use any District facility for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or other structure for sleeping, or doing any digging or earth breaking, or carrying on cooking activities.

All charges for the use of District facilities are payable 24 hours in advance.

Any persons applying for use of District property on behalf of any groups shall be a member of the groups and, unless he/she/they is an officer of the group, must present written authorization to represent the group. Each person signing an application shall, as a condition of use, agree to be held financially responsible in the case of loss or damage to District property.

The District may require security personnel as a condition of use whenever it is deemed to be in the District's best interests.

No person applying for use of District property shall be issued a key to District facilities.

Future facility requests may be denied on grounds including, but not limited to, abuse or misuse of District property and failure to pay promptly for any damage to District property.

No alcoholic beverages, intoxicants, controlled substances, or tobacco in any form shall be brought onto the property of the District, unless applicants requesting to serve alcoholic beverages on campus have submitted an Alcohol Serving Event form to the Facilities Scheduling Office at least 30 days prior to the scheduled event and; provided proof of compliance with any applicable subsections of Business and Professions Code section 25608. Persons under the influence of alcohol, intoxicants, or controlled substances shall be denied participation in any activity.



No structures, electrical modifications, or mechanical apparatus may be erected or installed on District property without specific written approval by the District Chancellor or College President or designee.

All decorative materials, including but not limited to draperies, hangings, curtains, and drops shall be made or treated with flame-retardant processes approved by the State Fire Marshall.

### **Recycling: Large Venues and Events**

"Large venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the District per day of operation of the venue facility.

"Large event" means an event that charges an admission price or is operated by a local agency and serves an average of more than 2,000 individuals per day of operation of the event.

=  
A District with a large venue or large event shall, on or before July 1, 2005, and on or before July 1, biennially thereafter, meet with recyclers and with the solid waste enterprise that provides solid waste handling services to the large venue or large event to determine the solid waste reduction, reuse, and recycling programs that are appropriate for the large venue or large event. In determining feasible solid waste reduction, reuse, and recycling programs, the operator may do any of the following:


- =
- Develop solid waste reduction, reuse, and recycling rates and a solid waste reduction, reuse, and recycling plan that would achieve those solid waste reduction, reuse, and recycling rates.
  - Determine a timeline for implementation of the solid waste reduction, reuse, and recycling plan and solid waste reduction, reuse, and recycling rates.

### **Priority for the Use of District Facilities**

**Priority for the use of District Civic Center facilities will be as follows:**

1. Student clubs and organizations
2. Fundraising entertainment or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the District
3. Parent-teachers' associations
4. School-community advisory councils
5. Fair Rental Value uses such as churches and other religious organizations; fundraising entertainment or meetings where admission fees charged or contributions solicited are not expended for the welfare of the students of the District


### **Guidelines for Use of District/College Property/Facilities**

- 1) First priority for property/facilities use is reserved for the College instructional grams.
- 2) Second priority for use of property/facilities will be given to College student organizations.
- 3) Third priority will be given to public agencies, schools and colleges, youth groups, civic and service organizations, and other applicants organized for cultural, educational or recreational activities.
- 4) Applications for use by commercial, for-profit entities and other applicants not covered by the law will be considered on an applicant basis as provided by law, Board Policy, and the effect upon the District's operations.
- 5) In-District applicants will have priority over non-District applicants.
- 6) No applicant will be allowed to monopolize a facility, equipment, or services. The use of a District/College facility will not be granted for a period exceeding one semester.
- 7) Once the District/College approves a request for use and enters into an agreement to furnish facilities, equipment or services, that request shall have priority over any other

requests except where need of the property for District/College purposes has subsequently developed, or in the case of an emergency as determined by the appropriate administrator.

### **Application and Agreement for Use of College Property/Facilities**

1) Application for use of District/College facilities, equipment or services may be obtained from the appropriate office on the District/College site. On-line applications may be used where available.

2) Application for use of District/College property must be fully completed and filed with the facilities coordinator at least 30 working days in advance of planned use. Normally the District/College will not schedule use of facilities more than three months in advance or until the class schedule for the academic term covering the period of requested use has been published. When on-line applications are used, a signed Application and Agreement for Use of District Property form must be completed. The applicant is not to assume that the application is approved until notification is received from the District/College facilities coordinator. Upon approval, the District/College facilities coordinator will tentatively reserve the dates. If additional information stipulated by the District/College facilities coordinator is not received by the due date, the Chancellor, College President, or designee will release the dates without notice. All required information/documentation such as a signed application, deposit, insurance coverage, security arrangements, crowd control, and necessary agreements must be received no later than ten working days prior to an event. 

3) The applicant must include a description of all requested property. Applications shall be approved for specified hours and dates. The applicant shall not arrive before the time authorized and shall leave the District/College premises at the agreement expiration time. Facilities will not be accessible later than midnight, except by special permission granted prior to the use date.

4) An estimate of charges will be available prior to approval of any agreement. Appropriate administrative staff will determine when District/College personnel must be present and will assess appropriate charges. The estimated expenses will be based on the information provided by the applicant. Estimate subject to change if additional services, not part of original agreement, are made available.

5) If another applicant should request the dates in question or a portion thereof; the initial applicant will be required to execute a contractual agreement and submit the required deposit within 72 hours of notification.

6) Prior outstanding event charges to the District/College must be paid in full before any subsequent requests by the liable applicant for use of facilities will be approved.

7) A damage deposit may be required by an applicant that carries equipment, brings a stage crew for purposes of staging a show or presentation or activity, or other cases determined by the District/College. This guarantee deposit, in an amount to be determined by the District/College and depending upon the facility used, shall be held by the College. Damage to District/College equipment and/or property, which occurs during the event and by reason of the use and/or occupancy of the premises, shall be paid from this damage deposit. The balance, if any, shall be returned to the

organization. If the guarantee deposit is not sufficient to cover damage, the applicant shall be liable for the difference.

The applicant utilizing District/College facilities will be liable for any damage to or destruction of District property beyond that is caused by ordinary wear and tear as determined by the District. In addition, future consideration for use of facilities may be denied.

The applicant is responsible for all expenditures necessary for the removal of all waste and debris and for the restoration of the property to the condition that existed prior to its use.

An initial facility(ies) inspection will be conducted within 24 hours after the event has vacated the facility to determine the extent of damage, if any. A secondary inspection may be required if event equipment or structure required additional time to be removed from District premises. [This inspection will be completed within 24 hours of equipment/structure removal.] The refund of this deposit will be assessed after the event and will be released once all parties are satisfied with the condition of the facility.

The District/College will charge the applicant at the time of settlement for any damages, and it will be the responsibility of the applicant to recover such charges from the applicant's insurance carrier.

The use of a District/College property may not take place during the facilities peak season or if damage based on wear and tear might be caused to the facility or property as a result of its use. The event may not interfere with normal operation of the District/College activities or instruction including the activities in the facilities adjacent to the venue.

8) The use of District/College facilities may not take place on Thanksgiving, Christmas, New Year's, or any other holiday or scheduled District/College closures when the Chancellor/College President or designee has determined that necessary personnel are not available for supervision.

9) The use of District/College facilities may not take place during vacation periods if the use conflicts with cleaning, renovating activities, and if necessary personnel are not available for supervision.

10) Proof of insurance is required for authorized public agencies, schools and colleges, youth groups, civic and service organizations, and other applicants organized for cultural, educational or recreational activities. Proof of insurance shall require such applicants to provide the Kern Community College District with a Certificate of Insurance evidencing liability coverage with limits of not less than \$1,000,000. The certificate must identify Kern Community College District as additional insured and be accompanied by an endorsement.

Government agencies which have self-insured programs must provide a hold harmless statement along with proof of self-insurance for all events.

11) The District/College will assume no obligation in the event that a change of day or time is requested once an application has been approved. The District/College reserves the right to cancel prior to the event as a result of extenuating circumstances.

12) Applications shall originate with the established and responsible organizations. An officer or official representative of the organization must sign the agreement.

13) Application for use of District property by applicants not covered by the law will be considered on an applicant basis as provided by law, Board Policy, and the effect upon the District's operations.

### **Classification of Groups for Fee Assessment**

Instructional Use: Facility uses for (or in conjunction with) requirements of classes, approved by the appropriate supervisor, are not to be charged.

1) Group I (College Program--excess costs only) authorized District/College staff, students, and foundations which support the mission of the District, will be afforded the highest priority and shall be granted use of District/College property without charge, except if any use requires excess costs. A charge for such services may be made. A request from a District/College staff member or student organization may be charged for services when the use of facility is for events or functions which are not part of a class or instructional program.

Excess costs may include opening and closing a facility if no District/College employee is available to perform that function as a part of his/her normal duties; supervision if that employee would not normally be present as part of his/her normal duties; custodial services that would not have otherwise been performed as part of the normal custodial work cycle; outside normal operating hours; and cost of utilities directly attributed to the organizations use of the facilities.

If an event is co-sponsored by a group not associated with the Kern Community College District, proof of insurance shall be required by such applicants providing the Kern Community College District with a Certificate of Insurance. This Certificate of Insurance will provide liability coverage with limits of not less than \$1,000,000. The certificate must list the Kern Community College District as additional insured and be accompanied by an endorsement.

2) Group II (Rental charge, actual costs, plus excess costs) applicants for authorized public agencies and nonprofit organizations organized for cultural, educational or recreational activities. (Proof of nonprofit status may be required.) Proof of insurance shall require such applicants to provide the Kern Community College District with a Certificate of Insurance provide liability coverage with limits of not less than \$1,000,000. The certificate must list the Kern Community College District as additional insured and be accompanied by an endorsement.

Facility rental includes opening and closing of facility, light custodial work and supervision. The custodial and grounds department will determine charges for extraordinary custodial set-up or clean-up.

Events for non-profit organizations whose purposes are to improve the general welfare of the local community, and charge no fees or admission for such events will fall under the Group I category.

3) Group III--Commercial, for-profit entities and other applicants not covered by the law, will be charged Group II rates (rental charge, and actual costs, plus excess costs). College and District business officers are also authorized to negotiate with these applicants' agreements which have Group II rates as a minimum and allow for a percentage of gross revenue. Proof of insurance shall require such applicants to provide the Kern Community College District with a Certificate of Insurance provide liability coverage with limits of not less than \$1,000,000. The certificate must list the Kern Community College District as additional insured and be accompanied by an endorsement.

Facility rental includes opening and closing of facility, light custodial work and supervision. The custodial and grounds department will determine charges for extraordinary custodial set-up or clean-up.

Events for non-profit organizations whose purposes are to improve the general welfare of the local community, and charge no fees or admission for such events will fall under the Group I category.

Fees for commercial photography and motion picture filming are not limited to the above fee schedule and may include overall campus use fees as negotiated with the applicant based upon overall impact on the District/College.

### **Regulations Pertaining to Use of District/College-Managed Property**

- 1) The official representative must be an officer of the group I or II or present written authority from the organization making application for use of District/College property and shall be responsible for all damage or loss of District/College property.
- 2) All applicants are expected to observe District/College regulations, policies, and procedures.
- 3) All applicants shall provide supervision sufficient to assure compliance with law and District/College regulations. These applicants are also responsible for providing law enforcement officers when required to ensure crowd, parking, and traffic control. When required, an applicant must submit two copies of a proposed facility plan to the facilities coordinator at least 30 working days prior to the scheduled event date. Upon receipt of the floor plan, the District/College and the Fire Marshal will review it and make necessary recommendations if necessary. All proposed floor plans must be to scale. Applicants are not to assume that the facility plan is acceptable until they have received an approved copy of the plan.

All events that expect more than 50 in attendance must be reviewed by the security office for security arrangement recommendations. The applicant may be required to submit a security plan for approval at least 20 days prior to the date scheduled for the activity, and may be required to furnish and/or pay for security personnel, depending on the type of event and number of attendees. All security-staffing requirements are



subject to the approval of the security office and will be set in a manner, which is fair and reasonable to the applicant but protects the interests of District/College.

These applicants are also required to provide ticket takers & ushers to properly staff each event. The applicant shall provide all badges for all personnel. Any sporting event, concert, or large gathering may require ambulatory services.

If management determines that a search is necessary for the given event, the applicant of that event will be required to pay for additional staffing. The security office will determine the exact number of staff that will be used as well as the costs.

Applicants are responsible for payment of all parking fees and must observe all parking regulations (~~see Parking Rules & Regulations pg. [Appendix 3B1(a)]~~).

Any vehicles that are not designated campus vehicles are required to have a security issued permit to drive on campus.

The District/College is not responsible for articles left on District/College property. The applicant should secure valuable items, or the applicant should provide additional 24-hour security. All security arrangements must be approved by the security office.

Immediately call 911 for all medical emergencies and, along with any damages to facilities and property, must be reported to the security office.

4) A District/College employee shall be on duty on campus whenever a facility is being used and shall have full charge of the property being used.

5) All organizations, on-campus or off-campus, must have a responsible adult sponsor/advisor sign as the official representative, and this representative must be present during the use to provide supervision. This regulation applies to student applicants.

6) Any request by a non-District/College applicant, or any event generating revenue for a non-District/College purpose will be categorized as a non-District Use (Group II). In the case of co-sponsored events the following applies: all applicants generating revenue for non-District/College programs: Group II fees apply:

For co-sponsored events where all revenues go directly to District/College programs then Group I fees apply.

No facility rental fee will be charged when college programs are fund-raising for college operations, and will be considered as a Group I. The details of such arrangements; including handling of cash; must be communicated in writing prior to the event and approved by the Chancellor, College President, or designee. An additional requirement of this classification is that all gross revenues are deposited in the college or foundation accounts.

Stadium user maintenance fees; including excess costs still apply for these Group I activities such as the cost of utilities and additional labor for such events. ~~[see Appendix 3B1(b)] of this Manual for the Facility, Equipment, and Service Fee Schedule.~~

No facility rental fee will be charged, when reciprocal arrangements for facility use have been worked out with other applicants. The details of such arrangements must be communicated in writing and approved by the Chancellor, College President, or designee.

7) The use of tobacco products is prohibited in all District/College buildings and only in designated outside areas. Possession of alcohol, drugs, firearms, fireworks, and other weapons are not permitted in or on District/College property. It is the agreement holder's responsibility to enforce this provision. No person, while in or on District/College facilities or property shall possess, consume, give, or deliver to any other person any alcoholic beverage, other intoxicants or narcotics. Alcoholic beverages may be served if approved by the District/College or its authorized representative. Fireworks may be used if coordinated, provided and discharged by licensed pyrotechnic entities and approved by the District/College or its authorized representative.

Applicants requesting to serve alcoholic beverages on campus must submit an Alcohol Serving Event form to the Facilities Scheduling Office at least 30 days prior to the scheduled event. ~~[see Procedure 3B1(b) of this Manual for this form.]~~ District/College policies on serving alcoholic beverages on site must be adhered to at all times.

8) District/College recognizes that its image and reputation are part of what makes renting the Kern Community College District's facilities desirable to community organizations and others. To protect that image and reputation, the Kern Community College District or its designee reserves the right to approve the content of all events or programs and any publications, signage and advertising related to those events or programs held in the District/College facilities or on its property. Likewise, any use of the District/College logo in conjunction with an event or program requires the consent and approval of District/College Public Relations office. Promotional and advertising materials used on campus must be removed immediately after the event by the person sponsoring the event or by the District/College at the sponsoring organization's expense.

No advertisement, printing, or sale of tickets is permitted prior to approval of the application and receipt of deposit for the facility.

9) No alterations or physical changes shall be permitted in any building or on any landscaped areas. Decorations must meet fire safety regulations and shall be erected and removed in a manner not destructive to the property. Fire Department regulations prohibit the use of lighted candles, torches with open flame or fire of any type on District/College premises. A California State Fire Marshal flame-retardant certificate will be required for any questionable materials.

When determined by the Fire Marshal, stand-by personal may be required and the District/College will invoice the cost for stand-by personal to the applicant.

All electrical cords must be hung or displayed in a safe manner. Electrical wiring must be grounded and UL listed. Extension cords may be used provided they are plugged directly into an outlet or an approved power strip. Extension cords shall not be plugged into another extension cord. Cords shall be taped down to prevent them from becoming a trip hazard. No extension cords will be provided.



No structures may be erected, attached to or assembled on District/College premises or may any electrical mechanical or other equipment be brought thereon unless authorized by the Chancellor, College President, or designee. Equipment used for events is subject to inspection and approval by District/College personal. Safe working conditions must be observed.

Decorations are not permitted on ceilings, painted surfaces, columns, fabrics, portable folding partitions, decorative walls, or fire sprinklers.

All physical arrangements and set-up information must be presented to the facilities coordinator when the application is submitted. Any changes or additions must be approved and submitted no later than a minimum of ten (10) working days prior to the event. The applicant is encouraged to provide this information as far in advance as possible in order to help ensure maximum efficiency and economy.

The facilities coordinator will determine if additional equipment will require ordering from an outside company: such as tables/chairs, etc.

No goods or services may be sold on the District/College sites without prior approval.

Keys to facilities shall be assigned only to employees of the District/College and only such employees shall open a building and facilities. Within a building, authorization is only given for entrance to specific areas and use of specific facilities.

Performance material content is subject to review. Applications may be denied based on information gathered from other sources regarding performers on-stage and back-stage practices.

All persons using District/College facilities must comply with local ordinance code on amplified sound. The person signing the agreement for the sponsoring organization is responsible for controlling sound to those standards. Amplified sound must cease between the hours of 10:00 p.m. through 9:00 a.m.

Amplified sound on campus during normal instructional hours should not exceed 80 decibels. The level of amplified/or sound must be limited to reach only the immediate audiences. Sound checks must be conducted only during the hours amplified/or sound is allowed and approved for.

Speakers must be positioned carefully in order to prevent sound from disturbing persons not in the immediate area. Atmospheric conditions, buildings and the surrounding terrain can greatly influence the effect of amplification. The set-up should be carefully checked before each event and monitored occasionally during the event by the applicant.

10) All events at the field level of the College Stadium will provide a portable accessible toilet and lavatory accommodations per code for nondisabled persons and individuals with disabilities. This accommodation will be provided at your expense.

Minimum levels of heat, air conditioning, and lighting following prevailing safety codes will be in effect in all common areas during set-up, event and clean-up.

All applicants are financially responsible to the District/College for all electrical and utility services provided to the applicant.

11) The District/College will provide all on-site food and beverage services on an exclusive basis for all scheduled activities. Catering services can also be provided for exhibitors, staff, etc.

The Food Services Director reserves the right to utilize reasonable available space for the sale of concession items. The Food Services Director reserves the right to determine the number of food or alcohol concession stands/booths that will be operating.

Food and beverage may not be brought onto the premises of the District/College for the purpose of distribution to patrons without the expressed written permission of the Food Services Director. Applicants bringing food to a facility shall be responsible for compliance with all health and safety regulations.

Coolers and or similar containers are prohibited.

12) The College reserves the right to deny any application or revoke any agreement at any time if actions resulting from such application or permission may be harmful to the best interest of the District/College or if there is a conflict with any previously scheduled event. The District/College, at its discretion, has the right to cancel and terminate an agreement immediately and without notice upon its discovery of a violation of any term, condition, or provision of the agreement on the part of the applicant. Should any such violation occur, the District/College, at its discretion, shall have the right to deny any future requests by the applicant for the use of any other District/College property or facilities.

The Chancellor, College President, or designee reserves the right to deny use if, in its judgment, such use would cause disturbance in or annoyance to the surrounding neighborhood.

13) Clearance for the use of District/College property must be obtained from the Chancellor/College President or designee.

14) All references to the "appropriate District/College administrator" in the use of property policy and procedures shall mean the Chancellor/College President or his/her designee.

### **Daily Parking Fees**

The parking fees for the Kern Community College District campuses are as follows:

- Bakersfield College - \$6/day Fall or Spring Standard Student/ \$44 Semester, Summer Standard Student: \$34/ Semester, Students Receiving Financial Aid In Any Term: \$34 /Semester .

- Cerro Coso Community College - \$1/Day and \$20/Semester and \$10/Summer Intercession

- Porterville - \$1/Day and \$20/Semester and \$10/Summer Intercession

[See the Security Matrix in the Appendix of this chapter.](#)



**AP 6740 - New**



---

**Kern Community College District  
Administrative Procedure**

**AP 6740 Citizens Oversight Committee**

**References:**

Education Code Sections 15278, 15280, and 15282

**Note: This procedure is legally required.**

The Citizen's Oversight Committee is established.

**Purposes**

- To inform the public about the expenditure of bond revenues;
- To review and report on the proper expenditure of taxpayers' money for school construction; and
- To advise the public as to the District's compliance with the Proposition 39 requirements as contained in the California Constitution.

**Activities**

- Receive and review copies of the annual, independent performance audit;
- Receive and review copies of the annual, independent financial audit;
- Inspect school facilities and grounds to ensure that bond revenues are expended in properly;
- Receive and review copies of any deferred maintenance proposals or plans developed by the District; and
- Review efforts by the District to maximize bond revenues by implementing cost-saving measures.

**Members**

The committee shall consist of at least seven members to serve for a term of two years and for no more than three consecutive terms. Members shall serve without compensation.

**The committee shall be comprised of at least:**

- One member active in a business organization representing the business community located within the District;
- One member active in a senior citizen's organization;
- One member active in a bona fide taxpayer's organization;
- One member of a student both currently enrolled in the District and active in a campus group. The student may serve up to six months after his/her/their graduation;
- One member active in the support and organization of a district

No employee, official, vendor, contractor, or consultant of the District shall be appointed to the committee.

**Assistance**

The District shall provide the committee with any necessary technical or administrative assistance, as well as other resources, to publicize its conclusions.

**Public Meetings**

Meetings shall be open to the public and notice provided in accordance with the provisions of open meetings laws.

**Reports**

At least once a year the committee shall issue a report on the result of its activities. Minutes from its proceedings, all documents received, and reports issued as a matter of public record and shall be made available on an internet website maintained by the District.



**AP 6750 - New**

**AP 6750      Parking**

**References:**

Education Code Section 76360;  
Vehicle Code Section 21113 and 40220

**Note: This procedure is legally required.**

These procedures are intended to promote safe and orderly movement of traffic within District property for the safe and orderly parking of vehicles and bicycles.

All applicable provisions of the California Vehicle Code are expressly applicable both on and off paved roadways.

Parking of motor vehicles and bicycles is limited to specially designated areas. Fee permits are required. Vehicles or bicycles parked in violation of the provisions of this code are subject to fines, towing, or impoundment.

All persons who enter on the college are charged with knowledge of the provisions of this procedure and are subject to the penalties for violations of such provisions.

In accordance with California Vehicle Code Section 21113, the District will enforce these procedures by issuing citations.

A registered owner (CVC 460, 505) or person responsible for vehicle citations received on Kern Community College District property shall be eligible to enroll in a payment plan when they have multiple unpaid parking citations.

- a. Once this threshold is met, any citations associated with this vehicle, registered owner, or person responsible may be added to the payment plan, at the time of enrollment.
- b. If additional citations are accrued during the payment plan period, the plan may not be modified to include these citations, nor will a concurrent payment plan be offered. Citations in a payment plan will not count towards immobilization/tow/impound eligibility pursuant to CVC 22651(i)(1).
- c. Once a vehicle is immobilized/towed/impounded due to other violations, all citations, including those on a payment plan, are immediately due pursuant to CVC 22651(i)(1)(C).
- d. The fee to enroll in a payment plan is \$25.

Applied late fees, as well as any late fees not yet applied, will be placed in abeyance while the payment plan is in place. If the individual adheres to the plan terms, these late fees will be waived once the payment plan is complete.

- a. If an individual defaults on the payment plan, a subsequent payment plan will not be offered for those citations and any late fees placed in abeyance will be immediately reinstated. The total amount due, including all late fees, will be submitted to the appropriate Department of Motor Vehicles for a Registration hold on the vehicle. An


Academic Hold will be placed on the Students records until the total fees are paid in full.

- b. The request for a payment plan must be made before the citation is transferred to DMV for collection. (21 days after issue of the citation).

Once the payment plan is in place and the individual is adhering to its terms, an itemization of unpaid parking penalties and service fees will not be filed with the DMV (also known as a "DMV Registration Hold") and any DMV Registration Hold in place will be temporarily removed pending satisfactorily completing the payment plan.

At plan enrollment, an initial payment of \$25 or 10% of the amount owed (whichever amount is greater), plus the \$25 enrollment fee, is required.

Payments must be made each calendar month.

- a. There is no grace period for  payments.
- b. For mailed payments, a postmark is acceptable to meet this requirement.

Payment plan duration. 

1st months payment will be \$25 or 10% of unpaid fines (whichever amount is greater) plus the \$25 enrollment plan fee. Subsequent months' payments will be determined by dividing the remaining balance by 4.

Definitions

Late: The citation is past 21 days from issuance and 14 days from mailing of the reminder notice and additional fees may be applied.

Delinquent: The citation is unpaid. Late fees may or may not have been applied.

Person responsible: The individual who has opted to enter into the payment plan with the campus.

---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6800 Occupational Safety**

**References:**

California Occupational Safety and Health Administration (Cal/OSHA):  
Labor Code Sections 6300 et seq.:  
Title 8 Section 3203:  
Code of Civil Procedure Section 527.8:  
Penal Code Section 273.6

**Note: This procedure is legally required.**

**Definitions – Prevention activities increase awareness and minimize the potential for crisis in the workplace. Training is essential for all staff to learn how to recognize early warning signs, so that appropriate intervention can be provided for identified areas of conflict in the workplace.**

= **Crisis or conflict constitutes any inappropriate or unreasonable disruption that interferes with the normal functioning of your work.**

= **Acts of violence include any physical action, whether intentional or reckless, that harms or threatens the safety of self, another individual, or property.**

= **A threat of violence includes any behavior that by its very nature could be interpreted by a reasonable person as intent to cause physical harm to self, another individual, or property.**

= **Workplace includes off-campus locations as well as college-sponsored activities where faculty, staff, or student employees are engaged in college business or locations where incidents occur as a result of the person's relationship to the college community.**

= **Emergencies – Any employee shall immediately report any situation that threatens life or property and demands an immediate response of police, fire, or medical personnel by first dialing 911 and then notifying law enforcement.**

= **Equipment and Sanitation – Should the duties of an employee require the use of equipment to ensure the safety of the employee, the District shall furnish such equipment. Complaints related to health safety, sanitation, and working conditions shall be forwarded to Police and Safety Services for review and recommendation.**

= **Crisis and Conflict Intervention – Any employee experiencing an unsafe work condition should immediately contact his/her/their supervisor or Police and Safety Services. The supervisor shall immediately notify the Police and Safety Services about any acts or**



threats of violence. The employee will be provided consultation regarding resources available to resolve the unsafe work condition.

It is the responsibility of all employees to immediately report threats, acts of violence, or any other behavior which deliberately hurts or harms another person at the college to their immediate supervisor and Campus Public Safety or local law enforcement. Such reports will be promptly and thoroughly investigated.

**Employee Crisis Assistance Team** – An Employee Crisis Assistance Team is established to provide regular training and advice to individuals and departments. Training activities may include, but not be limited to, skill development in conflict resolution, communication, anger management and early identification of unsafe working conditions in the workplace.

Team advising activities may include individual consultations, peer mediation, conflict resolution services, and referral to outside sources.

Immediately upon notification of an act of violence or threat of violence involving an employee, the team member notified will initiate Employee Crisis Assistance Team procedures as stated below.

In the event of an act or threat of violence, the team will investigate the incident and forward the results of the completed investigation to the Chief of Police and Safety Services for consideration. Law enforcement will take appropriate action if the incident involves injuries or criminal activity.

The team will coordinate available resources to provide intervention, consultation, or referral, which may include arranging for counselors to work with victims and observers of the incident.

**Restraining Orders/Court Orders** – An employee shall notify law enforcement of any restraining orders/court orders when named as a plaintiff and provide a copy of the order to Campus Public Safety or local law enforcement. In the event the supervisor is informed by an employee of a restraining order, the supervisor will contact Campus Public Safety or local law enforcement, ensure they are aware of it, and that they have a copy of the restraining order on file.

Also see BP/AP 3500 titled Campus Safety, BP/AP 3505 titled Emergency Response Plan, BP/AP titled Workplace Violence Plan, and AP 7343 titled Industrial Accident and Illness Leave.

---

**Kern Community College District  
Administrative Procedure  
Chapter 6 – Business and Fiscal Services**

---

**AP 6850      Hazardous Materials**

**References:**

29 U.S. Code Section 651;  
Title 8 Sections 340 et seq.

**Note: This procedure is legally advised.**

The District must post at least one CAL/OSHA Notice in each location where business is conducted in a conspicuous place where notices to employees are customarily posted.

Where employers are engaged in activities that are physically dispersed such as construction or transportation, the notice required shall be posted at each location to which employees report each day.

Where employees do not usually work at, or report to, a single location the notice or notices shall be posted at the location or locations from which the employees operate to carry out their activities.

Each employer shall take steps to ensure that such notices are not altered, defaced, or covered by other material.

The notice shall inform employees that employers who use any substance listed as a hazardous substance by Cal/OSHA regulations must provide employees with information on the contents of Material Safety Data Sheets (MSDS) or equivalent information about the substance which trains employees to use the substance safely.

The notice must also state that the employer is required to make available on a timely and reasonable basis a MSDS on each hazardous substance in the workplace upon request of an employee, collective bargaining representative, or an employee's physician.

The notice must also state that employees have the right to see and copy the medical record and other records of employee exposure to potentially toxic materials or harmful physical agents.

If the District is required to conduct tests or to engage in monitoring or measuring to determine employee exposure to hazards by specific standards it shall notify the affected employee or employees or their representative, prior to commencement of the date, time and place of the testing, monitoring, or measuring of employee exposure.

The District must provide the employee or employees, or their representatives with the opportunity to observe the testing, sampling, monitoring or measuring undertaken pursuant to such standards.

Whenever any employee has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels exceeding those prescribed by applicable standard, order, or special order, the District must promptly notify any employee so affected in writing of the fact that the employee has been exposed, and of the corrective action being taken.



**AP 6900** – formerly 3A6A3

## **AP 6900 Bookstores**

### **References:**

Education Code Section 81676

**Note: This procedure is legally advised.**

### **AP 3A6A3 Definition and Allocation of Net Proceeds**

1) Net proceeds derived from the operation of the College bookstores is defined as follows:

- Total gross revenue less all direct bookstore costs. Direct bookstore costs consist of all personnel costs for employees working for the bookstore; costs of goods sold; and all operating costs such as supplies, repairs, and advertising.
- Indirect costs which are not similarly allocated to other campus operations shall not be included as a deduction from gross revenues for purposes of determining net proceeds.

2) The College President or designee shall annually establish and maintain a reserve for the bookstore. This reserve shall be funded by net proceeds derived from the operation of the bookstore and will be restricted for use for bookstore operations.

3) Net proceeds remaining after the established bookstore reserve has been funded for the year shall be reserved for the benefit of student development programs. Budgets for the use of these funds shall be submitted as part of the annual College budget. Any unused funds shall be carried over and made available for the same purpose in ensuing years.

Associated student bodies may recommended expenditure priorities which are approved by the College President or designee.



**AP 6950 - New**

## AP 6950 Drug and Alcohol Testing


### References:

49 Code of Federal Regulations Part 40

### Note: This procedure is legally required.

The District must comply with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the District must comply with the regulations of the Federal Highway Administration (FHWA) and, if applicable, the Federal Transit Administration (FTA). Adoption of a policy and/or procedure is one of the District's obligations under the regulations.

This procedure sets forth the rights and obligations of covered employees. Employees who are covered by these requirements should familiarize themselves with the provisions of this procedure. Employees shall refer any questions regarding his/her/their rights and obligations under this procedure to the Chancellor or designee.

Employees covered by this procedure  be aware that they are still required to comply with the provisions of the District's other policies and procedures regarding drugs and alcohol. The obligations and requirements set forth below are in addition to existing obligations and requirements set forth in the policy.

Employees in the following job classifications are "covered employees" and thus, are subject to all of the provisions of this procedure.

An employee may be given a written exemption from this procedure signed by the designated officer, if, although the employee's classification is listed above, the employee does not fall within the definition of "covered employee" listed below.

Individuals who operate the following commercial motor vehicles are covered employees:

- a vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
- a vehicle with a gross vehicle weight of at least 26,001 pounds;
- a vehicle designed to transport 16 or more passengers, including the driver; or
- a vehicle used to transport those hazardous materials found in the Hazardous Materials Transportation Act.

Covered employees include regularly employed drivers, casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. A covered employee also includes all persons applying to drive a commercial motor vehicle.

The FHWA exempts those employees from mandatory drug and alcohol testing who are:

- also covered by the FTA and required to comply with FTA alcohol and/or controlled substances testing. e.g., municipal bus drivers.

- granted a full waiver from the requirements of the commercial driver's license program; e.g., the State of California exempts non-civilian military personnel operating military vehicles and individuals operating farm equipment which incidentally moves over a highway from obtaining a commercial driver's license.
- granted an optional State waiver from the federal commercial driver's license requirements (49 CFR Part 383), e.g., fire fighters holding noncommercial driver's licenses. The State of California issues noncommercial driver's licenses which permit a fire fighter or volunteer fire fighter to operate firefighting equipment, but not to transport passengers.

FTA Agencies – Employees who perform “safety sensitive functions” as described below are “covered employees.” (Please note: Regardless of the definition of “safety sensitive functions” below, volunteers are only covered if they operate vehicles designed to transport 16 or more passengers.)

Covered employees may not be under the influence or in possession of controlled substances or alcohol during work hours. Further, certain conduct is prohibited while performing and prior to performing safety sensitive functions.

**Safety Sensitive Function – The following are safety sensitive functions for FHWA Agencies:**

- All time at a carrier or shipper, plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- All time spent at the driving controls of a commercial motor vehicle.
- All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
- All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

The following are safety sensitive functions for FTA Agencies:

- Operation of a revenue service vehicle.
- Operation of a non-revenue service vehicle that meets the FHWA weight standards (See section above).
- Controlling dispatch or movement of a revenue service vehicles or equipment used in revenue service. (This includes the dispatchers for the buses, subways, vans, etc.)
- Maintaining a revenue service vehicle. (This does include maintenance workers.)

**Prohibitions – The following conduct is prohibited (NOTE: Add the following clause if the District has bargained for it with the applicable employee associations:) and**

**may result in discipline, up to and including termination:**

- Reporting for duty or remaining on duty requiring the performance of safety sensitive functions while having an alcohol concentration level of 0.04 or greater;
- Performing a safety sensitive function within four hours of using alcohol;
- Being on duty or operating a vehicle described above, while possessing alcohol;
- Using alcohol while performing a safety sensitive function;
- Reporting for duty or remaining on duty requiring the performance of safety sensitive functions when the employee used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle;
- Reporting for duty or remaining on duty requiring the performance of safety sensitive functions if the employee tests positive for controlled substances;
- Refusing to submit to any alcohol or controlled substances test required by this Procedure. A covered employee who refuses to submit to a required drug/alcohol test will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test;
- A refusal to submit to an alcohol or controlled substances test required by this Procedure includes, but is not limited to:
  - A refusal to provide a urine sample for a drug test;
  - An inability to provide a urine sample without a valid medical explanation;
  - A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
  - An inability to provide breath or to provide an adequate amount of breath without valid medical explanation;
- Tampering with or attempting to adulterate the urine specimen or collection procedure;
- Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested;
- Leaving the scene of an accident without a valid reason as to why authorization from a supervisor or manager (who has the responsibility to make a determination as to whether to send the employee for a post-accident drug and/or alcohol test) was not obtained.
- Consuming alcohol during the eight hours immediately following an accident, (the following clause only applies under the FTA - unless the covered employee has been informed that his/ her actions have been completely discounted as a contributing factor as a contributing factor to the accident), or until the employee undergoes a post-accident alcohol test, whichever occurs first.

In addition to the above prohibitions, employees are reminded of their obligations under the Federal Drug Free Workplace Act of 1988. All employees covered by this Procedure have previously been provided with a copy of the City's Drug Free Workplace Statement, and have signed an acknowledgment that they have read the Statement and agreed to comply with it.

Consequences for Employees – An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 will be removed from

his/her/their safety sensitive position for at least (24 hours under FHWA and eight hours under FTA).

Drug and Alcohol Testing – Drug and alcohol testing will be imposed on covered employees in the following circumstances.

- Pre-Employment Testing. All applicants for classifications which are covered by the DOT regulations (See “covered employees” above) as well as all employees who transfer from classifications which are not covered to classifications which are covered will be required to submit to pre-employment/pre-duty drug testing. Applicants will not be assigned to a safety sensitive position if they do not pass the test. (Note: There is no pre-employment alcohol test.)
- Post-Accident Testing.
- FHWA Agencies: Post-Accident drug and alcohol testing will be conducted on employees following an accident. Post-accident alcohol tests shall be administered within two hours following an accident and no test may be administered after eight hours. A post-accident drug test shall be conducted within 32 hours following the accident.

An accident occurs when as a result of an occurrence involving the vehicle an individual dies or when a State or local law enforcement authority issues a citation to the covered employee driver for a moving violation arising from the accident.

If no citation is issued, each surviving driver who was performing safety-sensitive functions with respect to the vehicle will be tested if the accident involved the loss of human life.

=

- FTA Agencies: Post-Accident drug and alcohol testing will be conducted on employees following an accident unless the District determines, using the best information available at the time of the decision, that the covered employee’s performance could be completely discounted as a contributing factor to the accident. Not only will the operator of the vehicle be tested, but so will any other covered employee whose performance may have contributed to the accident, such as a maintenance person.

Post-accident alcohol tests shall be administered within two hours following an accident and no test may be administered after eight hours. A post-accident drug test shall be conducted within 32 hours following the accident.

An accident occurs in the following circumstances: a) when an individual dies as a result of an occurrence involving the vehicle; b) when an individual suffers bodily injury as a result of an occurrence involving the vehicle; or c) when a vehicle suffers disabling damage.

Disabling damage means damage to the vehicle which precludes departure from the scene in its usual manner in daylight after simple repairs.

Random Testing – Covered employees will be subject to random alcohol and drug



testing as follows: A random alcohol test will be administered just prior to the employee performing a safety-sensitive function (e.g., driving) while the employee is performing a safety-sensitive function, or just after the employee has stopped performing a safety-sensitive function. The District will subject at least 10% of the total number of covered employees to random alcohol testing per year.

=  
A random drug test will be administered to at least 50% of the total number of covered employees per year. Some employees may be tested more than once in a year, while others are not tested at all depending on the random selection.

=  
On the date an employee is selected for random drug testing, his/her/their supervisor will ensure his/her/their duties are covered. The employee will receive a written notice in the morning indicating the time he/she/they is to report to the lab for testing.

=  
Reasonable Suspicion Testing – Covered employees are also required to submit to an alcohol or drug test when a trained supervisor has reasonable suspicion to believe the employee is under the influence of alcohol or controlled substances. The observation must be based on short-term indicators, such as blurry eyes, slurring, or alcohol on the breath. The supervisor may not rely on long-term signs, such as absenteeism or tardiness, to support the need for a reasonable suspicion test.

=  
The reasonable suspicion alcohol test will be administered within two hours of the observation. If not, the employer must provide written documentation as to why the test was not promptly conducted. No test may be administered after eight hours following the observation.

=  
To ensure that supervisors are trained to make reasonable suspicion determinations, supervisors vested with the authority to demand a reasonable suspicion drug and alcohol test will attend at least one hour of training on alcohol misuse and at least one hour of training on controlled substances use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

=  
Return to Duty/Follow-up Testing – A covered employee who has violated any of the prohibitions of this procedure must submit to a return to duty test before he/she/they may be returned to his/her/their position. The test result must indicate an alcohol concentration of less than 0.02 or a verified negative result on a controlled substances test. In addition, because studies have shown that the relapse rate is highest during the first year of recovery, the employee will be subject to follow-up testing which is separate from the random testing obligation. The employee will be subject to at least six unannounced drug/alcohol tests during the first year back to the safety-sensitive position following the violation.

=  
Testing Procedures

- Alcohol Testing. Alcohol testing will be conducted by using an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration. Non-EBT devices may be used for initial screening tests.

- A screening test will be conducted first. If the result is an alcohol concentration level of less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test will be conducted.

The procedures that will be utilized by the lab for collection and testing of the specimen are: (Note: Attach or reference a copy of the collection and testing procedures published by your lab. Those procedures must comply with the regulations set forth at 49 Code of Federal Regulations Part 40.)

- Drug Testing: Drug testing will be conducted pursuant to the procedures attached to this procedure. (Note: Make sure that the procedures used by your lab comply with the regulations. After you review the procedures list from your lab, if any of the following provisions are not included, add as additional provisions.)
- The urine specimen will be split into two bottles labeled as “primary” and “split” specimen. Both bottles will be sent to the lab.
- If the urinalysis of the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours to request that the split specimen be analyzed by a different certified lab.
- The urine sample will be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine.
- If the test is positive for one or more of the drugs, a confirmation test will be performed using gas chromatography/mass spectrometry analysis.

All drug test results will be reviewed and interpreted by a physician before they are reported to the employee and then to the District.

With all positive drug tests, the physician (a.k.a. medical review officer) will first contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the physician determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the District as “negative.”

Records – Employers are obligated to maintain records of the drug and alcohol misuse prevention programs, report the results in a management information system, and control access to the recorded information.

Employers are required to maintain the following records for a period of five years:

- the results of an employee's alcohol test which indicates an alcohol concentration level of 0.02 or higher;
- the results of an employees' controlled substances test which are positive;
- documentation of any employee who refused to submit to a required alcohol/drug test;
- calibration documentation; and
- employee evaluations and referrals by substance abuse professionals.

Employers must retain records documenting the collection process for the alcohol

and controlled substances tests and the training of supervisors for two years.

Employers must retain the records of any negative or canceled drug test or any alcohol test result which is less than 0.02 for one year.

By March 15 of each year, all covered employers must make available to the public a report summarizing the results of the alcohol misuse and controlled substances prevention program.

Employers may not release information concerning covered employees to third parties unless specifically authorized by statute. Employees, however, may request in writing to receive copies of any records pertaining to the employee's use of drugs or alcohol contained in the employee's file.

Consequences of Failing an Alcohol and/or Drug Test:

A positive result from a drug or alcohol test may result in disciplinary action, up to and including termination.

If a covered employee is not terminated, the employee:

- Must be removed from performing any safety-sensitive function;
- Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment for his/her/their alcohol or drug abuse. The City is not required to pay for this treatment;
- May not be returned to his/her/their former safety-sensitive position until the employee submits to a return-to-duty controlled substance and/or alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled substance test;
- Will be required to submit to unannounced follow-up testing after he/she/they has been returned to his/her/their safety-sensitive position. (See above.)
- The District has established an Employee Assistance Program to help employees who need assistance with alcohol and controlled substance abuse.
- The District provides employees with information concerning the effects of alcohol and controlled substances and available methods of intervention.

# Appendix





## Instructions for Direct Payments

---

### **INSTRUCTIONS FOR DIRECT PAYMENTS**

1. Check box to designate type of purchase request (i.e., Direct Pays, Credit Cards, or Purchase Orders).
  2. **Check appropriate box for the following:**
    - Corporation
    - Incorporated
    - Independent Contractor [must have a contract on file with Learning Support Services (LSC)]
    - Disabled Veterans, Women, or Minority Owned Businesses (one or more boxes may be checked)
  3. If using multiple FOAPALs, list total dollar amount to charge to each FOAPAL.
  4. Enter proper **vendor codes**. (Please note that many vendors have the same vendor codes with numerical variations to accommodate "same name" vendors.)
  5. **Follow these steps to OBTAIN VENDOR INFORMATION:**
    - a) Vendors not in BANNER--use the on-line Vendor Form to submit the information to the LSC Purchasing Department (Web address: <http://intranet.kccd.cc.ca.us/business/forms/vendor.html>).
    - b) List both Billing and Mailing/Ordering address on your request for vendors, if not the same.
    - c) Telephone and Fax numbers with area codes are required for store location and billing department.
    - d) Social Security ID--vendors that are DBA ("Doing Business As") using a company name, but file income taxes under their name, by law, must submit their full name, social security number, and address.
    - e) Federal ID--all other vendors are required to submit a Federal ID#.
    - f) List contact people for billing and ordering.
    - g) It is required that the Requestor's telephone number/extension and department be listed in the appropriate box.
    - h) Please notify the LSC Purchasing Department of company buy outs/merges; address changes etc., at (661) 336-5151.
  6. All Purchase Requests must be approved and signed by authorized campus business office personnel before submitting to the LSC Accounting Department.
  7. Please call the LSC Accounting Department at (661) 336-5110 for payment request questions.
  8. Incomplete Purchase Request forms will cause a delay in payment processing.
  9. Special Instructions--(e.g., provide information for holding check for pickup or desire to send check to another person/address not listed, etc.)
-

# Request for Purchase Card Form



- Bakersfield College
- Cerro Coso Community College
- District Office
- Porterville College

## Request for CAL-Card

Date: \_\_\_\_\_

Print Applicant's Full Name: \_\_\_\_\_

Sample Signature: \_\_\_\_\_

Employee ID #: \_\_\_\_\_

Applicant Title: \_\_\_\_\_

Department/Office Name: \_\_\_\_\_

Department/Office Mailing Address: \_\_\_\_\_

Department Phone Number: \_\_\_\_\_

Single Purchase Limit: \_\_\_\_\_  
Generally not to exceed \$500 per transaction

30-Day Purchase Limit: \_\_\_\_\_  
Generally not to exceed \$3,000 per month

Check below the type of purchases requested to be made with this card:

- |                                |                                   |
|--------------------------------|-----------------------------------|
| _____ <u>Office Supplies</u>   | _____ <u>Printing/Duplicating</u> |
| _____ <u>Computer Supplies</u> | _____ <u>Equipment</u>            |
| _____ <u>Hardware</u>          | _____ <u>Sporting Goods</u>       |
| _____ <u>Travel</u>            | _____                             |

Other  
Specify:

\_\_\_\_\_  
Approving Official's Name  
(Manager's Name)

\_\_\_\_\_  
Director, Administrative  
Services' or Chief Financial  
Officer's Name

\_\_\_\_\_  
President's/Chancellor's Name

\_\_\_\_\_  
Approving Official's  
Signature  
(Manager's Signature)

\_\_\_\_\_  
Director, Administrative  
Services' or Chief Financial  
Officer's Signature

\_\_\_\_\_  
President's/Chancellor's Signature

\_\_\_\_\_  
District Business Services Office Signature:  
(Chief Financial Officer or Director, Accounting Services)



# Request for Changes to Purchase Card Information



Kern Community College District  
2100 Chester Avenue  
Bakersfield, CA 93301-4099  
(661) 336-5100

- Bakersfield College
- Cerro Coso Community College
- District Office
- Porterville College

## Request for Changes to CAL-Cardholder Information

Name: \_\_\_\_\_ CAL-Card Number: \_\_\_\_\_

Date: \_\_\_\_\_

Cardholder Name: \_\_\_\_\_

Cardholder Title: \_\_\_\_\_

Department/Office Name: \_\_\_\_\_

Department/Office Mailing Address: \_\_\_\_\_

Department Phone Number: \_\_\_\_\_

Single Purchase Limit: \_\_\_\_\_  
Generally not to exceed \$500 per transaction

30-Day Purchase Limit: \_\_\_\_\_  
Generally not to exceed \$3,000 per month

Additional types of transactions requested to be made with this  
CAL-Card: \_\_\_\_\_

\_\_\_\_\_  
Approving Official's Name      Dir., Administrative Services' or      President's/Chancellor's Name  
(Manager's Name)      Chief Financial Officer's Name

\_\_\_\_\_  
Approving Official's      Dir., Administrative Services' or      President's/Chancellor's Signature  
Signature      Chief Financial Officer's  
(Manager's Signature)      Signature

District Business Services Office Signature: \_\_\_\_\_  
(Chief Financial Officer or Director, Accounting Services)

**Request to Close Account Form**



- Bakersfield College
- Cerro Coso Community College
- District Office
- Porterville College

**Request to Close CAL-Card Account**

RETURN CAL-CARD(S) CUT IN HALF WITH THIS FORM

TO: DISTRICT BUSINESS SERVICES

Date: \_\_\_\_\_

Employee ID Number: \_\_\_\_\_

CAL-Cardholder's Name: \_\_\_\_\_

Department/Office Name: \_\_\_\_\_

Reason for Request:

\_\_\_\_\_ Transfer

\_\_\_\_\_ Resignation/Retirement

\_\_\_\_\_ Other:

\_\_\_\_\_  
\_\_\_\_\_

CAL-Card Number: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Approving Official's Name  
(Manager's Name)

\_\_\_\_\_  
Director of Administrative Services'/Chief Financial Officer's  
Name

\_\_\_\_\_  
Approving Official's Signature  
(Manager's Signature)

\_\_\_\_\_  
Director of Administrative Services'/Chief Financial Officer's  
Signature

District Business Services Office  
Signature:  
(Chief Financial Officer or Director,  
Accounting Services)

\_\_\_\_\_

# Wireless Communication Device Authorization Request form

**Kern Community College District  
Wireless Communication Device Authorization Request**

Kern Community College District recognizes the need for certain personnel to use wireless communication devices to perform their job.

**Application Form/Agreement** -- Must be completed and signed. Please allow 10 working days for completion of this process.

**Chancellor/President Signoff** -- This application must be completed and submitted to your immediate supervisor/administrator for recommendation to the College President or Chancellor.

**Justification** -- How is this device a business necessity?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I have read and agree to abide by the Kern Community College District Wireless Communication Device Policy and had the opportunity to discuss any usage questions with my supervisor/administrator.

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

For District Issued Devices, Check Appropriate Device:

- District issued Push-to-Talk device
- District issued Push-to-Talk/Cell device
- District issued pager

For an Allowance In Lieu of a District Issued Device, Check Appropriate Allowance:

- Pager = \$15.00
- Push-to-Talk = \$27.00
- Cell Phone = \$35.00
- Push-to-Talk with Cell Service = \$40.00
- SmartPhone = \$75.00

Name (please print) \_\_\_\_\_

Type of device (Smartphone, Cell Phone, PTT, PTT/Cell, Pager) \_\_\_\_\_

Department \_\_\_\_\_

Wireless Communication Device Number (include area code) \_\_\_\_\_

Supervisor Signature \_\_\_\_\_

Date \_\_\_\_\_

Chancellor/President Signature \_\_\_\_\_

Date \_\_\_\_\_

Retain a copy of this form, and route to the Human Resources Office, Attention: Payroll Manager

**For Office Use Only**

Start Date of Wireless Communication Device Use \_\_\_\_\_

Human Resources Signature and Date \_\_\_\_\_

For District issued devices, Payroll Manager to retain original form, and route copy to District Office IT, Attention: Telecommunications Manager.

## Security Matrix

### Security Matrix

| Groups  | Hours                                    | Attendance                                       | Security  |
|---|--|--|---|
| Group I—Instructional and Co-curricular event | Within or outside normal operating hours | Open to public                                   | No security required (except Stadium events). If needed, security will be notified.                           |
| Group I—Event                                 | Within normal operating hours            | Open to public and not open to public            | No security required. If needed, security will be notified.   |
| Group I—Event                                 | Outside normal operating hours           | Open to public with fifty-(50)-plus attendance   | Event reviewed by security designee.  |
| Groups II and III--Event                      | Within normal operating hours            | Open to public with fifty-(50)-plus attendance   | Event reviewed by security designee.  |
| Groups II and III--Event                      | Outside normal operating hours           | Open to public with fifty-(50)-plus attendance   | Minimum of two (2) security officers. If needed, security designee will be notified.                          |
| Groups I, II, and III—Events in Stadium       | Within or outside normal operating hours | Open to public (Football game, Track meet, etc.) | Minimum of two (2) security officers for each side of Stadium. If needed, security designee will be notified. |
| Groups I, II, and III—Events with Alcohol     | Within or outside normal operating hours | Open to public and not open to the public        | Minimum of two (2) security officers. If needed, security designee will be notified.                          |

1. The security designee will be notified of all events serving alcohol.
2. Security designee has option to increase or decrease officers as per the requirements outlined in the matrix.
3. School districts may provide their own security staff. The site security office must be notified and approved by security designee.
4. Complex managers are considered supervisors of an event, but have various duties that do not include security, crowd control, ushering, etc., which is the reason for requiring the presence of an officer.
5. If outside security companies are used, the following must be provided to District/College representative:
  - Company license from Bureau of Security and Investigative Services (BSIS)
  - Company liability insurance coverage
  - Officer(s) name(s) and guard card(s)
  - If officer(s) is carrying a gun--officer weapons permit(s)
6. For a large event, a minimum of two (2) officers are required for every one thousand (1,000) attendees (day or evening).

---

**Kern Community College District**  
**Administrative Procedure**  
Chapter 6—Confidential and Management Employees

---

**AP 6C2 — Salary Administration Procedures Confidential/Management Personnel**

**I. Purpose**

The purpose for these salary administration procedures is to provide a consistent approach to frequently repeated employment transactions including hiring, promotions, salary increases, and demotions.

**II. Assignment to a Salary Grade**

- A. Each confidential and management position is described in writing by means of a completed position description. The position description helps show how the job is interrelated to other positions and how it fits into the overall District organization. It assists in determining key accountabilities, decision authority, and freedom to act. The job description is useful in recruiting and hiring new employees. It also is used for job evaluation, along with organizational charts and budgetary data, as the basis for establishing the salary grade for the position.
- B. The Kern Community College District Confidential/Management Study Committee will meet on an as-needed basis as requested by the Chancellor/designee or at least once per fiscal year to review the integrity of the entire list of positions. Each job shall be compared to definitions for know-how, problem-solving, and accountability on a consistent basis to rank the position and to assign it to a salary grade.
- C. A new position not currently assigned to a salary grade, or a position with a significant role change caused by reorganization, shall be temporarily factored by the Chancellor/designee and at least two (2) representatives from the Kern Community College District Confidential/Management Study Committee. A temporary salary grade will be assigned until the Confidential/Management Study Committee meets to review the analysis and finalize the position salary grade appointment.

### III. Movement Within a Salary Grade

#### A. Salary Range Definitions:

- (1) **Minimum:** The lowest salary paid to a position within the grade (Step 1).
- (2) **Job Rate:** The target competitive rate for a full performance individual (Step 5). *(Note: The Job Rate is applicable only to positions in Salary Grades 1 through 6.)*
- (3) **Maximum:** The highest salary, paid to a position within the grade (Step 7).

### IV. Hiring Salary

- A. A new employee shall be hired at the minimum of the salary grade, unless for competitive reasons this is deemed by the Chancellor or designee to be inappropriate.
- B. Over minimum salary grade hiring shall be based upon the applicant's relevant experience and a review of the current salaries of incumbents who are performing the same job.
- C. Over minimum salary grade hiring in Salary Grades 1 through 6 shall not exceed the Job Rate (Step 5).
- D. All salary offers must be preapproved by the Chancellor/designee.

### V. Salary Upon Transfer

- A. A **transfer** is a move within the District to a position at the same salary grade as the employee's existing position.
- B. When a transfer occurs, there shall be no salary adjustment at the time of transfer, except for regular step increases.

### VI. Salary Upon Placement in a Lower Salary Grade

- A. When an employee voluntarily elects to take a position in a lower salary grade (such as applying for a posted or advertised position), his/her salary will be reduced. The new salary will be at the same step in the lower grade as in the previous position.

VI. ~~(Continued)~~

- ~~B. When District action (such as reassignment of job duties, position re-evaluation, or reorganization) is the reason for the placement in a lower salary grade, the employee's salary may be reduced at the discretion of the Chancellor. If the current salary is not reduced and exceeds the maximum for the new salary grade, the employee's salary will not be adjusted until the maximum salary of the new grade exceeds the current salary. (Y-rated)~~

VII. Salary Upon Placement in a Higher Salary Grade

- ~~A. Step placement in a higher salary grade is dependent upon the circumstances of the promotion.~~
- ~~B. When an employee is assigned to a position in a higher salary grade through an *open, competitive application* process, the employee shall be placed at the nearest step in the higher salary grade which provides at least a five percent (5%) increase, not to exceed Step 7.~~
- ~~C. When an employee's position is assigned to a higher salary grade because of *accretion of duties*, the employee shall be placed at the same step in the higher salary grade.~~
- ~~D. When an employee is assigned to a position in a higher salary grade as a result of a *reorganization*, the employee shall be placed at the nearest step in the higher salary grade which provides at least a five percent (5%) increase, not to exceed Step 7.~~
- ~~E. All promotional increases require the approval of the Chancellor or designee.~~

VIII. Temporary Assignments

- ~~A. When a confidential/management employee is given a temporary assignment classified at a higher level for *one year [or more]* if it is determined to be a "business necessity" as defined in Title 5, Section 53001(c)], the employee will be placed at the higher salary grade and nearest step assignment which provides at least a five percent (5%) increase, not to exceed Step 7.~~
- ~~B. When a confidential/management position is temporarily filled from outside, the method of salary compensation will be on the basis of a salary grade and step assignment.~~

**IX. Position Titles**

~~A. The major consideration in determining an appropriate job title for a confidential or management staff member is to communicate, both within and outside the organization, the staff member's major job responsibilities.~~

~~B. Job titles do **not** determine salary grades; responsibilities do.~~

~~C. Educational administrative positions may have any of the following titles:~~

- ~~• Chancellor~~
- ~~• President~~
- ~~• Associate Chancellor~~
- ~~• Vice President~~
- ~~• Chief Officer~~
- ~~• Dean~~
- ~~• Associate Dean~~
- ~~• Executive Director~~
- ~~• Director~~

~~\_\_\_\_\_ D. Classified administrative positions may have any of the following titles:~~

- ~~• Associate Chancellor~~
- ~~• Chief Financial Officer~~
- ~~• Vice President~~
- ~~• Executive Director~~
- ~~• Director~~
- ~~• Associate Director~~
- ~~• Assistant Director~~
- ~~• Controller~~
- ~~• Internal Auditor~~
- ~~• Manager~~

~~\_\_\_\_\_ E. Confidential positions may have any of the following titles:~~

- ~~• Assistant Director~~
- ~~• Administrative Assistant~~
- ~~• Assistant~~
- ~~• Secretary~~
- ~~• Technician~~



**X. Reporting Relationships**

~~A. Any District Office position may report directly to the Chancellor.~~

~~B. Any College position may report directly to the President.~~

**Kern Community College District**  
**Administrative Procedure**  
Chapter 6—Confidential and Management Employees

---

AP 6D3 Professional Development Program

See Form Below

- Program 1
- Program 2
- Program 3
- Program 4

Kern Community College District  
 2100 Chester Avenue  
 Bakersfield, CA 93301-4099

- Bakersfield College
- Cerro Coso College
- Porterville College
- Learning Services Center

## Confidential/Management Professional Development Program

|      |                    |
|------|--------------------|
| Name | Date of Employment |
|------|--------------------|

Title

**Declaration of Intent**

*I hereby apply for recognition to enter a program for Professional Development credit. I desire to further my knowledge and skills related to my present position.*

*My program will commence \_\_\_\_\_, 20\_\_\_\_.*

### Proposed Professional Development Program

| Course/Seminar/Workshop/Title | Location/Institution | Units | Grade |
|-------------------------------|----------------------|-------|-------|
|                               |                      |       |       |

- ORIGINAL PLAN     
  REVISED PLAN     
  PROGRAM COMPLETION

|                      |      |                        |      |
|----------------------|------|------------------------|------|
| Employee's Signature | Date | Supervisor's Signature | Date |
|----------------------|------|------------------------|------|

|   |      |
|---|------|
| College President's/Chancellor's/Designee's Signature | Date |
|---|------|

*Please submit copies of all transcripts and/or documentation of units completed. Units acquired prior to the filing of this declaration of intent will not be eligible for consideration.*

|                             |                                 |      |
|-----------------------------|---------------------------------|------|
| <b>APPROVED FOR PAYMENT</b> | Chancellor/Designee's Signature | Date |
|-----------------------------|---------------------------------|------|

---

**Kern Community College District**  
**Administrative Procedure**  
Chapter 6—Confidential and Management Employees

---

~~**AP 6E2(a) Confidential and Management Employees Evaluation Guidelines**~~

~~It is the responsibility of the immediate supervisor to initiate the evaluation process by notifying the confidential/management employee by September 1 that he/she is scheduled for evaluation that year. A new employee should be informed upon employment that he/she will be evaluated annually for the first two (2) years and every two (2) years thereafter. (See **Policy 6E1** of this Manual for components of the evaluation report and **Procedure 6E2(d)** of this Manual for the suggested timeline for the evaluation process.)~~

~~**Evaluation Process**~~

- ~~1) The immediate supervisor will evaluate the confidential/management employee based on the following components:
  - ~~• Performance of responsibilities as defined in the job description~~
  - ~~• Success in completing objectives~~
  - ~~• Work behaviors (e.g., supervisory skills, time management, communication skills, decision-making, problem-solving, etc.)~~
  - ~~• Miscellaneous (e.g., special assignments, professional development, budget management, participation in community activities, etc.)~~~~
  
- ~~2) If the immediate supervisor evaluates a confidential/management employee's performance as "needs improvement or unsatisfactory," the employee may respond in writing, within ten (6) working days. (See **Policy 6E9 of this Manual for rights for reconsideration.**)~~

~~In cases of needs improvement, the immediate supervisor will counsel the confidential/management employee by developing a written plan for performance improvement goals and establish a timeline for occurrence of improvement. A copy of the plan shall be provided to the employee and attached to the evaluation report. Improvement will allow for retention of the employee in the position.~~

## Evaluation Survey

~~The confidential/management employee and immediate supervisor will agree to subjects for the customized section of the evaluation survey instrument, distribution list, and return summary process. (See **Procedure 6E2(b)** of this Manual for the evaluation survey instrument and **Procedure 6E2(d)** of this Manual for the evaluation suggested timeline.)~~

- ~~1) The confidential/management employee's distribution list should include a representative sample of those who regularly interact with the evaluatee. (See **Policy 6E6** of this Manual regarding faculty input.)~~
- ~~2) The evaluation survey results will be used for planning professional improvement and clarifying expectations, not as a factor to determine the performance rating of the employee by the immediate supervisor. The results must be summarized and provided to the immediate supervisor to be included as an attachment to the evaluation report. The evaluation survey responses should be destroyed after information is summarized.~~

**Kern Community College District  
Administrative Procedure**  
Chapter 6—Confidential and Management Employees

---

**AP 6E2(b) Report of Confidential/Management Staff Evaluation**

See form below

- Bakersfield College
- Cerro Coso College
- Porterville College
- District Office

Kern Community College District  
2100 Chester Avenue  
Bakersfield, CA 93301-4099

- Confidential
- Classified Administrator
- Educational Administrator

## Report of Confidential/Management Staff Evaluation

|                 |      |
|-----------------|------|
| Employee's Name | Date |
|-----------------|------|

Job Title

|  |  |
|--|--|
| <b>Section I. Evaluation Components (please attached):</b><br><br><input type="checkbox"/> Survey Responses Summary<br><input type="checkbox"/> Self Assessment, including Accomplishments and Goals<br><input type="checkbox"/> Job Description<br><input type="checkbox"/> Other | <b>Section II. Performance</b><br>(see back for definitions)<br><br><input type="checkbox"/> Satisfactory<br><input type="checkbox"/> Needs Improvement<br><input type="checkbox"/> Unsatisfactory |
|--|--|

### Section III. Written Evaluation

**Employee:** I certify that this report has been discussed with me and that I am aware it will be placed in my official personnel file. I understand my signature does not necessarily indicate agreement. I also understand that I have ten (10) working days to respond in writing to any material in this report and that my response will be attached to this report. (See Policy 10E9, Rights for Reconsideration.)

|  |      |
|--|------|
| Employee's Signature                     | Date |
| Supervising Administrator's Signature    | Date |
| College President's/Designee's Signature | Date |
| Chancellor's/Designee's Signature        | Date |

**Comments (Chancellor or College President)**

## Performance Definitions

**Satisfactory**—The performance is identified as “satisfactory” if performance standards and expectations are met or exceeded during the evaluation period.

**Needs Improvement**—If the immediate supervisor identifies the evaluatee’s performance as “needs improvement” goals for improvement and an appropriate timeline shall be established for demonstrated improvement to occur. This timeline for improvement is not to exceed one (1) year. At the end of the designated timeline, a follow-up evaluation shall occur.

**Unsatisfactory**—If the immediate supervisor determines that the employee’s job performance is unsatisfactory, the Chancellor or College President will recommend termination. (See **Policy 10E9, Rights for Reconsideration.**)





**Procedure 6E2(c) (continued)**

**Section I (continued)**

| <b>Communication Skills</b>   | <b>5</b>                 | <b>4</b>                 | <b>3</b>                 | <b>2</b>                 | <b>1</b>                 | <b>0</b>                 |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Listens and is open to others' views and constructive criticism; is accessible and approachable; responds in a timely manner to inquiries.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Utilizes verbal and written skills which are accurate, direct, concise, and clear.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Conducts meetings in a effective manner.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>Supervisory Skills</b>   | <b>5</b>                 | <b>4</b>                 | <b>3</b>                 | <b>2</b>                 | <b>1</b>                 | <b>0</b>                 |
| Communicates expectations to staff; gives feedback on progress and accomplishments; completes performance evaluations on a timely basis.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Supportive of staff; demonstrates the ability to positively motivate and provide an opportunity for training and staff development.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>Interpersonal Skills</b>   | <b>5</b>                 | <b>4</b>                 | <b>3</b>                 | <b>2</b>                 | <b>1</b>                 | <b>0</b>                 |
| Maintains cooperative working relationships; fosters team-building skills; sensitive to others' needs; displays/earns mutual trust and respect of others; keeps professional confidences. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Positively represents the District/College to others.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>Personal Qualities</b>   | <b>5</b>                 | <b>4</b>                 | <b>3</b>                 | <b>2</b>                 | <b>1</b>                 | <b>0</b>                 |
| Maintains high standards which support quality work, creativity, motivation, initiative, punctuality, and good attendance.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Addresses own professional development needs; participates in related professional associations.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Demonstates qualities of integrity, honesty, and ethical practices.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>Knowledge/Skills</b>   | <b>5</b>                 | <b>4</b>                 | <b>3</b>                 | <b>2</b>                 | <b>1</b>                 | <b>0</b>                 |
| Demonstrates the knowledge and skills necessary to effectively manage the areas of responsibilities.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Provides effective leadership.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Areas of Strength**

---



---



---



---



---

Confidential/Management Evaluation Survey--Page three

---

**Section I (continued)**

---

**Areas Where Improvement is Needed**

---

---

---

---

---

---

**Other Comments**

---

---

---

---

---

---

**Section II**

(Optional). Additions to the survey as agreed upon between the confidential or management staff member and immediate supervisor.

---

***This is a confidential survey. The identity of the evaluator will not be disclosed to the evaluatee.***

---

Evaluator's Signature

Date

---

**Kern Community College District  
Administrative Procedure**  
Chapter 6—Confidential and Management Employees

---

~~AP 6E2(d)~~ **Suggested timeline for confidential and management evaluation process**

**By September 1**

The immediate supervisor shall notify the confidential/management employee that he/she is scheduled for an evaluation that year.

The immediate supervisor shall initiate a meeting (or meetings) with the confidential/management employee to be evaluated to discuss and implement the evaluation process. (Faculty input shall be included for those confidential/management employees whose assignment involves regular interaction with faculty.)

**By December 31**

Survey results are to be tallied and summarized by the immediate supervisor.

The confidential/management employee shall complete and forward to his/her immediate supervisor the following evaluation components:

- ~~Job Description~~ (updated for the next evaluation period)
- ~~Written Self-Assessment~~ (which shall include: (a) accomplishments for the current year and (b) goals for the current evaluation period)
- ~~Other Items~~ (as previously agreed upon by the employee and the immediate supervisor)

**By January 30**

The immediate supervisor shall complete a written evaluation of the management team employee and the Report of Confidential and Management Employees Evaluation form. The immediate supervisor shall meet with the staff member to: (a) discuss the evaluation report, (b) obtain the staff member's signature, and (c) provide a copy of the full report to the staff member.

**By February 15**

The immediate supervisor shall forward the following evaluation components to the Chancellor or College President:

- ~~Report of Confidential and Management Employee Evaluation for the Employee~~
- ~~Summary of Evaluation Survey Responses~~
- ~~Employee's Written Self-Assessment~~ which shall include:
  - (a) accomplishments for the current evaluation period and
  - (b) goals for the coming year
- ~~Other Items~~ as previously agreed upon by the employee and the immediate supervisor

**By March 1**

If applicable, the College President shall review and sign the staff member's evaluation report and shall forward the following evaluation components to the District Chancellor:

- ~~Report of Confidential and Management Employee Evaluation for the Employee~~
- ~~Summary of Evaluation Survey Responses~~
- ~~Employee's Written Self-Assessment~~ which shall include: (a) accomplishments for the current year and (b) goals for the coming year
- ~~Other Items~~ as previously agreed upon by the employee and the immediate supervisor

**Kern Community College District  
Administrative Procedure  
Chapter 6—Confidential and Management Employees**



- Bakersfield College
- Cerro Coso Community College
- District Office
- Porterville College

**Classified and  
Confidential and Management Employee Absence Report**

| I HEREBY CERTIFY THE FOLLOWING ABSENCE(S)<br>(Employee must immediately complete this form upon return to duty.)  |                                      |   |  |       |
|---|--------------------------------------|---|--|-------|
| Identification Number   | Employee's Name (Please Print)       |   |  |       |
| Employee's Signature  | Date                                 | Department/Office   |  |       |
| C<br>O<br>D<br>E  | (V) Vacation                         | Date(s)   | Code                                     | Hours |
|   | (J) Jury Duty or Witness             |   |  |       |
|   | (S) Sick Leave                       |   |  |       |
|   | (P) Personal Necessity Leave*        |   |  |       |
|   | (FN) Family Necessity**              |   |  |       |
|   | (WC) Workers' Compensation           |   |  |       |
|   | (B) Bereavement (State Relationship) |   |  |       |
|   | (U) Unpaid                           |   |  |       |
| (F) Floating Holiday***   |                                      |   |  |       |
| (C) Compensatory (Accrued) Time   |                                      |   |  |       |
| (O) Other (Identify)  |                                      |   |  |       |
| Supervisor's Signature  |                                      | Date  | College President's/Designee's Signature |       |
|   |                                      |   | Date                                     |       |
| * Classified employee not wishing to state reason may have personal necessity cleared by discussing situation with Campus President/District Administrator or designee. |                                      | ** Is this family necessity leave for one of the following?<br>Child, Parent, or Spouse |  |       |
| *** Floating Holiday for Classified Employees Only  |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO                                |  |       |

11/2009 (2)  
DO/HR

Original to: KCCD Human Resource/Payroll Office

Copies to: College Human Resources and Employee



**Kern Community College District  
Administrative Procedure  
Chapter 6—Confidential and Management Employees**



Kern Community College District  
2100 Chester Avenue  
Bakersfield, CA 93301-4099

- Bakersfield College
- Cerro Coso College
- District Office
- Porterville College

**Confidential/Management  
Catastrophic Illness Donation Request  
(Board Policy 10F2A4)**

| <b>Step One</b>                             |      |
|---|------|
| Employee's Name (person making the request) | Date |

*I hereby declare that I am a permanent confidential or management employee and request donations of sick leave to assist me through this catastrophic period. Attached is a note from my licensed physician verifying my need to be off work as a result of injury or illness.*

*I understand that all available leaves will be utilized prior to the use of donated leave and the use of catastrophic donations does not qualify me for additional disability benefits. Donated hours will be calculated at the rate of the donor's salary. Donated hours not used will be restored to the donor(s).*

|                                  |      |
|----------------------------------|------|
| Signature of Requesting Employee | Date |
|----------------------------------|------|

| <b>Step Two</b>  |                         |
|--|-------------------------|
| <input type="checkbox"/> Approved<br><input type="checkbox"/> Denied | Explanation, if denied: |
| Signature of Associate Chancellor, Human Resources                   | Date                    |

**Catastrophic Application Instructions**

The employee requesting catastrophic leave donations must:

1. Complete this form
2. Attach the licensed physician's verification
3. Submit form to District Human Resources

**Kern Community College District  
Administrative Procedure  
Chapter 6—Confidential and Management Employees**



Kern Community College District  
2100 Chester Avenue  
Bakersfield, CA 93301-4099

- Bakersfield College
- Cerro Coso College
- District Office
- Porterville College

**Confidential/Management  
Consent to Donate Sick Leave for Catastrophic Illness  
(Board Policy 10F2A4)**

**Step One**

|   |      |
|---|------|
| Employee's Name (person making the request) | Date |
|---|------|

*I hereby declare that I am a permanent confidential or management employee and authorize the donation of \_\_\_\_\_ hours of my sick leave [maximum three hundred twenty (320) hours or forty (40) days] to \_\_\_\_\_ (employee's name). I understand this sick leave deduction cannot reduce my accrued sick leave balance to less than three hundred twenty (320) hours or forty (40) days. Donated hours not used will be restored to the donor(s).*

*Exception: An employee pending resignation/termination may donate up to six (6) days of accrued, unused sick leave.*

|                                |      |
|--------------------------------|------|
| Signature of Donating Employee | Date |
|--------------------------------|------|

**Step Two—District Office Verification**

Sick Leave Balance as of date of request: \_\_\_\_\_ (hours)

After this deduction, the employee's sick leave balance equals or exceeds the three hundred twenty (320) hours or forty (40) days.     Yes     No

|  |      |
|--|------|
| District Human Resources' Verification Signature | Date |
|--|------|

**Step Three**

|  |  |
|--|--|
| <input type="checkbox"/> Approved<br><input type="checkbox"/> Denied | <b>Explanation, if denied:</b><br><br> |
|--|--|

|  |      |
|--|------|
| Signature of Associate Chancellor, Human Resources | Date |
|--|------|



---

**Kern Community College District  
Administrative Procedure**  
Chapter 6—Confidential and Management Employees

---

Kern Community College District  
Human Resources Operational Guideline

**AP 6F2A5 Counting One Hundred (60) Working Days at Differential Pay**

**Rules:**

1. Only working days, not calendar days, count towards the one hundred (60) working days.
2. Each day, no matter how many hours are worked, equals one (1) day.
3. Holidays do not count toward the one hundred (60) working days.
4. Vacation and Sick Leave do not accrue during the one hundred (60) working days.
5. Employees receive the same health benefits during the one hundred (60) working days.
6. This one hundred (60) working days is intended for long term illness or injury. Any absence must be verified by a written statement from a licensed physician/practitioner.
7. The employee must have a current physician/practitioner's written statement on file at all times, and a written release to return to work.
8. When the one hundred (60) working days differential pay crosses fiscal years (July 1), the employee receives his/her annual allocation of sick leave days to use effective July 1. Subsequently, a new one hundred (60) days of differential pay commences.
9. Full benefited employees are eligible for the District's long term disability insurance after being disabled for ninety (90) days. When on the one hundred (60) working days at one half (1/2) pay, the insurance will pay the difference between one half (1/2) pay and two thirds (2/3) of pay up to a maximum of two thousand dollars \$2,000.00 per month. Once the one hundred (60) days is exhausted, the insurance will pay at maximum plan amount.

**Procedure ~~6F2A5~~** (continued)

10. ~~When one hundred (60) working days are exhausted, the employee is placed on a Thirty Nine Month (39 month) Rehire List.~~
11. ~~When the doctor determines the employee is no longer sick/injured/disabled (non-work related), he/she is no longer eligible for the one hundred (60) working days at one half (1/2) pay.~~

---

**Kern Community College District  
Administrative Procedure**  
Chapter 6—Confidential and Management Employees

---

**References:**

~~Education Code Section 88013; Government Code Sections 3300 et seq.~~

**AP-6J Grounds for Discipline**

~~A permanent member of the classified service shall be subject to disciplinary action for just cause, including but not limited to, written reprimand, reduction in pay, demotion, suspension, or termination, for any of the grounds set out in Board Policy 6J:~~

**~~Disciplinary Actions:~~**

~~Disciplinary action against a permanent member of the classified service may include, but not be limited to, the following:~~

- ~~• **Reduction in pay or demotion**—The District may reduce the pay or demote an employee for cause.~~
- ~~• **Suspension**—An employee may be suspended without pay.~~
- ~~• **Termination**—A permanent member of the classified service may be terminated.~~

~~Procedure for Disciplinary Action~~

~~For classified employees suspended, demoted, or discharged the District shall follow a pre-disciplinary procedure as follows:~~

**~~Notice of Intent:~~**

~~Whenever the District intends to suspend, demote, or terminate an employee, the College President or appropriate Vice Chancellor shall provide the employee with written notice of discipline which sets forth the following:~~

- ~~• The disciplinary action intended;~~
- ~~• The specific charges upon which the action is based;~~
- ~~• A factual summary of the grounds upon which the charges are based;~~

- ~~A copy of all written materials, reports, or documents upon which the discipline is based;~~
- ~~Notice of the employee's right to participate in a pre-determination meeting, commonly referenced as a Skelly conference, with the administrator who issued the Notice of Intent.~~
- ~~The date and time by which the employee may respond within no less than five business days from delivery of the notice;~~
- ~~Notice that failure to respond by the time specified shall constitute a waiver of the right to respond prior to final discipline.~~

### **~~Response by Employee:~~**

~~The employee shall have the right to respond orally or in writing to the administrator who issued the Notice of Intent. If requested, a Skelly conference will be conducted not less than five business days of receipt of the request or at a time mutually agreed between the employee and administrator. The employee shall have a right to be represented at any meeting set to hear the employee's response.~~

### **~~Final Notice:~~**

~~After the conclusion of the Skelly conference or the expiration of the employee's time to respond to the Notice of Intent, the Skelly Officer will inform the employee of his or her decision. The Skelly Officer may:~~

- ~~1. Dismiss the Notice of Intent and take no disciplinary action against the employee; or~~
- ~~2. Modify the intended disciplinary action; or~~
- ~~3. Go forward with the discipline as set out in the Notice of Intent.~~

~~The Vice Chancellor of Human Resources will prepare and serve upon the employee a final notice of disciplinary action, if appropriate. The final notice of disciplinary action shall include the following:~~

- ~~The disciplinary action taken;~~
- ~~The effective date of the disciplinary action taken;~~
- ~~Specific charges upon which the action is based;~~
- ~~A summary of the facts upon which the charges are based;~~

- ~~• A card or paper, the signing and filing of which shall constitute a demand for hearing;~~
- ~~• The written materials, reports, and documents upon which the disciplinary action is based; and~~
- ~~• The employee's right to a hearing before the Board of Trustees.~~

### **~~Time for Board Hearing:~~**

~~The Board of Trustees shall, within a reasonable time from the filing of the written request, commence the hearing. The decision of the Board shall be final. The Board of Trustees may affirm, modify, or revoke the discipline. Any employee, having filed a request for hearing with the Board and having been notified of the time and place of the hearing, who fails to make an appearance before the Board, may be deemed to have abandoned their right to such a hearing. In this event, the Board shall affirm the administrative determination of discipline or dismissal.~~

### **~~Conduct of the Hearing:~~**

- ~~• The Board may conduct the hearing itself, or it may secure the services of an experienced hearing officer or Administrative Law Judge to conduct the hearing and render a proposed decision for consideration by the Board. However, in every case, the decision of the Board itself shall be final.~~
- ~~• Hearings are conducted in noticed closed sessions of regular or special meetings of the Board of Trustees.~~
- ~~• The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses, but hearings shall be conducted in a manner most conducive to determination of the truth.~~
- ~~• The classified employee is entitled to representation during the hearing.~~
- ~~• Any relevant evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to relying in the conduct of serious affairs.~~
- ~~• Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence that shall not be sufficient in itself to support a finding.~~
- ~~• Irrelevant and unduly repetitious evidence may be excluded.~~
- ~~• The Board, or the hearing officer shall determine relevancy, weight, and credibility of testimony and evidence. Decisions made by the Board shall not be invalidated by any informality in the proceedings.~~

- ~~During examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon request of either party.~~

### **~~Deliberation upon the Case:~~**

~~The Board of Trustees or the hearing officer should consider all oral and documentary evidence, the credibility of witnesses, and other appropriate factors in reaching their decision.~~

### **~~Findings and Decision:~~**

~~The Board shall render its findings and decision as soon after the conclusion of the hearing as possible. A finding must be made by the Board on each charge. The Board may sustain or reject any or all of the charges filed against the employee. The Board may sustain, reject, or modify the disciplinary action invoked against the employee.~~

### **~~Decision of the Board to be Final:~~**

~~The decision of the Board of Trustees in all cases shall be final.~~

### **~~Emergency Suspension:~~**

~~Employees may be suspended prior to the Board of Trustees' final decision following a Skelly conference before the College President or his or her designee or appropriate Vice Chancellor or his or her designee. The employee may be suspended without pay following the meeting only if the employee's presence at work could prove injurious, harmful, or seriously disruptive to the District or the employee's misconduct causes an actual or reasonable foreseeable risk to the health or safety of students or other employees or loss or damage to District property. Employees charged with a sex, controlled substance, or criminal offense may be suspended pursuant to Education Code Section 88123. If, after a hearing, the suspension is upheld, the Board of Trustees shall determine whether the suspension is with or without pay.~~