

Section Six

Business and Fiscal

Affairs ~~Confidential~~

~~and~~

~~Management~~

~~Employees~~

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*** Section 6 was reviewed and revised by the Board of Trustees July 2014, July 2016, October 2017 and December of 2018.*

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Management Personnel
Governance Processes Relative to the
District Board Policy Manual
and Collegial Consultation
With Academic Senates**

Employ the Process of Mutual Agreement

Policies:

- (1) ~~6B4, Administrative Retreat Rights to Faculty Status for Administrators Hired on or After July 1, 1990 (include Policies 6B4A through 6B4F)~~
- (2) ~~6B5, Administrative Retreat Rights to Faculty Status for Administrators Hired Prior to July 1, 1990 (include Policies 6B5A through 6B5F)~~

Procedures: None

Appendices: None

Rely Primarily Upon the Advice and Judgment

Policies:

BP 6200 Budget Preparation

- (1) ~~6A5B5 (re: college president responsibilities)~~
- (2) ~~6A5B16 (re: college president responsibilities)~~
- (3) ~~6B3D (re: selection of management personnel)~~
- (4) ~~6B3H2 (re: selection of management personnel)~~
- (5) ~~6B3H6 (re: selection of management personnel)~~
- (6) ~~6B3I4 (re: joint screening committee for college educational administrator positions)~~

Procedures: None

Appendices: None

Policy

**Kern Community College District
Board Policy
Chapter 6 – Business and Fiscal Affairs**

BP 6100 Delegation of Authority, Business and Fiscal Affairs

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References:

Education Code Sections 70902(d), 81655, and 81656

Note: This policy is *legally required*.

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The Board delegates to the *Chancellor* the authority to supervise the general business procedures of the District to assure the proper administration of property and contracts; the budget, audit and accounting of funds; the acquisition of supplies, equipment and property; and the protection of assets and persons. All transactions shall comply with applicable laws and regulations, and with the California Community Colleges Budget and Accounting Manual.

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No contract shall constitute an enforceable obligation against the District until it has been approved or ratified by the Board. (See BP 6340 titled Bids and Contracts).

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The *Chancellor* shall make appropriate periodic reports to the Board and shall keep the Board fully advised regarding the financial status of the District.



**Kern Community College District
Board Policy
Chapter 6 – Business and Fiscal Affairs**

BP 6150 Designation of Authorized Signatures

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References:

Education Code Sections 85232 and 85233

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Note: This policy is *legally required*.

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Authority to sign orders and other transactions on behalf of the Board is delegated to the Chancellor and other officers appointed by the Chancellor.

**Kern Community College District
Board Policy
Chapter 6 – Business and Fiscal Affairs**

BP 6200 Budget Preparation

References:

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

Note: This policy is *legally required*.

■ From current KCCD Policy 3A1 titled Budget Development

~~3A1A~~ Each year, the Chancellor shall present to the Board a budget, prepared in accordance with Title 5 and the California Community Colleges Budget of Trustees and Accounting Manual. The schedule for presentation and review of budget proposals shall comply with state law and regulations, and provide adequate time for Board study. See ~~Procedure 3A1 of this Manual~~ Procedure 6200 for Budget Preparation Guidelines.

The budget development shall meet the following criteria:

- ~~3A1A1~~ The annual budget shall support the District-wide master and educational plans.
- ~~3A1A2~~ Budget projections shall address long-term goals and commitments.
- ~~3A1A3~~ The annual Budget shall not exceed estimated revenues for the Budget year excluding District-wide or College reserves.
- ~~3A1A4~~ The Budget may include a separate request to use District-wide reserves.
- ~~3A1A5~~ Assumptions upon which the budget is based are presented to Board for review.
- ~~3A1A6~~ A schedule is provided to the Board by December of each year that includes dates for presentation of the tentative budget, required public hearing(s), Board study session(s), and approval of the final budget. At the public hearings, interested persons may appear and address the Board regarding the proposed or any item in the proposed budget.

District-wide unrestricted general fund reserves shall be no less than fifteen percent (15%) and should not exceed twenty percent (20%) of the unrestricted district-wide expenditures.

College budgeted reserves will not be considered as part of District-wide reserves. Each of the colleges shall maintain a minimum unrestricted general fund reserve of five percent (5%) of the total unrestricted reserve for obligations and contingencies.

3A1A7 Purpose of Reserves - The District-wide unrestricted general fund reserves are intended to provide resources for cash flow management, unfunded liabilities, risk mitigation, significant emergencies, and a buffer against future budget reductions. The District may incorporate into the annual budget an appropriate level of reserves to provide resources for these purposes. Unless the District is confronted with catastrophic issues, or the Board authorizes a deviation at no time should District-wide reserves fall below the minimum levels reflected above contained in Policy **3A1A6**. Reserves in excess of these needs may be used for the following purposes:

- a) Provide resources to maintain mission critical educational programs. Provide resources for the expansion, reduction, or restructuring of College/District programs and services.
- b) Provide capital funds to invest in infrastructure that will lower operational costs, improve efficiencies, improve safety/security, and/or enhance the delivery of educational and/or support services.
- c) Excess reserves to be used as directed by the Board.

Also see AP 6305 titled Reserves.

3A1A8 Changes in the assumptions upon which the budget was based shall be reported to the Board in a timely manner.

3A1A9 Budget allocations of funds will be made to the Colleges and District Office and will be reviewed by the Board of Trustees, Chancellor's Cabinet, and Consultation Council with recommendations from the District-wide Budget Committee. Generally, the allocations to each College and to the District Office shall be based upon the Board approved allocation model. The Chancellor or designee shall work with representatives of the College Academic Senates and other District-wide constituent groups represented on the Chancellor's staff in designing the process for development of the District budget.

3A1B College budgets are prepared under the supervision of the College President or designee. The College President or designee shall work with the College Academic Senate in designing the processes for development of the College budget.

3A1C Each of the Colleges' will establish unrestricted reserves for obligations and contingencies.

Changes in the assumptions upon which the budget was based shall be reported to the Board in a timely manner.

Also see BP/AP 3250 titled Budget Management, BP/AP 6300 titled Fiscal Management, AP 6305 titled Reserves, AP 6310 titled Accounting, and AP 6315 titled Warrants.



**Kern Community College District
Board Policy
Chapter 6 – Business and Fiscal Affairs**

BP 6250 Budget Management

References:

Title 5 Sections 58307 and 58308

Note: This policy is *legally required*.

~~3A1D Budget Management~~–The budget shall be managed in accordance with Title 5 and the California Community Colleges Budget and Accounting Manual. Budget revisions shall be made only in accordance with these policies and as provided by law.

The District's unrestricted general reserves shall be no less than 5%. The Board of Trustees has established that the district-wide unrestricted general fund reserves shall be no less than fifteen percent (15%) and should not exceed twenty percent (20%) of the total unrestricted district-wide expenditures

College budgeted reserves will not be considered as part of District-wide reserves. Each of the colleges shall maintain a minimum unrestricted general fund reserve of five percent (5%) of the total unrestricted college expenditure. These reserves will be established as unrestricted reserves for obligations and contingencies.

Revenues accruing to the District or Colleges in excess of amounts budgeted shall be added to the District or Colleges reserve for contingencies. They are available for appropriation only upon approval of the Board of Trustees that sets forth the need according to major budget classifications in accordance with applicable law.

Board approval is required for changes between major expenditure classifications. Transfers from the reserve for contingencies to any expenditure classification must be approved by a two-thirds vote of the members of the Board. Transfers between expenditure classifications must be approved by a majority vote of the members of the Board.

These expenditures transfers will be presented to the Board for approval in February and July of each year.

~~3A3A~~

Expenditures

The approved budget is the District-wide plan for expenditures during the fiscal year.

~~3A3B~~ Under the direction of the Chancellor, the college Chief Business Officers at the District and colleges will ascertain that all goods, services, and leases are obtained at the lowest possible competitive prices taking into consideration desired quality and services. This will entail the consideration of all qualified vendors. Standardization of equipment may be required for efficient maintainability and reliability.



BP 6300 – formerly 3A2

**Kern Community College District
Board Policy
Chapter 6 – Business and Fiscal Affairs**

BP 6300 Fiscal Management

References:

Education Code Section 84040(c);

Title 5 Section 58311;

ACCJC Accreditation Standard III.D

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



Note: This policy is *legally required*.

The Chancellor or designee(s) shall establish procedures to assure that the District's fiscal management is in accordance with the principles contained in Title 5 Section 58311, including:

- Adequate internal controls exist.
- Fiscal objectives, procedures, and constraints are communicated to the Board and employees.
- Adjustments to the budget are made in a timely manner, when necessary.
- The management information system provides timely, accurate, and reliable fiscal information.
- Responsibility and accountability for fiscal management are clearly delineated.
- The books and records of the District shall be maintained pursuant to the California Community Colleges Budget and Accounting Manual.
- As required by law, the Board shall be presented with a quarterly report showing the financial and budgetary conditions of the District.
- As required by the California Community Colleges Budget and Accounting Manual, expenditures shall be recognized in the accounting period in which the liability is incurred, and shall be limited to the amount budgeted for each major classification of accounts and to the total amount of the budget for each fund.

The Chancellor shall also establish procedures that satisfy the U.S. Education Department General Administrative Regulations (EDGAR) Second Edition for any federal funds received by the District.

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 6300 and Appendix 6300 (1 & 2) of this Manual for Grant Preparation and Submission Procedures and Guidelines)~~

3A10 College-Sponsored Events


3A10A College-sponsored events are those events which are funded in whole or in part by the College or are associated with the College name by permission of the College President. College-sponsored events, including athletic events, shall be under the supervision of the College Presidents. Operational responsibilities may be delegated to appropriate officers of the respective Colleges.

3A10B Extra-curricular activities are those activities which enhance but may not directly relate to the instructional program. Extra-curricular activities determined by the College President or designee to not be a part of the regular College program shall be self-supporting.

3A10C Net proceeds generated from College-sponsored events, including College-operated and gate receipts, shall be used to fund the co-curricular programs. Co-curricular programs are those activities which occur outside

of the classroom but which support the instructional program. Each College shall adopt procedures for allocating all College-sponsored event net proceeds to its co-curricular programs. The income and expense allocations shall be incorporated into the respective College budgets to be approved and adopted by the Board of Trustees.

~~3A10D~~ Every effort shall be made to make student body or other extra-curricular activities self-supporting.

~~3A10D1~~ If there is income from gate receipts or other sources sufficient to pay part but not all of the costs of any of the equipment as listed above, the College may make up  deficit. Such requests must be estimated in advance and must be included in the budget.

Fiscal Accountability

~~3A14A~~ The 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 3600** of this Manual.



BP 6307 – formerly 3F

BP 6307 DEBT ISSUANCE AND MANAGEMENT

References:

Government Code Section 8855

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

3F—Debt Issuance and Management Policy

This Debt Management Policy (the “Policy”) provides written guidelines for the issuance of indebtedness by the Kern Community College District (the “District”) in satisfaction of the requirements of S.B. 1029, codified as part of Government Code Section 8855.

The Chancellor shall establish procedures to ensure the District is professionally managing its debt and fulfills its annual debt issuance reporting requirements to the California Debt and Investment Advisory Commission.

Procedures shall include:

- The purposes for which the debt proceeds may be used.
- The types of debt that may be issued.
- The relationship of the debt to, and integration with, the District’s capital improvement program or budget, if applicable.
- Policy goals related to the District’s planning goals and objectives.
- The internal control procedures that the District has implement, or will implement, to ensure that the proceeds of the proposed debt issuance will be directed to the intended use.



BP 6320 - New

**Kern Community College District
Board Policy
Chapter 6 – Business and Fiscal Affairs**

BP 6320 Investments

References:

Government Code Sections 53600 et seq.

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

The Chancellor or designee is responsible for ensuring that the funds of the District are invested that are not required for the immediate needs of the District. Investments shall be in accordance with law, including California Government Code Sections 53600 et seq.

Investments shall be made based on the following criteria:

- The preservation of principal shall be of primary importance.
- The investment program must remain sufficiently flexible to permit the District to meet all operating requirements.
- Transactions should be avoided that might impair public confidence.



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

~~3A8B 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.~~





BP 6330 Formerly 3A5 & 3A6

**Kern Community College District
Board Policy
Chapter 6 – Business and Fiscal Affairs**

BP 6330 **Purchasing**

References:

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

Note: This policy is *legally required*.

The Chancellor or designee is delegated the authority to purchase supplies, materials, apparatus, equipment and services as necessary to the efficient operation of the District. No such purchase shall exceed the amounts specified by Public Contract Code Section 20651 as amended from time to time.

All such transactions shall be reviewed by the Board every 60 days.

Use of Credit Cards Issued by the Kern Community College District

~~3A5A~~ CAL-Cards

~~3A5A1~~ CAL-Cards will only be issued to District and College Educational Administrators and Classified Managers if 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 issuance is approved by the District Chief Financial Officer and College President or Chancellor.

~~3A5A2~~ CAL-Card applications will be completed prior to issuance. Transactions will be limited to, travel, supplies, or equipment.

~~3A5A3~~ Bank of America Cards

~~3A5A3A~~ Will only be checked out to District and College staff authorized to initiate transactions by the District Chief Financial Officer. Will be administered by Departments designated by the College Administrative Directors or District Chief Financial Officer.

- From Current BP 3A6 – this language is unique to KCCD

~~3A6~~ Gas Credit & Purchasing Cards

~~3A6A~~ Individual cards will be assigned to employees assigned a District vehicle as part of their employment contract.

~~3A6B~~ Individual pool vehicles will be assigned specific cards and checked out when vehicles are approved for specific District or College use.



BP 6330 – formerly 3A4

**Kern Community College District
Board Policy
Chapter 6 – Business and Fiscal Affairs**

BP 6340 **Bids and Contracts**

References:

[Education Code Sections 81641 et seq.;](#)
[Public Contract Code Sections 20650 et seq.;](#)
[Government Code Section 53060;](#)
[ACCJC Accreditation Standard III.D.16;](#)
[2 Code of Federal Regulations Part 200.318](#)

Note: This policy is legally required.

Contracts

~~3A4A~~–The Board of Trustees delegates to the Chancellor or Chief Financial Officer the authority to enter into contracts on behalf of the District and to establish

administrative procedures for contract awards and management, subject to the following:

~~3A4B~~ Contracts are not enforceable obligations until they are approved or ratified by the Board, ~~or allowable by statute.~~

~~3A4C~~ Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contract Code Section 20651 ~~or 22000 et seq.~~, shall require prior approval by the Board.

~~3A4D~~ When bids are required according to Public Contract Code Section 20651 ~~or 22000 et seq.~~, the Board shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires, or reject all bids.

When the District determines that, according to Public Contract Code Section 20651.7, 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 select and award the contract based on best value in accordance with AP 6340. The bidder shall give such security as the Board requires and may reject all bids.

When the Chancellor in consultation with Chief Financial Officer *or designee*, determines that, the District can obtain a contract for goods or services through the California Community Colleges Chancellor's Office CollegeBuys Program for the Procurement of Goods and Services for Community College Districts at a lower price upon the same terms, conditions and specifications, the Chief Financial Officer *or designee* may proceed with the contract without conducting a formal bidding process.

~~3A4E~~ If the Chancellor, or Chief Financial Officer or designee concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

~~3A4F~~ If the best interests of the District will be served by a contract, lease, requisition or purchase order through any other public corporation or agency in accordance with Public Contract Code Section 20652, the Chancellor, or Chief Financial Officer is authorized to proceed with a contract Chancellor

~~3A4G~~ Purchases, services, or leases under published notice calling for bids shall be awarded by the Board. Other transactions shall be submitted for Board ratification through approval of the warrant list.



BP 6400 - formerly 3A7

**Kern Community College District
Board Policy**
Chapter 6 – Business and Fiscal Affairs

BP 6400 Financial Audits

References:

Education Code Section 84040 subdivision (b);
ACCJC Accreditation Standard III.D.7

Note: This policy is legally required.

There shall be an annual outside audit of all funds, books and accounts of the District in accordance with the regulations of Title 5. The Chancellor shall

assure that an annual outside audit is completed. The Chief Financial Officer shall recommend a certified accountancy firm to the Board with which to contract for the annual audit.



BP 6450 – formerly 3E5

**Kern Community College District
Board Policy
Chapter 6 – Business and Fiscal Affairs**

BP 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 policy is legally required.

The Chancellor or designee shall determine if it is in the best interests of the District to provide a cellular or wireless phone 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. Record keeping of business and personal use of District-issued cellular telephones shall not generally be required when the telephones are issued for non-compensatory business reasons.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device and shall comply with all requirements of California law regarding the use of wireless or cellular telephones in vehicles.

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

~~3E5A1~~ -

~~3E5B~~ Use

~~3E5B1~~ -

~~3E5B2~~

~~3E5B3~~ Any personal use of wireless communication devices, including text messaging, during scheduled work hours shall be kept to a minimum or made on the employee's own time.

~~3E5C~~ Issuance

~~3E5C1~~ If an employee receives a District allowance, the allowance will be taxable income to the employee.

~~3E5C2~~ If the District-issued wireless communication device is lost, damaged, or stolen, the employee is responsible for notifying the Help Desk immediately to prevent unauthorized use of the wireless communication device.

~~3E5C3~~ The District or College-issued wireless communication devices will be returned if the employee discontinues employment with the District or College.

~~3E5D~~ Definition

~~3E5D1~~ Wireless communication devices include:

Pager
Cell Phone

-

Tablets



BP 6500 – formerly 3B2

**Kern Community College District
Board Policy
Chapter 6 – Business and Fiscal Affairs**

BP 6500 **Property Management**

References:

- Education Code Sections 81300 et seq.

Note: This policy is legally required.

Facilities and equipment of the Kern Community College District shall be properly maintained.

3B2A The Board of Trustees shall review annually maintenance schedules for each College including, but not limited to, roofing, painting, parking, and walkway areas.

3B2B The College President or designee is responsible for the maintenance of equipment and facilities.

3B2C The Chancellor or Chief Financial Officer or designee ~~has~~ is delegated the authority to act as the Board's negotiator regarding all property management matters that are necessary for the benefit of the District. No transaction regarding the lease, sale, use or exchange of real property by the District shall be enforceable until acted on by the Board itself.

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The Chancellor or designee shall establish such procedures as may be necessary to assure compliance with all applicable laws relating to the sale, lease, use or exchange of real property by the District.



~~3B2D The Chancellor or Chief Financial Officer is authorized by the Board to declare as surplus such personal property of the District as is no longer useful for District purposes, and shall establish procedures to dispose of such property in accordance with applicable law. All sales of surplus personal property shall be reported to the Board on a periodic basis. This policy shall not be construed as authorizing any representative of the District to dispose of surplus real property at any time.~~



BP 6520 - New

**Kern Community College District
Board Policy
Chapter 6 – Business and Fiscal Affairs**

BP 6520 Security for District Property

References:

- Education Code Sections 81600 et seq.;
- ACCJC Accreditation Standard III.B.1

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Note: This policy is legally required.

The Chancellor or designee shall establish procedures necessary to manage, control and protect the assets of the District, including but not limited to ensuring sufficient security to protect property, equipment, and information from theft, loss, or significant damage.



BP 6530 - New

**Kern Community College District
Board Policy
Chapter 6 – Business and Fiscal Affairs**

BP 6530 District Vehicles

References:

Insurance Code Section 11580.1(b)

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

Note: This policy is **unique to KCCD.**

The Chancellor or designee is authorized to establish a fleet of District vehicles as deemed necessary for the efficient operation of the District. Purchase of vehicles shall be made in accordance with board policy and all provisions of the law. The Chancellor shall establish rules and procedures governing use of the District vehicles. He/she shall adopt a system of priorities allocating vehicles based upon factors of distance to be traveled, purpose, time of application, and safety.

The procedures shall ensure that each person required by their job description to drive a District-owned vehicle shall maintain a safe driving record. An employee's continuing compliance with such procedures shall be a condition of continued employment in any position requiring the driving of District vehicles.

Clearance to drive District-owned vehicles requires the driver/District employee to have in their possession an appropriate, valid California Drivers' License. Verification must be obtainable through the California Department of Motor Vehicles.

Transportation of students and District personnel on District-authorized field trips and overnight trips shall be provided consistent with state law, board policy, and administrative procedures as established by the Chancellor. (Also see BP/AP 4300 titled Field Trips and Excursions)



BP 6540 – formerly 3A13



**Kern Community College District
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BP 6540 **Insurance**

References:

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

Note: This policy is legally required.

~~3A13~~ The Chancellor ~~or designee(s)~~ shall be responsible to secure insurance for the District as required by law, which shall include but is not limited to the liabilities describing Education Code Section 72506 as follows:

Liability for damages for death, injury to person, or damage or loss of property;

Personal liability of members of the Board and 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 or her office or employment. The Chancellor designee may authorize coverage for persons who perform volunteer services for the District.

Worker's compensation insurance.

Insurance may also include fire insurance and insurance against other perils. The District may join in a Joint Powers Agreement pursuant to Education Code Section 81603 for the purposes of this policy.

Also see BP/AP 3810 titled Claims Against the District, BP/AP 6800 titled Occupational Safety, and AP 7343 titled Industrial Accident and Illness Leave



BP 6550 - New

**Kern Community College District
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BP 6550 Disposal of Property

References:

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

Note: This policy is legally required.

The Chancellor is authorized by the Board of Trustees to declare as surplus such personal property of the District as is no longer useful for District purposes, and shall establish procedures to dispose of such property in accordance with applicable law. All sales of surplus personal property shall be reported to the Board on a periodic basis. This policy shall not be construed as authorizing any representative of the District to dispose of surplus real property at any time.

3A11 Library

The responsibility for the acquisition or withdrawal of library materials rests with the College President or designee. The head librarian at each College has the primary responsibility for the withdrawal of obsolete and/or damaged materials from the library.

Materials shall be disposed of in a manner which may be economically feasible and may be beneficial to groups, institutions, and individuals.



BP 6600 – formerly 3B3

**Kern Community College District
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BP 6600 **Capital Construction**

References:

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

Note: This policy is legally required.


~~**3B3 Capital Construction**~~– The purpose of providing facilities is to promote planned instructional programs and services.

~~**3B3A**~~ The Chancellor ~~is and College Presidents are~~ responsible for the planning and administrative management of the District’s capital outlay and construction program.

District construction projects shall be supervised by the Chancellor ~~Chief Financial Officer~~. The Chief Financial Officer, or designee, shall monitor the progress of all construction work including inspection of workmanship, completion of work to meet specifications, and the suitability of proposed changes to the scope and original design of the work. The -Associate Vice Chancellor of Facilities shall assure compliance with laws related to use of state funds to acquire and convert existing buildings.

The Board of Trustees shall approve and submit to the Board of Governors a five-year capital construction plan as required by law. The Chancellor ~~Chief Financial Officer~~ shall


annually update the plan and present it to the Board for approval. The plan shall address, but is not limited to, the criteria contained in law.

3B3B Capital outlay construction projects provided by general fund monies shall be mpleted according to a priority listing approved by the Chancellor.

3B3C The Board of Trustees must approve the architects for any project that requires bidding.

3B3C1 The Board of Trustees may appoint an architectural firm to perform all services for a campus. The selection will be based on architectural performance both past and present, experience, ability to communicate and access to the principal architects.

3B3D Change Orders - No changes in building plans or specifications are to be made before a change order is properly completed and approved by the Chancellor or Chief Financial Officer.

3B3E Notices of Completion - The Chancellor or CFO are authorized to file Notice of mpletion for construction projects with a total cost of less than \$50,000.

3B3F Reduce Retention - The Chancellor or CFO are authorized to reduce retention held from contractor after mid-point of construction to an amount they deem adequate and sufficient to protect the ongoing interests of the District.



BP 6620 - formerly 3B4

**Kern Community College District
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BP 6620 Naming of Buildings

References:

None

Note: This policy is legally recommended.

~~3B4A~~ The naming removing of names from, and renaming buildings, facilities, or grounds of District/College properties, facilities, and programs on behalf of an individual, corporation, or entity requires ~~as defined in Policy 3B4B requires~~ the approval of the Board of Trustees ~~of the Kern Community College District.~~

~~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 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.
4. Honor individuals who have attained achievements of extraordinary and lasting distinction who have had direct, substantial, and active association with the District/College.

~~3B4F4(a)~~ A former employee, Board of Trustees member, or Board of Governors member must be retired at least three (3) 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 Policy 3B4I~~.

~~3B4I~~ Naming of properties, facilities, or programs shall be in perpetuity except as set forth ~~below in 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:

1. 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.
2. 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;

1. A property, facility, or program is named for a term of years.
2. 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.

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BP 6700 Civic Center and Other Facilities Use

References:

Education Code Sections 82537 and 82542

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

There is a Civic Center at each College. The Civic Centers are designated large auditoriums or other facilities suitable for public use. Use of the Civic Center shall be granted as provided by law. The Chancellor or designee shall establish procedures regarding the use of District property and facilities, including property designated by the District as a Civic Center, by community groups, nonprofit organizations, clubs, associations, churches, for-profit organizations, and others.

The administrative procedure shall reflect the requirements of applicable law, including Education Code Sections 82537, 82542, 82544 and 82548 regarding use of District property and facilities. The procedures shall include reasonable rules regarding the time, place, and manner of use of District facilities. They shall assure that persons or organizations using District property are charged such fees as are authorized by law. Public use of District property shall not interfere with scheduled instructional programs or other activities of the District on behalf of students.

No group or organization may use District property to unlawfully discriminate on the basis of race, color, religion, ancestry, national origin, military or veteran status, disability, gender, gender identity, gender expression, or sexual orientation, or the perception that a person has one or more of the foregoing characteristics, or because a person associates with a person or group with one or more of these actual or perceived characteristics, or on any basis prohibited by law.

Use of the District's Civic Centers will be for the purposes described by the California Legislature in Education Code Sections 82537 through 82548. In granting permission to use the Civic Centers, the District will not discriminate on the basis of viewpoint with regard to organizations engaging in expressive activities on the topics and subject matters articulated above.

~~**3B1 Use of Facilities**—The public use of the facilities, equipment and services, (hereinafter sometimes referred to as property) of the Kern Community College District should be made available for community purposes when under the supervision of responsible persons. Public use must be within the policy guidelines adopted by the Board of Trustees, provided that such use does not interfere with the educational program of the College(s). Procedures shall be developed which include priorities for use, application, a fee schedule, and the method of payment for the use of District/College-managed facilities, grounds, and equipment. See **Procedure 3B1(a)** of this Manual for Guidelines for Use of District/College Property/Facilities. See **Appendix 3B1(a)** of this Manual for the Application and Agreement for Use of District Property form and **Appendix 3B1(b)** of this Manual for Kern Community College District Facility, Equipment, and Service Fee Schedule.~~

- ~~1. **3B1A** Request for use of District/College facilities, equipment, and services for public use must be submitted on the Application and Agreement for Use of District Property form by the applicant [see Appendix 3B1(a)]. The request application form, fees, if applicable, estimated attendance, and the name of the official representative/contact person must be submitted to the District/College thirty (30) working days prior to the requested dates for use of the facility. A District/College representative will respond within ten (10) working days of receipt of a completed application for use of facilities, equipment, and services.~~
- ~~2. **3B1B** These purposes include use by associations “formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts” in order to “engage in supervised recreational activities” or “meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside”. In granting permission to use the property, the District will not discriminate on the basis of viewpoint with regard to organizations engaging in expressive activities on the topics and subject matters articulated above.~~

~~**3B1C** Use and occupancy of College property shall be primarily for the educational programs of the District. Any authorized use or occupancy of the property for other than College purposes shall be secondary and subordinate to this primary purpose.~~

- ~~4. **3B1D** No group or organization may use District property to unlawfully discriminate on the basis of race, color, religion, ancestry, national origin, disability, gender, gender identity, gender expression, or sexual orientation, or the perception that a person has one or more of the foregoing characteristics, or because a person associates with a person or group with one or more of these actual or perceived characteristics, or on any basis prohibited by law.~~
- ~~5. **3B1E** Any permit may be revoked without previous notice where conflicting days have resulted or where need of the property for District/College purposes have subsequently developed. Permits may be revoked for other causes at any time upon reasonable notice. Permits are not transferable.~~
- ~~6. **3B1F** District/College furniture or apparatus may not be removed or displaced by any applicant without permission from and under the supervision of the District/College employee in charge.~~

- ~~7. **3B1G** When a facility is to be used, full details of services and equipment must be furnished in advance. A District/College supervisor will be required. Personnel may be furnished by the District/College, and in some circumstances, District/College personnel will be required. All other personnel used by the applicant are to be employed and paid by the applicant.~~
- ~~8. **3B1H** There shall be no intoxicants or narcotics used, including tobacco and non-tobacco vapor products, in the District/College buildings or District vehicles, nor shall profane language or gambling be permitted. Alcoholic beverages are prohibited except as provided for in the law, state regulations, and sections within this policy.~~

~~**3B1H1** There shall be no smoking, including use of tobacco and non-tobacco vapor products, in the District/College buildings. Colleges that decide to have a tobacco or smoke free campus, or designated areas for tobacco use or smoking, may do so. The restrictions on tobacco or smoking at each college shall be found in AP 3B1H1.~~

~~**3B1H2** Violations of 3B1H, 3B1H1, 3B1H2, or any other regulation of this type during occupancy shall be sufficient cause for:~~

- ~~• immediate revocation of permit,~~
- ~~• immediate suspension of the activity,~~
- ~~• removal of all participants from the facility, and~~
- ~~• the denial of further use of District/College premises to the applicant.~~

~~**3B1I** Programs offered on District/College premises shall at no time contain matter, which might tend to cause a breach of the peace.~~

~~**3B1J** Proof of adequate supervision for any event must be provided by facility use applicant. The Chancellor, College President, or designee shall judge adequacy.~~

~~**3B1K** The District/College employee in charge of facilities is to preserve order, protect the District/College property, and carry out the provisions, intents, and purposes of this policy.~~

~~**3B1L** If free use is granted the meeting shall be non-exclusive and shall be open to the public.~~

~~**3B1M** The Chancellor or College President may deny the use of District/College facilities if the meeting or event is deemed to be an interference with the educational functions of the District/College.~~

~~**3B1N** The use of campus facilities for fund-raising by a community group or special promoter must be approved by the Chancellor, College President or designee. The request for use of these facilities must include plans for parking, security, and supervision.~~

~~**3B1O** District/College-managed equipment may be removed from District/College property by students or staff members only when such equipment is necessary to accomplish tasks arising from their District/College approved activities or job~~

~~responsibilities. In all cases where equipment is removed from the campus, prior approval must be secured from the appropriate administrator. Use of District/College equipment, both on and off campus, for personal use is prohibited.~~



BP 6740 - New

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BP 6740 Citizens' Bond Oversight Committee

References:

Education Code Section 15278, 15280, 15282;

California Constitution Article XIII A Section 1(b), Article XVI Section 18 (b)

Note: This policy is legally advised.

If a bond measure has been authorized pursuant to the conditions of Proposition 39 as defined in the California Constitution, the Chancellor *shall* establish a Citizens Oversight Committee in accordance with the applicable law and necessary regulations.



BP 6750 – formerly 3B6



**Kern Community College District
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BP 6750 Parking

References:

Education Code Section 76360;
Vehicle Code Sections 21113 and 40220

Note: This policy is legally required.

The ~~College President~~ Chancellor shall establish administrative procedures  regarding vehicles and parking on campus es and other district properties as are necessary for the orderly operation of the instructional program. No person shall drive any vehicle or leave any vehicle unattended on the campus except in accordance with such procedures. 

Limited parking permits may be issued to individuals or groups for a specific special event only. These permits will expire at the conclusion of the specific special event.

The Chancellor shall establish an Administrative Procedure where 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.

Parking fees may be established in accordance with these board policies. (See BP 5030 Fees).



BP 6800 – formerly 6H

**Kern Community College District
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BP 6800 **Occupational Safety**

References:

49 Code of Federal Regulations, Parts 40 and 655;
Title 8 Section 3203;
29 Code of Federal Regulations 1910.101 et seq.;
Health & Safety Code Section 104420

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

The Chancellor shall establish administrative procedures to ensure the safety of employees and students on District sites, including the following:

· Compliance with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the District shall comply with the regulations of the Federal Highway Administration (FHWA) and, if applicable, the Federal Transit Administration

(FTA). Compliance with these policies and procedures may be a condition of employment.

· Establishment of an Injury and Illness Prevention Program in compliance with applicable OSHA regulations and state law. These procedures shall promote an active and aggressive program to reduce and/or control safety and health risks.

· Establishment of a Hazardous Material Communications Program, which shall include review of all chemicals or materials received by the District for hazardous properties, instruction for employees and students on the safe handling of such materials, and proper disposal methods for hazardous materials.

· Prohibition of the use of tobacco in all public buildings.

6H1 This District shall provide ~~confidential/management~~ employees with safe working conditions. In order to provide ~~confidential/management~~ employees with safe working conditions, the District will publish and give to each ~~confidential/management~~ employee an Injury and Illness Prevention Program document. The District will comply with applicable health, safety, and sanitation requirements of local, state, and federal governments where the District is aware of violations of any such requirements and when it is possible to do so.

6H2 In the case of a determination of an unsafe condition/practice the District shall correct such unsafe condition/practice immediately or within thirty (30) days, if feasible.

6H3 When an unsafe condition/practice exists presenting a clear and substantial hazard to the ~~confidential/management~~ employee's health, the District will provide an alternative work site.

6H4 ~~Confidential/management~~ Employees will comply with the responsibilities listed in the District Injury and Illness Prevention Program.

Also see BP/AP 3500 Campus Safety, BP/AP 3505 titled Emergency Response Plan, BP/AP 3510 titled Workplace Violence Plan, and AP 7343 titled Industrial Accident and Illness Leave.



BP 6900 – formerly 3A9

**Kern Community College District
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BP 6900 Bookstore(s)

References:

Education Code Section 81676;

Civil Code Section 1798.90

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

College bookstore(s) shall be established and operated by either the District or by a qualified vendor.

College bookstore(s) shall comply with the requirements of the Reader Privacy Act.

Contracts for outside vendors to operate bookstores shall be awarded by competitive bid, submitted to the Board of Trustees for approval and awarded in the best interests of the students. Student organizations shall be encouraged to submit bids and given preference if they meet all other bid criteria.

3A9 Subsidiary Services

Subsidiary services are those auxiliary operations which are provided to support the instructional function of the Colleges.

~~3A9A Bookstores~~

~~3A9A1~~ Bookstores shall be under the supervision of the College Presidents. Operational responsibilities may be delegated to appropriate officers of the respective Colleges.

~~3A9A2~~ No books, materials, or supplies are to be sold directly or indirectly to students by College staff.



Chancellor

**Kern Community College District
Board Policy
Chapter 6—Confidential and Management Employees**

6B—Confidential and Management Employment Policies

6B1—General Policies

- ~~6B1A~~**—~~Confidential and management employees are appointed by the Board of Trustees in accordance with provisions of the Education Code.~~
- ~~6B1B~~**—~~Announcements of management and confidential position openings shall be posted at the Colleges, centers, and the District Office of the Kern Community College District.~~
- ~~6B1C~~**—~~Assignment of management staff shall be upon the recommendation of the College President. The recommendation for reorganization and assignment of management staff will be forwarded to the Chancellor for approval and action by the Board of Trustees.~~
- ~~6B1D~~**—~~Assignment of District Office management staff shall be recommended by the Chancellor for action by the Board of Trustees.~~
- ~~6B1E~~**—~~The probationary period for confidential employees is one (1) year from the date of initial Board of Trustees appointment.~~

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Board Policy**
Chapter 6—Confidential and Management Employees

6B2—Selection of Confidential Employees

~~6B2A—The screening procedures for confidential employees shall be approved by the College President for College positions and the Chancellor for District Office positions.~~

~~6B2B—The selection of College confidential employees shall be upon the recommendation of the College President. The recommendation will be forwarded to the Chancellor for approval and action by the Board of Trustees.~~

~~6B2C—The selection of District confidential employees shall be approved by the Chancellor and the Board of Trustees.~~

**Kern Community College District
Board Policy**

Chapter 6—Confidential and Management Employees


6B3—Selection of Management Employees

- ~~**6B3B**— The selection of College classified management shall be upon the recommendation of the College President. The recommendation will be forwarded to the Chancellor for approval and action by the Board of Trustees.~~
- ~~**6B3C**— The selection of District classified management shall be recommended by the Chancellor for action by the Board of Trustees.~~
- ~~**6B3D**— The faculty will be involved in the selection process of candidates for educational administrator positions for which applications are solicited. (See Policies 6B1C and 6B1D)~~
- ~~**6B3E**— A joint committee representing all member Colleges shall be involved in the selection of candidates for District educational administrator positions. A joint College committee shall be involved in the selection of candidates for College educational administrator positions.~~
- ~~**6B3F**— Joint committees shall function at all levels in the selection process which includes recommending qualifications and job descriptions, advertising the position, screening and reviewing applications, interviewing candidates, and recommending candidates to the College President or Chancellor.~~
- ~~**6B3G**— A candidate for a position under consideration shall not serve on the joint committee for that position.~~

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Board Policy
Chapter 6—Confidential and Management Employees**

6B3H Joint Screening Committee for District Educational Administrator Positions

~~6B3H1~~—The joint screening committee shall include three (3) managers appointed by the Chancellor or the Board of Trustees.

~~6B3H2~~—The screening committee shall include a total of three (3) faculty members, to be appointed by the respective College Academic Senates at each of the District Colleges as follows: one (1) from Bakersfield; one (1) from  rterville; one (1) from Cerro Coso.

~~6B3H3~~—The screening committee shall include at least one (1) District Office classified or confidential staff member appointed by the Chancellor.

~~6B3H4~~—The screening committee may include a total of three (3) community members to be appointed by the respective College President, one (1) from each District College.

~~6B3H5~~—At the discretion of the Chancellor, the screening committee may include the student member(s) of the Board of Trustees.

~~6B3H6~~—As appropriate, the Chancellor shall chair the screening committee. At the discretion of the Board of Trustees this function may be assigned to another manager.

~~6B3H7~~—The screening committee shall recommend candidates to the Chancellor. The Chancellor shall recommend to the Board of Trustees for appointment one (1) or more of the candidate(s).

Kern Community College District

Chapter 6 – Confidential and Management Employees

6B3I – Joint Screening Committee for College Educational Administrator Positions

6B3I1 – The joint screening committee shall include the College President or designee, faculty, and management. A representative of the classified staff and a student representative may be involved in the screening process at the discretion of the College President.

6B3I2 – The College President or designee shall chair the joint committee. In addition to the chairperson, there shall be an equal number of faculty and management.

6B3I3 – The College President shall recommend to the Chancellor for Board appointment one (1) or more of the candidates recommended by the joint committee. The joint committee shall recommend at least two (2) candidates to the President.

6B3I4 – Faculty representatives shall be appointed by the academic senate.

6B3I5 – Management representatives will be appointed by the College President.

6B3I6 – For the position of College President the committee chair shall be the Chancellor or designee. The Chancellor shall recommend for Board appointment one (1) or more of the candidates recommended by the joint committee. The joint committee shall recommend at least two (2) candidates to the Chancellor.



**Kern Community College District
Board Policy
Chapter 6—Confidential and Management Employees**

6B4—Administrator Retreat Rights to Faculty Status for Administrators Hired on or After July 1, 1990

6B4A—An educational administrator whose first (1st) day of paid service in the District as a faculty member or an administrator is on or after July 1, 1990, shall have the right to become a first-year (1st-year) probationary faculty member once his or her administrative assignment expires or is terminated, if all of the following apply (Education Code 87458):

6B4A1—The educational administrator has completed at least two (2) years of satisfactory service, including any time previously served as a faculty member, in the District.

6B4A2—The termination of the educational administrative assignment is for any reason other than dismissal for cause.

6B4A3—The educational administrator shall meet the minimum qualifications in the discipline(s) in which he/she shall be assigned.

6B4A4—The reassignment has the approval of the College President, the Chancellor, and the Board of Trustees.

6B4A5—Placement on the salary schedule will be determined in accordance with **Articles 6.C and 6.D** of the faculty contract.

6B4B—Educational administrator means an administrator who is employed in an academic position designated by the governing board of the District as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or students services program of the College or District Office. Educational administrators include, but are not limited to, Chancellor, Presidents, and other supervisory or management employees designated by the Board as educational administrators.

6B4C—In designating College or District Office positions as *educational administrators*, the Chancellor or designee shall confer with the appropriate Academic Senate President(s) prior to action by the Board of Trustees.

~~6B4D — The educational administrator shall express in writing to the Chancellor or designee his or her request to be assigned to a faculty position, including the College to which he or she wishes to be assigned.~~

~~6B4E — The Chancellor shall confer with the College President, who shall confer with the appropriate administrator, department/faculty chair, if applicable, and other appropriate faculty.~~

~~6B4F — The appropriate faculty shall interview the educational administrator in accordance with District and, if any, College procedures for hiring contract faculty, and make its informal recommendation to the College President.~~



**Kern Community College District
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6B5 Administrator Retreat Rights to Faculty Status for Administrators Hired Prior to July 1, 1990

- 6B5A**—Administrators who were assigned seniority numbers prior to July 1, 1990, shall retain those numbers.
- 6B5B**—Educational administrators who did not meet minimum qualifications as of July 1, 1990, and who are not on the seniority list shall be placed on the seniority list as of the date they meet minimum qualifications, or equivalency, in a faculty discipline.
- 6B5C**—An administrator requesting reassignment shall express his/her intent in writing to the College President. The College President shall determine the need for such assignment and if the educational administrator meets the minimum qualifications in the discipline(s) in which he/she shall be assigned.
- 6B5D**—In the case of reassignment of an administrator initiated by the College President or Chancellor, such assignment will be determined by existing Board policy after consultation with the administrator.
- 6B5E**—The College President shall make recommendations to the Chancellor regarding assignment.
- 6B5F**—The Chancellor shall make recommendations regarding reassignment to the Board of Trustees.
- 6B5G**—Placement on the salary schedule will be determined in accordance with **Articles 6.C and 6.D** of the faculty contract.

**Kern Community College District
Board Policy**
Chapter 6—Confidential and Management Employees

6C Confidential and Management Compensation

~~6C1~~—The Board of Trustees approves the Confidential and Management Salary Grade Structure.

~~6C2~~—The salary grade and step placement of confidential and management employees shall be recommended by the Chancellor for approval by the Board of Trustees. See Procedure 6C2 of this Manual for Salary Administration Procedures for Confidential/Management Employees.

~~6C3~~—The step increase increment date is July 1 each year for confidential and management employees. A new employee must be employed eighty (80) working days prior to July 1 in order to receive the step advancement.

~~6C4~~—Upon the recommendation of the Chancellor, the Board of Trustees may grant up to a maximum of three-year (3-year) employment contracts to management employees.

**Kern Community College District
Board Policy**

Chapter 6—Confidential and Management Employees

6C5—Compensatory Time

~~6C5A—Management employees are exempt from overtime pay and compensatory time.~~

~~6C5B—Confidential employees are non-exempt employees and are eligible for compensatory time at the rate of time and one half (1½) of the regular rate and a maximum of forty (40) hours may be accumulated. Compensatory time is to be taken as soon as possible after earned and when convenient to both the employee and the District.~~

~~6C5B1—Payment for compensatory time in excess of forty (40) hours will be calculated based on the employee's regular hourly rate.~~

6C6—Teaching Assignments for Management Employees

~~Adjunct assignments may be occasionally granted to Management Employees who demonstrate an organizational ability to add a teaching assignment to their full-time Management Employee obligation without interference with their satisfactory performance of their assignment.~~

~~Assignments shall be made in a manner consistent with the scheduling practices of the department/division.~~

~~The Office of Human Resources shall be responsible for monitoring the following:~~

~~a.—The Chancellor or designee shall review all Management Employees' teaching assignments in advance of the assignment commencing.~~

~~b.—All Management Employees performing Adjunct instruction shall start their assignment no earlier than 6:00 p.m. Monday through Friday. Instruction provided on Saturdays or Sundays does not have restrictions unless there is a pre-scheduled event requiring the Management Employees' attendance.~~

~~c.—No online instruction, office hours, or ancillary office duties shall be performed during the Confidential and Management Employees' regular work day.~~

- d. ~~All Management Employees who are compensated at a Dean salary grade level or above may teach in addition to their regular work assignment. This Adjunct assignment shall be without pay.~~
- e. ~~All Management Employees compensated below a Dean salary grade level may be eligible to provide Adjunct faculty instruction, with or without pay.~~

6C7 — Outside Activities

~~A Management Employee's outside activities shall not interfere in any way with the performance of the management employee's duties.~~

- ~~**6C8** — After five (5) years of service to the District, a confidential or management employee who submits to the Chancellor or College President a letter of resignation for purposes of retirement, at least six (6) months prior to the retirement date, shall be compensated \$2,000 (two thousand dollars) following Board of Trustees approval.~~
- ~~**6C9** — After thirty (30) years of accrued/accumulated service to the District, confidential and management employees will receive compensation of two thousand, five hundred dollars (\$2,500).~~

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6D—Confidential and Management Professional Development

- ~~6D1—At the discretion of the Chancellor, confidential and management employees below Salary Grade 12 may participate in training programs directly related to their positions. The District may pay for expenses incurred by the employee.~~
- ~~6D2—Confidential and management employees are eligible to enroll in a professional development program.~~
- ~~6D3—Confidential and management employees may file a professional development plan with the respective College President at Bakersfield, Cerro Coso or Porterville, or with the Chancellor at the District Office. See **Procedure 6D3** of this Manual for the Classified Confidential/Management Employees Professional Development Program form.~~
- ~~6D3A—Employees may enroll in the program after one (1) year of continuous service with the District.~~
- ~~6D3B—Employees must plan their programs of study related to potential work assignment in consultation with their respective supervisor. The planned program of study shall be beyond the employee's current level of education. Declaration of Intent forms shall be submitted to the respective College President or Chancellor for approval at least thirty (30) days before the training or course commences.~~
- ~~6D3C—Upon completion of the requirements of the Professional Development Program, the employee shall be compensated with a one thousand, two hundred dollars (\$1,200) one-time payment for fifteen (15) semester units of work.~~
- ~~6D3D—During the years of employment an employee may earn a maximum of four (4) one thousand, two hundred dollars (\$1,200) professional development awards.~~
- ~~6D3E—To be eligible for compensation, the employee must complete fifteen (15) semester units of collegiate course work or seminars, workshops, or clinics granting a certificate of completion with unit value equated at eighteen (18) hours of instruction per unit.~~

~~6D3F~~ Payments will not be awarded for any activity for which release time from duties has been granted or for in-service training conducted during working hours.

~~6D3G~~ The following specific conditions will apply:

~~6D3G1~~ Auditing of courses, credit for work experience, internships, or credit by examination shall not be permitted under this program.

~~6D3G2~~ A grade of "C" or better must be attained in graded courses taken for professional development.

~~6D3G3~~ Compensation for professional development shall be made within thirty (30) days following completion of eligibility requirements and submission of appropriate paper work.

~~6D3G4~~ Application for credit, securing transcripts, or other verification of course work will be the responsibility of the employee.

~~6D3G5~~ Professional development payment will be identified on and become a permanent part of the employee's record.

~~6D4~~ The District will waive all fees for employees for courses taken at any of the District's three (3) Colleges.

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6E—Confidential and Management Evaluation

~~6E1—Evaluation of Confidential and Management Employees has as its primary purpose recognition of successes and commitment to improvement of job performance as it relates to the mission of the District. The evaluation process is designed to give constructive feedback to the employee about their job performance expectations and outcomes, defining both areas of strength and needed improvement. This process is viewed as continuous and shall include, to the extent possible and where appropriate, input by faculty, classified, staff, and peers.~~

~~—The evaluation report shall form the basis for recommendations for development, which will include the following: (a) a written evaluation from the immediate supervisor, (b) summary of the evaluation survey responses, and (c) a written self-assessment, which shall include accomplishments for the current year and goals for the next evaluation period.~~

~~—The evaluation process will utilize the results of surveys and any other components as mutually agreed upon by the employee and his/her supervisor.~~

~~6E2—A written evaluation report shall be completed annually the first two (2) years of employment and every two (2) years thereafter for each confidential and management employee. See **Procedure 6E2(a-c)** of this Manual for the Confidential and Management Evaluation Guidelines, Report of Confidential and Management Evaluation form, and the Confidential and Management Evaluation Survey instrument and **Procedure 6E2(d)** of this Manual for the suggested timeline for the evaluation process.~~

~~6E3—The supervisor shall provide the employee with a copy of the evaluation report and thereafter meet with the employee for discussion.~~

~~6E4—The employee's evaluation shall be compiled and written by the immediate supervisor(s) and requires the approval of the Chancellor and/or College President.~~

~~6E5—An annual evaluation for a new employee is to be completed for the first two (2) years and submitted to the Chancellor. Thereafter the evaluation will be~~

~~completed every two (2) years and submitted to the Chancellor by March 1 of the evaluation year.~~

~~**6E6** Faculty input shall be included in the evaluation of confidential and management employees whose assignment involves regular interaction with faculty. Faculty selected to participate in the process shall be those who regularly interact with the employee being evaluated.~~

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6E7—Definition of Performance

6E7A—Satisfactory—The performance is identified as “satisfactory” if performance standards and expectations are met or exceeded during the evaluation period.

6E7B—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.

6E7C—Unsatisfactory—If the immediate supervisor determines that the employee’s job performance is unsatisfactory, the Chancellor or College President will recommend termination. (See **Policy 6E9, Rights for Reconsideration.**)

6E8—The Chancellor and/or College President may initiate an employee evaluation at any time. The scope and process for this unscheduled evaluation shall be determined by the Chancellor.

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6E9—Rights for Reconsideration

- 6E9A**—Within ten (10) working days following the evaluation conference between the immediate supervisor and evaluatee, a confidential or management employee may respond to any material in the evaluation report. The response must be in writing, submitted to and reviewed by the evaluating supervisor, attached to the evaluation report, and filed in the employee's official personnel file.
- 6E9B**—If a confidential or management employee believes that he/she has been evaluated unfairly and is unsatisfied with the response/action of the immediate supervisor to their written response, the employee shall have ten (10) additional working days to respond in writing to the Chancellor or College President.

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6F—Absences and Leaves

6F1—General Absences Policies

~~6F1A~~ Records of all employee absences are to be maintained by the District Payroll Office. (See ~~Procedure 6F1A~~ of this Manual for the Confidential/Management Absence Report form.)

~~6F1B~~ Absence without loss of pay shall be granted to employees (1) to serve jury duty, (2) to appear as a witness in court other than as a litigant and (3) to respond to an official order from another governmental jurisdiction for reasons not brought about through connivance or misconduct of the employee.

~~6F1C~~ Compensation received by an employee as a member of a jury or witness shall be retained by the employee. Absences for jury duty are to be reported and noted as such.

~~6F1D~~ Employees shall file a signed statement for each absence from duty.

6F2—Leave of Absence

~~6F2A~~ Illness, Injury, or Quarantine (Sick Leave)

~~6F2A1~~ Sick leave shall be granted when an employee is kept from the performance of duties by sickness, injury, or quarantine.

~~6F2A2~~ Sick leave with full pay is allowed full-time employees on the basis of one (1) day of sick leave for each calendar month worked starting from the first (1st) date of service. A person employed less than full-time shall be entitled to a pro-rata share of the sick leave. A person absent from duty as a result of an industrial accident or illness shall be paid that portion of salary which when added to temporary disability indemnity will result in payment of not more than full salary.

~~6F2A3~~ Employees shall be entitled to use sick leave accrued annually to attend to the illness of a child, parent, spouse, or domestic partner according to law.

~~6F2A3~~ Unused sick leave shall be accumulated.

~~6F2A4~~ Catastrophic Leave

~~6F2A4A~~ Any full-time confidential or management staff member may donate a portion of his/her sick leave days to any eligible employee who has exhausted his/her accumulated sick leave days. Determination of eligibility to receive catastrophic sick leave donations will be the same as eligibility for the one hundred (60) working days of differential pay (Education Code 87786). (See **Procedure 6F2A4A** of this Manual for the Confidential and Management Catastrophic Illness Donation Request form.)

~~6F2A4B~~ Any transfer of sick leave days must be in writing. This transfer of sick leave days will be added to the sick eligible employee's leave after he/she has exhausted all accumulated sick leave and the one hundred (60) working days differential leave allowed by Education Code 87786. (See **Procedure 6F2A4B** of this Manual for the Confidential/Management Consent to Donate Sick Leave for Catastrophic Illness form.)

~~6F2A4C~~ A confidential or management staff member may receive up to forty (40) days of donated sick leave per illness/injury.

~~6F2A4D~~ Confidential or management staff who are contributing to another eligible employee's catastrophic leave must maintain a personal sick leave balance of not less than forty (40) days after contributing.

~~6F2A5~~ The District may require that any absence as a result of illness, injury or quarantine which exceeds three (3) days duration be verified by a written statement by a licensed physician indicating the reason for and length of disability.

~~6F2A6~~ After accumulated sick leave, industrial accident and illness ——— leave, vacation, and other available leave to which the employee may be entitled has been exhausted, the employee is entitled to additional leave benefits when absent from duties because of illness or accident, whether the absence arises out of or in the course of employment of the employee. These benefits allow for one half (1/2) pay for the work days he/she is absent beyond the sick leave period to a maximum of one hundred (60) working days. However, vacation and sick leave may not be accrued during this period. [See Procedure 6F2A5 of this Manual for process on counting the one hundred (60) days at differential pay.] However, vacation and sick leave may not be accrued during this period.

~~6F2B~~ Personal Necessity Leave

~~6F2B1~~ Earned sick leave to a maximum of seven (7) days each fiscal year may be used by the employee in cases of personal necessity.

~~6F2B2~~ To arrange for proper coverage of the assignment, when possible, it is expected that the employee shall secure prior approval from his/her immediate supervisor for use of personal necessity leave as defined in **Policies 6F2B2A and 6F2B2B**.

~~6F2B2A~~ Appearance in any court or before any administrative tribunal as a litigant or party that does not involve payment to the employee for services.

~~6F2B2B~~ Personal business of a compelling nature that cannot be conducted outside of normal work assignment hours and does not involve payment to the employee for services.

~~6F2B2C~~ If prior approval is not obtained, pursuant to **Policy 6F2B2CA**, the employee, upon return to work or within three (3) days, shall report the nature of the absence. If the absence does not meet the provisions of **Policies 6F2B2A or 6F2B2B**, the employee may have a deduction in pay.

~~6F2B3~~ The employee shall not be required to have advanced permission for personal necessity leave for the following reasons:

~~6F2B3A~~ Death or serious illness of a member of the immediate family when additional leave is required beyond that provided by law. Immediate family shall be construed to have the same meaning as identified under bereavement in **Policy 6F2C** in this Board Policy Manual.

~~6F2B3B~~ Accident involving the person or property of the employee or the person or property of a member of the immediate family.

6F2C Bereavement Leave

~~6F2C1~~ Each employee may be granted five (5) days with pay for bereavement, funeral arrangements and/or funeral attendance in the event of the death of a member of the employee's immediate family. Members of the immediate family include mother, mother-in-law, father, father-in-law, spouse, son, daughter, brother, sister, grandparents of employee or spouse, son-in-law or daughter-in-law of employee, or any relative living within the immediate household of the employee.

~~6F2C2~~ Time off without pay may be granted for attendance at the funeral of a distant relative or close friend. An employee may choose to use personal necessity leave, vacation, or compensatory time for attendance at the funeral of a distant relative or close friend.

6F2D Emergency Leave

~~6F2D1~~ The emergency leave is a privilege granted by the Board of Trustees and its use is limited to severe illness. Employees must expect to provide adequate proof of necessity for *emergency leave*. This leave may be used after personal necessity leave and, if applicable, bereavement leave, has been exhausted.

~~6F2D2~~ For absence as a result of severe illness or death in the employee's family, no deduction in pay will be made up to a maximum of six (6) days per fiscal year. Additional time for reasons of travel may be allowed upon the recommendation of the Chancellor or College President.

6F2E Job Related Accident or Illness

~~6F2E1~~ Job related accident or illness (industrial accident and industrial illness) is defined as any injury or illness arising out of and in the course of employment.

~~6F2E2~~ A maximum of sixty (60) working days of leave is available for the same accident or illness.

~~6F2E3~~ The industrial accident or illness leave shall not be accumulated from year to year.

~~6F2E4~~ Industrial accident or illness leave shall commence on the first (1st) day of absence.

~~6F2E5~~ When an industrial accident or illness absence occurs, the employee shall be paid a salary which when added to the Worker's Compensation benefit amount will yield full salary.

~~6F2E6~~ During a paid industrial accident or illness leave of absence, the employee shall endorse to the District all Workers' Compensation benefit checks received for industrial accident or illness. The District, in turn, shall issue the employee's appropriate salary warrants and shall deduct normal retirement and other authorized contributions.

~~6F2E7~~ When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused industrial accident or illness leave due for the same illness or injury.

~~6F2E8~~ Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits of such other leave as may be provided by law or regulations.

~~6F2E9~~ Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the Board of Trustees authorizes travel outside the State.

~~6F2E10~~ Industrial accident or illness leave shall not be considered to be a break in service of the employee.

~~6F2E11~~ The District shall provide employees with a physician pre-designation form during orientation.

~~6F2F~~ Pregnancy Disability Leave

~~6F2F1~~ Each female employee shall be entitled to a maximum of four (4) months Pregnancy Disability Leave (PDL) for the period of time she is disabled as a result of pregnancy, childbirth, or a related medical condition. This leave is available only to employees who are on current working status. The employee shall be entitled to use her accumulated sick leave and disability benefits allowable under appropriate sections of this Board policy on the same basis provided for any other illness, injury, or disability.

~~6F2F2~~ The period of disability, including the date upon which the leave shall begin, shall be determined by the employee and her physician.

~~6F2F3~~ A written statement from the employee's physician as to the beginning date of such disability shall be filed with the Chancellor and, if applicable, through the College President. This date shall be based on the employee's ability to render service in her current position.

~~6F2F4~~ The date of the employee's return to service shall be based on her physician's analysis and written statement of the employee's physical ability to render service and that she is no longer required to remain off duty as a result of her physical disability.

~~6F2F5~~ Eligible employees may also be entitled to an additional unpaid leave up to twelve (12) workweeks under the California Family Rights Act (CFRA) [not to exceed seven (7) months combined PDL and CFRA] to care for her newborn.

~~6F2F6~~ Upon return from leave, the employee shall be reinstated to the same position held at the time the leave was granted or to a similar position with the District.

~~6F2G~~ Child Rearing Leave

~~6F2G1~~ At the request of the employee, an unpaid child rearing leave shall be granted to a maximum of twelve (12) months upon approval of the College President, the Chancellor and the Board of Trustees.

~~6F2G2~~ If mutually agreed by the employee and the College President, with approval of the Chancellor, an additional twelve (12) months for an overall total of twenty four (24) months may be granted by the Board of Trustees.

~~6F2G3~~ Upon return from a child rearing leave, the employee shall be reinstated to the same position held at the time the leave was granted to a similar position within the District.

~~6F2H~~ Child Adoption Leave

~~6F2H1~~ The child adoption leave shall be granted to the employees and shall be without pay. The College President or Chancellor shall be notified of such request in sufficient time to make proper substitute arrangements if needed.

~~6F2H2~~ The child adoption leave may begin on the date the employee takes custody of the child or any time within one (1) week prior.

~~6F2H3~~ The leave shall terminate sixty (60) days after the employee has taken custody of the child. The employee may request an extension to the sixty-day (60-day) limit in cases of unusual circumstances as verified in writing by a social worker, pediatrician, or other appropriate professional.

~~6F2I~~ Family Care Leave

~~6F2I1~~ All employees who have completed one (1) year of continuous service for the District shall be entitled to a maximum of six (6) months of unpaid family care leave in a twenty-four (24) month period as provided by law. Family Care Leave is available for the following reasons:

- ~~•~~ Care of the child of the employee following the birth of that child.
- ~~•~~ The placement of a child with the employee for adoption or foster/adoption program.
- ~~•~~ Serious illness of the child of the employee.
- ~~•~~ Care for a parent or spouse who has a serious health condition.

- ~~• A serious health condition that makes the employee unable to perform the functions of his/her position.~~

~~6F2I2 — The total time provided in Family Care Leave shall run concurrently with the leave provided in Emergency Leave, Disability Pregnancy Leave, Child Rearing Leave and Child Adoption Leave.~~

~~6F2I3 — If the need for Family Care Leave is foreseeable, the employee shall provide the District with reasonable advance notice of the need for the leave.~~

~~6F2I4 — If the need is foreseeable due to planned medical treatment, the employee shall make a reasonable effort to schedule the treatment to avoid disruption of work schedule.~~

~~6F2I5 — The following time constraints shall apply to Family Care Leave.~~

~~6F2I5A — Except for special circumstances approved by the Board of Trustees, the leave must be taken in a consecutive time block rather than intermittent.~~

~~6F2I6 — The Family Care Leave does not constitute a break in service for seniority or longevity.~~

~~6F2I7 — During the time of leave, the District will continue to provide health and welfare benefits at the same contribution rate as an active employee.~~

~~6F2I8 — The District is entitled to recover the cost of health and welfare benefits if the employee does not return from leave.~~

~~6F2I9 — Sick leave and vacation shall be earned during any period of Family Care Leave when in a paid status.~~

~~6F2J1 — Military leaves shall be granted to employees in accordance with the applicable state and federal law. Additional leave beyond the specified legal minimum may be granted upon approval of the Governing Board for such employees in cases where it would be to the advantage of both the District and the employee to grant such a leave.~~

~~6F2J2 — Training periods for military reserve units should be scheduled during time school is not in session. If a training period cannot be so scheduled, permission must be obtained from the Board of Trustees after a letter from the military commander has been presented stating alternative training periods are not available.~~

~~6F2K Short-Term Leave~~

~~6F2K1~~—Employees may be authorized to attend conferences and participate in state and national professional organizations related to their subject matter fields when there is clearly an opportunity for professional growth and/or benefit to the College instructional program.

~~6F2K2~~—Permission to attend such functions or conferences may be granted on written request submitted to the Chancellor well in advance of the event. The Chancellor may refer the matter to the Board of Trustees for a decision.

~~6F2K3~~—If the Chancellor approves the request, the use of a school car for transportation to conferences and/or reimbursement for other pertinent expenses may be granted.

~~6F2K4~~—If an employee is authorized to attend a conference or related meeting, no salary deduction will be made.

~~6F2K5~~—If an employee is requested to attend a conference by the Chancellor, President, or Board of Trustees, all pertinent expenses will be paid.

~~6F2L~~ Long Term Leave Without Pay

~~6F2L1~~—Each applicant for long term professional leave of absence without pay must have served in a full-time capacity within the District not less than four (4) consecutive years immediately preceding the beginning of the leave period. Any subsequent leaves following the first (1st) leave shall require four (4) additional years of service.

~~6F2L2~~—Exceptions to the four year (4 year) requirement may be made for a leave involving a specific educational program which is clearly an opportunity for professional development and a benefit to the District. Such an educational program shall be developed cooperatively by the employee, the employee's supervisor, and the Chancellor.

~~6F2L4~~—Leave of absence may be granted for advanced collegiate training, travel, business or personal reasons, and rest and recuperation. A second consecutive year may be granted for good and sufficient cause for persons on leave for rest and recuperation.

~~6F2M~~ Educational Leave

- ~~6F2M1~~ Confidential/Management employees may apply for an educational leave for a maximum of two (2) months at full compensation, six (6) months at ninety percent (90%) compensation and if the leave exceeds six (6) months compensation will be sixty percent (60%).
- ~~6F2M2~~ An educational leave may be granted to engage in collegiate study or academic research that improves the competence of the staff member in his/her professional assignment or in an area recommended by the Chancellor or the College President and Board of Trustees. (College leaves must also be approved by the Chancellor.) Courses to be taken or academic research to be pursued shall be filed with the leave request. Study shall approximate full-time. Transcripts of record for courses or a summary of the research completed shall be filed as part of the management leave report.
- ~~6F2M3~~ Significant departures from original educational leave proposals must be filed in advance in writing with and approved by the Chancellor.
- ~~6F2M4~~ Immediately preceding the beginning of the leave period, each educational leave applicant must have served in a full-time capacity with the District not less than four (4) consecutive years for one to six (1-6) months of leave and not less than seven (7) consecutive years of service for seven to twelve (7-12) months of leave. Subsequent leaves following the first (1st) leave shall be based on four (4) or seven (7) additional years of service of full-time confidential/management duty.
- ~~6F2M5~~ A basic consideration in approving an educational leave will be the reassignment of the confidential/management employee's duties at minimal cost to the District.
- ~~6F2M6~~ Educational leaves shall be limited to no more than one (1) confidential or management employee from each campus and one (1) from the District Office at any given time. Exceptions to this may be made with the recommendation of the Chancellor or College President and, if applicable, approval of the Chancellor.
- ~~6F2M7~~ Failure to complete an approved educational leave proposal will result in an appropriate reduction in educational leave compensation.
- ~~6F2M8~~ The total compensation that an employee on educational leave receives from both the District and from non-district leave related employment during the period of the leave shall not exceed the amount of the salary he/she would receive if he/she had continued on active duty in the District. This regulation does not include research or study grants or fellowships from nationally recognized foundations, approved by the Board of Trustees.

~~**6F2M9**—The arrangement for payment of compensation to an employee on leave is subject to governing board decision. It may be paid in the same manner as if the employee was working in the District provided, (a) the employee furnishes a suitable bond guaranteeing he/she will return to the District to render a period of service which is equal to twice the period of the leave, or (b) the employee agrees in writing to return to the service of the District and to render a period of service which is equal to twice the period of the leave following return from leave.~~

~~**6F2M10**—Each applicant who has been granted leave shall file the appropriate written report with the Chancellor within ninety (90) days upon returning to active duty. The report shall include an appraisal of the professional value of the activities and the manner in which the knowledge and experience may be applied for the benefit of the College, and/or District.~~

~~**6F2M11**—The governing board of the District shall be free from any liability for the payment of any compensation damages in case of death or injury of the employee while on leave.~~

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6G—Special Benefits

6G1—Health and Welfare Benefits

~~**6G1A**—The District's contribution for the health and welfare benefits shall be determined annually by the Board of Trustees.~~

~~**6G1A1**—Those employees initially employed for twenty (20) or more hours per regular workweek or who are promoted to an assignment of twenty (20) or more hours per regular workweek after August 18, 1991, shall be entitled to a prorated benefit contribution from the District. The proration shall be based upon the employee's weekly number of work hours as they relate to forty (40) hours. Each employee who chooses to participate in the District health and welfare Insurance programs shall authorize the District to make the required premium deductions from his/her monthly payroll warrant. Each employee shall make his/her election to participate during the first (1st) month of his/her employment. There will be no in lieu benefits or compensation provided to any employee.~~

~~**6G1B**—The Benefits Follow for Employees and Eligible Dependents~~

~~**6G1B1**—A Blue Cross health plan administered by the Self-Insured Schools of California (SISC) which includes a Prudent Buyer Option 1C (as modified) Hospital and Professional Group Plan of California, as described in SISC III, Health Benefits, Plans and Premiums.~~

~~**6G1B2**—A Delta Dental Incentive Plan or Delta DPO, administered by SISC or Pacific Union Dental Plan.~~

~~**6G1B3**—For the employee only, the District will provide a twelve thousand dollar (\$12,000) term life insurance plan with an employee option of adding up to fifty thousand dollars (\$50,000) of additional coverage at his/her expense.~~

~~**6G1B4**—An employee eligible for the health and welfare plan is enrolled in a District long-term disability plan after serving the District for three (3) years.~~

~~**6G1B5** Blue Cross, Behavioral Health plan administered by SISC, which covers mental, nervous and substance abuse and includes an employee assistance program.~~

~~**6G1B6** A Vision Service Plan B administered by SISC.~~

~~**6G1C** The following plans are available to the employee at his/her expense.~~

~~**6G1C1** American Family Life Assurance Company (AFLAC) Internal Revenue Code (IRC) Section 125 Flex Benefit Plan.~~

~~**6G1C2** Additional long term disability insurance for employees whose annual salary exceeds thirty-six thousand dollars (\$36,000).~~

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6G1D Tax-Deferred Annuity Plan

~~6G1D1~~ Employees may participate in a tax-deferred annuity program.

~~6G1E~~ No *in-lieu* payments or contributions to programs other than those, which the District provides, shall be made by the District for any employee who elects not to subscribe to the benefits provided by this Policy.

~~6G1F~~ Employees on District-approved unpaid leaves of absence shall have the option to continue District health and welfare coverage(s) for the period of the leaves upon reimbursement to the District for as long as the practice is allowed by the health and welfare benefit provider(s). Failure to make timely payment for (2) two successive months shall cause the right to continuous coverage to cease.

~~6G1G~~ Eligible employees shall have their health and welfare benefits commence on the first (1st) day of the month following the first day of employment.

~~6G1H~~ Employees who terminate prior to the close of the College year shall be covered by the District's insurance programs to the end of the month in which the termination takes place.

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6G2—Health and Dental Plans for Retirees

6G2A—Employees Who Retired Under PERS or STRS Between January 3, 1974 and June 30, 1983

6G2A1—Benefits to Age Sixty-five (65)

6G2A1A The District will provide health and dental plans for the employee and eligible dependent(s) under the following condition:

- The employee must have worked for the District for five (5) years immediately preceding retirement.

6G2A1B A surviving eligible dependent(s) of a retiree may continue the health and dental plans at his/her expense.

6G2A2—Benefits at Age Sixty-five (65) and Beyond

6G2A2A The District will provide a health plan for the employee and eligible dependent(s) under the following conditions:

- The employee must have worked for the District ten (6) years immediately preceding retirement.
- At age sixty-five (65), all retirees [and their eligible dependent(s), if dependent coverage is taken] who are qualified through Social Security eligibility for Medicare Part A shall apply for and accept Medicare Part A.
- At age sixty-five (65), all retirees [and their eligible dependent(s), if dependent coverage is taken] must apply for and purchase Medicare Part B.

6G2A2B A surviving eligible dependent(s) may continue the health plan at his/her expense.

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6G2B—Employees Who Retired Under PERS or STRS Between July 1, 1983 and June 30, 1988

6G2B1—Benefits to Age Sixty-five (65)

— **6G2B1A** The District will provide health and dental plans for the
— employee and eligible dependent(s) under the following
— conditions:

- The employee must have worked for the District five (5) years immediately preceding retirement.

— **6G2B1B** A surviving eligible dependent(s) of a retiree may continue the
— health and dental plans at his/her expense.

6G2B2—Benefits at Age Sixty-five (65) and Beyond

— **6G2B2A** The District will provide a health plan for the employee and
— eligible dependent(s) under the following conditions:

— The employee must have worked for the District ten (6) years
— immediately preceding retirement.

- The District's monthly contribution for the health plans shall not exceed the contribution made for a current employee.
- At age sixty five (65), all retirees [and their eligible dependent(s), if dependent coverage is taken] who are qualified through Social Security eligibility for Medicare Part A shall apply for and accept Medicare Part A.
- At age sixty five (65), all retirees [and their eligible dependent(s), if dependent coverage is taken] must apply for and purchase Medicare Part B.

— **6G2B2B** A surviving eligible dependent(s) of a retiree may continue the
— health plan at his/her expense.

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6G2C—Employees of the District Who Were Eligible to Retire as of June 30, 1988 But Will Retire at a Later Date

6G2C1—Eligible to retire means the employee could have received a retirement benefit through PERS or STRS as of June 30, 1988, but chose not to retire.

6G2C2—Benefits to Age Sixty five (65) (Revised February 3, 2005)

— **6G2C2A** The District will provide health and dental plans for the
— employee and eligible dependent(s) under the following
— conditions:

- — The District's monthly contribution for the health and dental plans shall not exceed the contribution made for a current employee.

— **6G2C2B** A surviving eligible dependent(s) of a retiree may continue the
— health and dental plans at his/her expense.

6G2C3—Benefits at Age Sixty five (65) and Beyond

— **6G2C3A** The District will provide a health plan for the employee and
— eligible dependent(s) under the following conditions:

- — The employee must have worked for the District ten (6) years immediately preceding retirement.
- — The District's monthly contribution for the health plans shall not exceed the contribution made for a current employee.
- — Employees who retire after July 1, 1998 must be eligible for Medicare Part A or purchase Medicare Part A as a condition of continuing with the District health plan.

- ~~At age sixty five (65), all retirees [and their eligible dependent(s), if dependent coverage is taken] who are qualified through Social Security eligibility for Medi care Part A shall apply for and accept Medicare Part A.~~
- ~~At age sixty five (65), all retirees [and their eligible dependent(s), if dependent coverage is taken] must apply for and purchase Medicare Part B.~~
- ~~Medicare must provide primary coverage.~~
- ~~**6G2C1B** A surviving eligible dependent(s) of a retiree may continue the health plan at his/her expense.~~

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6G2D—Employees of the District as of June 30, 1988 Who Are Not Eligible to Retire on June 30, 1988

6G2D1—Benefits to Age Sixty five (65)

— **6G2D1A** The District will provide health and dental plans for the employee and eligible dependent(s) under the following conditions:

- The employee must have worked for the District ten (6) years immediately preceding retirement.
- The District's monthly contribution for the health and dental plans shall not exceed the contribution made for a current employee.

— **6G2D1B** A surviving eligible dependent(s) of a retiree may continue the health and dental plans at his/her expense.

6G2D2—Benefits at Age Sixty five (65) and Beyond

6G2D2A The District will provide a health plan for the employee and eligible dependent(s) under the following conditions:

- The employee must have worked for the District fifteen (15) years immediately preceding retirement.
- The District monthly contribution for the health plan shall not exceed that for an active employee.
- Employees who retire after July 1, 1998 must be eligible for Medicare Part A or purchase Medicare Part A as a condition of continuing with the District health plan.
- At age sixty five (65), all retirees [and their eligible dependent(s), if dependent coverage is taken] who are qualified through Social Security eligibility for Medicare Part A shall apply for and accept Medicare Part A.
- At age sixty five (65), all retirees [and their eligible dependent(s), if dependent coverage is taken] must apply for and purchase Medicare Part B.

~~• Medicare must provide primary coverage.~~

~~**6G2D2B** A surviving eligible dependent(s) of a retiree may continue the health plan at his/her expense.~~

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6G2E Retiree Benefits for Employees of the District Hired on or After July 1, 1988

6G2E1 Benefits to Age Sixty-five (65)

6G2E1A The District will provide health and dental plans for the employee and spouse under the following conditions:

— The employee must have worked for the District fifteen (15) years immediately preceding retirement.

— The District's monthly contribution shall not exceed the amount paid by the District on the employee's behalf during the employee's last full fiscal year of service.

— Retirees who wish to maintain coverage shall pay on a monthly basis the difference between the amount of the District's contribution and the actual costs of the benefits. Failure to pay the retiree's contribution for two (2) consecutive months shall result in termination of coverage.

6G2E1B A surviving spouse of a retiree may continue the health and dental plans at his/her expense.

6G2E2 Benefits at Age Sixty-five (65) and Beyond

6G2E2A An employee may continue the health plan at his/her expense under the following conditions:

- At age sixty-five (65), all retirees (and their spouses, if dependent coverage is taken) who are qualified through Social Security eligibility for Medicare Part A shall apply for and accept Medicare Part A.
- At age sixty-five (65), all retirees (and their spouses, if dependent coverage is taken) must apply for and purchase Medicare Part B.
- Medicare must provide primary coverage.

~~**6G2F**—Eligibility for benefits following retirement and unpaid leave of absence immediately preceding retirement specified in **Policies 6G2C2A, 6G2C3A, 6G2D1A, and 6G2E1A** shall be administered as follows:~~

~~**6G2F1**—The years listed under these sections must be paid status, but not necessarily continuous paid status.~~

~~**6G2F2**—If the unpaid leave which is applied for and approved is for the period immediately preceding retirement, the amount of leave allowed shall be limited to years of paid service with the District in the following fashion:~~

- ~~• 5-9 years: six (6) months~~
- ~~• 6-14 years: one (1) year~~
- ~~• 15-19 years: one (1) year and six (6) months~~
- ~~• 20 or more years: two (2) years~~

~~**6G2F3**—Paid leave counts as regular paid service.~~

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6G2G—Health Coverage at the Employee's (or Spouse's) Expense

~~**6G2G1**—The ability to continue and/or acquire any coverage under this section is conditioned upon the health and welfare benefit provider's allowance of the practice, current provisions of state and federal laws and Medicare policies.~~

~~**6G2G2**—When an employee, spouse or other eligible dependent is required to contribute to the health and/or dental plans, failure to make payments for two (2) consecutive months shall result in termination of coverage.~~

~~**6G2H**—The health and dental plans shall be the same as that for active employees.~~

~~**6G2I**—Classified employees retiring under STRS will have the same benefits as if they retired under PERS.~~

~~**6G2J**—Certificated employees retiring under PERS will have the same benefits as if they retired under STRS.~~

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6G3—Vacation and Holidays

~~6G3A— Confidential and management employees adhere to the classified employee's holiday schedule that is adopted by the Board of Trustees each year.~~

~~6G3B— Management and confidential will earn two (2) days vacation per month.~~

~~6G3B1— A maximum of forty-eight (48) days may be accumulated.~~

~~6G3B2— Vacation must be scheduled at a time convenient to the employee and to the operation of the College or District.~~

~~6G3B3— Management or confidential employees whose employment is terminated before earned vacation is taken in the current or preceding fiscal year will be granted terminal leave pay *in-lieu* thereof providing the employee has completed six (6) months of employment.~~

~~6G3B4— If an administrator or confidential employee terminates and has been granted vacation not earned, the full amount of salary paid for unearned vacation shall be deducted from the terminal payment.~~

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6H—Safety

- ~~— **6H1** This District shall provide confidential/management employees with safe working conditions. In order to provide confidential/management employees with safe working conditions, the District will publish and give to each confidential/management employee an Injury and Illness Prevention Program document. The District will comply with applicable health, safety, and sanitation requirements of local, state, and federal governments where the District is aware of violations of any such requirements and when it is possible to do so.~~
- ~~— **6H2** In the case of a determination of an unsafe condition/practice the District shall correct such unsafe condition/practice immediately or within thirty (30) days, if feasible.~~
- ~~— **6H3** When an unsafe condition/practice exists presenting a clear and substantial hazard to the confidential/management employee's health, the District will provide an alternative work site.~~
- ~~— **6H4** Confidential/management employees will comply with the responsibilities listed in the District Injury and Illness Prevention Program.~~

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6I—Wellness Program

- ~~6I1~~ Approval may be given for confidential/management employees to participate in the Shape-Up/Wellness Program (including gymnasium, weight room, aquatic center, and walking).
- ~~6I2~~ The program allows for a maximum of one-half hour (1/2-hour) for four (4) days per week release time to be given to confidential employees. The supervisor must approve the schedule. The District will waive the enrollment fee and the assessment fee, if applicable. In addition, this authorization waives the course repetition limits for employees enrolled in the program.

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BP 6J Discipline and Dismissal – Classified Employees

- ~~6J1—Disciplinary procedures and causes for discipline regarding bargaining unit members are set out in the collective bargaining agreement between Kern Community College District and the California School Employees Association (CSEA) Chapters.—~~
- ~~6J2—Discipline of classified management or confidential employees shall be in accordance with the provisions of the Education Code, these policies and procedures, or pursuant to the terms of an individual employment contract. Discipline includes but is not limited to dismissal, demotion, and suspension.~~
- ~~6J3—In the absence of an express agreement to the contrary, management employees serve at the pleasure of the Board. (Education Code 72411.5)~~
- ~~6J4—Reassignment to other duties does not constitute discipline.~~
- ~~6J5—The causes for discipline for classified employees who are not a member of any bargaining unit are:~~
- ~~6J5A—Incompetency or inefficiency in the performance of the duties of his/her position.~~
 - ~~6J5B—Insubordination or unethical or disgraceful conduct while on duty (including, but not limited to, refusal to do assigned work).~~
 - ~~6J5C—Carelessness or negligence in the performance of duty or in the care or use of District property.~~
 - ~~6J5D—Offensive or abusive conduct.~~
 - ~~6J5E—Dishonesty.~~
 - ~~6J5F—Unauthorized possession of alcoholic beverages while on or in District property.~~

- ~~6J5G Drinking alcoholic beverages while on duty or report for duty while intoxicated.~~
- ~~6J5H Possession or use of narcotics or controlled substances without prescription.~~
- ~~6J5I Conviction of any criminal offense or of a misdemeanor involving moral turpitude.~~
- ~~6J5J Conviction of a sex offense as defined in the Education Code Sections 88022, 87009, and 87010.~~
- ~~6J5K Revocation of any license needed for employment in a specific position.~~
- ~~6J5L Repeated and unexcused absence or tardiness or the documented abuse of sick leave privileges.~~
- ~~6J5M Absences from duty without proper authorization.~~
- ~~6J5N Abandonment of position.~~
- ~~6J5O Incapacity due to mental or physical disability, to be determined by a medical examination.~~
- ~~6J5P Falsifying any information supplied to the District, including, but not limited to, information supplied on applications forms, employment records, time sheets or cards, absence forms, or any other District records.~~
- ~~6J5Q Persistent violation or refusal to obey safety rules or regulations or training mandated by the District Injury and Illness Prevention Program or by any appropriate state, federal or local governmental agency.~~
- ~~6J5R Offering of anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment, or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.~~
- ~~6J5S The use, threat to use, or attempt to use political influence in securing promotion, leave of absence, transfer, change of range, step, or character of work.~~
- ~~6J5T Has been induced, has induced, or has attempted to induce an officer or employee of the Kern Community College District to commit an unlawful act or to act in violation of any lawful and reasonable departmental or District regulation or order; or has taken any fee, gift, or other valuable thing in the course of his/her work or in connection with it, for his/her personal use from any citizen when such fee, gift or other valuable thing is given in the hope~~

~~or expectation of receiving a favor or better treatment than that accorded other citizens.~~

~~6J5U—Willful or persistent violation of the Education Code or rules of the Board of Trustees.~~

~~6J5V—Advocacy of or membership in any group which advocates overthrow of federal, state or local government by force, violence, or other unlawful means.~~

~~6J6—The Chancellor shall specify the procedure for discipline of classified management and confidential employees consistent with this policy.~~

~~(See AP 6J—Grounds for Discipline)~~