

~~Section~~ Chapter  
Seven

~~General~~  
~~Personnel~~  
Human Resources

~~Administration~~

**Section Chapter Seven—General Personnel  
Administration—Human Resources**

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

**Employ the Process of Mutual Agreement**

**Policies:** ~~None~~

BP 7250 Educational Administrators

**Procedures:** ~~None~~

AP 7250 Educational Administrators

**Appendices:** None

**Rely Primarily Upon the Advice and Judgment**

**Policies:** ~~None~~

BP 7260 Supervisors and Managers

**Procedures:** ~~None~~

AP 7120 Recruitment and Hiring

**Appendices:** None

# Policy



**BP 7100 – formerly 7D**

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**BP 7100 Commitment to Diversity**

**References:**

Education Code Sections 87100 et seq.;  
Title 5 Sections 53000 et seq.

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

The District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. The Board of Trustees recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The Board of Trustees is committed to hiring processes and staff development processes that support the goals of equal opportunity and diversity and provide equal consideration for all qualified candidates.

Also see BP/AP 3410 titled Nondiscrimination and BP/AP 3420 titled Equal Employment Opportunity.



BP 7110 - New

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**BP 7110 Delegation of Authority, Human Resources**

**References:**

Education Code Sections 70902(d);

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

The Board of Trustees delegates authority to the Chancellor to authorize employment, fix job responsibilities, and perform other personnel actions provided that all federal and state laws and regulations and board policies and administrative procedures have been followed subject to confirmation by the Board of Trustees.

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**BP 7120 Recruitment and Hiring**

**References:**

Education Code Sections 70901.2, 70902 subdivisions (b)(7) & (d), 87100 et seq., and 87458;  
Title 5 Sections 51023.5 and 53000 et seq.;  
ACCJC Accreditation Standard III.A.1

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

- From Current KCCD Policy 7B1 titled Personnel Transactions

**7B Personnel Transactions**

**7B1**—The Chancellor shall nominate or recommend employees, and the Board of Trustees shall employ from those who have been nominated or recommended by the Chancellor. It shall be the responsibility of the Chancellor to employ and retain well-qualified, competent staff members. The Chancellor may authorize interim employment and payment prior to Board action to accommodate payroll processing; however, Board action is required to ratify employment at the next regularly scheduled Board meeting.

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

An Equal Employment Opportunity Plan shall be implemented according to Title 5 and BP 3420 Equal Employment Opportunity.

Academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Governors.

The criteria and procedures for hiring academic employees shall be established and implemented in accordance with board policies and procedures regarding the Academic Senate's role in local decision-making.

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

- From Current KCCD Policy 5G3 titled Position Identification/Approval – Policy 5H titled Adjunct Employment, this language is shown as struck below as it will be reflected in AP 7120
- Need to add recruitment and hiring of all classifications to AP 7120

### ~~5G3~~ Position Identification/Approval

~~5G3A~~ The need for contract faculty positions shall be determined cooperatively through a well-defined, thoughtful planning process involving the College Academic Senate, faculty in the discipline, and College administrators. This process shall be agreed to by the College President and the Academic Senate.

~~5G3B~~ A contract faculty position requires the approval of the College President and the District Chancellor prior to the commencement of the selection process.

### ~~5G4~~ Job Description

~~5G4A~~ The department/division chair, if any, and the faculty in the discipline in consultation with the appropriate administrator shall develop the faculty job description, which shall include position requirements and desired characteristics. Hiring criteria that are beyond minimum qualifications set by District policy may be established.

~~5G4B~~ In special cases, faculty and/or administrators from other campuses of the College, Colleges of the District, faculty/administrators from other colleges, or outside agencies may be part of the consultative process.

~~5G4C~~ In all cases, job descriptions shall meet the minimum qualifications for teaching at the community college level, as established by the state-wide Academic Senate and adopted by the Board of Governors of the California Community Colleges.

~~5G4C1~~ It shall be the responsibility of the Academic Senate, in consultation with the faculty of the appropriate discipline, to decide how equivalency shall be determined. See Procedure 5G4C1 of this Manual for the list of equivalency criteria.

~~5G4C1A~~ The purpose of equivalency statements shall be to ensure the maintenance of a professional and highly-qualified staff.

~~5G4C1A1~~ The equivalency process is flexible enough to allow applicants who provide evidence that they have education or experience comparable to that required by the minimum qualifications to be given careful consideration, even if their formal education is not identical to

degree requirements or they have acquired their qualifications by a route other than the conventional one.

~~5G4C1B~~ Except in special cases, only formal education shall be considered the equivalent for degree requirements, including general education and the major required for the degree.

~~5G4C1C~~ In special cases, experience, work, independent education, or academic/artistic/vocational products that can be shown to have generated the equivalent knowledge, including general education and the major required for the degree, may be considered the equivalent of the degree.

~~5G4C1D~~ For the equivalent of required experience, alternative ways of achieving mastery of the skills of the vocation and knowledge of the working environment of the vocation may be considered.

~~5G4C1E~~ In no case shall an equivalency be interpreted to mean a *waiver* of state-mandated minimum qualifications.

~~5G4C2~~ Requirements for any vacant faculty position may exceed the state-mandated minimum qualifications.

~~5G4D~~ Job descriptions shall accurately reflect the needs of the College and the goals of Equal Employment Opportunity.

#### ~~5G5~~ Search Procedures

- ~~1. 5G5A~~ Approval of open positions and initiation of the hiring process shall be early enough in the year to allow for all procedures to be undertaken in a thorough and thoughtful manner.
- ~~2. 5G5B~~ The length of the advertising period should be long enough to ensure a pool of well-qualified applicants, and one which furthers the College's and District's Equal Employment Opportunity goals.
- ~~3. 5G5C~~ Vacant faculty positions should be filled during the regular academic year.
- ~~4. 5G5D~~ Positions shall be advertised widely to ensure a pool of highly qualified applicants and to further the College and District Equal Employment Opportunity goals.
- ~~5. 5G5E~~ Position announcements shall be prepared by the College Personnel Officer in consultation with the appropriate area faculty and administrator and shall include job-related skills requirements, minimum qualifications and any special qualifications.
- ~~6. 5G5F~~ The position announcement requires the review of the College President, the College Equal Employment Opportunity Officer and the approval of the Assistant Chancellor, Personnel or designee prior to dissemination.

#### ~~5G6~~ Selection Committees

~~5G6A~~ The selection committee shall consist of at least a majority of faculty. The selection committee shall be composed of at most:



~~**5G6A1** Three (3) faculty members appointed by the Academic Senate in consultation with the faculty of the discipline, one (1) of whom shall be the department/division chair, if any, and one (1) area administrator appointed by the College President; or Four (4) or more faculty members appointed by the Academic Senate in consultation with the faculty of the discipline, one (1) of which shall be the department/division chair, if any, and up to two (2) administrators appointed by the College President, one (1) of which shall be the area administrator;~~

~~**5GA2** One (1) College Equal Employment Opportunity Committee member who shall be a faculty member if at all possible appointed by the College Equal Employment Opportunity Committee chair.~~

~~**5G6A2A** The role of the Equal Employment Opportunity Committee member shall be to encourage staff diversity and monitor Equal Employment Opportunity compliance with respect to federal and State law, State regulations and District/College policies and procedures.~~

~~**5G6A3** Additional members as agreed upon by the College President and the Academic Senate President.~~

~~**5G6B** The area administrator will convene the initial meeting of the selection committee. The selection committee shall elect a chair from this committee, who shall be from the discipline, if at all possible.~~

~~**5G6C** The College Personnel Office shall receive applications and initially screen for minimum qualifications. Complete applications shall be categorized relative to compliance with minimum qualifications as:~~

- ~~○ Clearly met, or~~
- ~~○ Compliance not clear.~~
- ~~○ All complete applications will be available to the Selection Committee after inappropriate material is removed.~~

~~**5G6D** Selection committees shall determine whether applicants meet the desired qualifications, including minimum qualifications and, where appropriate, equivalents.~~

~~**5G6E** In determining equivalents, selection committees shall follow the procedure adopted by the Senate.~~

~~**5G6E1** Minimum qualifications by equivalency are to be in disciplines adopted by the Board of Governors and shall be applicable District wide. (There will be no minimum qualifications by equivalency for courses or sub-disciplines.)~~

~~**5G6E2** For those candidates deemed qualified by equivalents, a written record of evidence of equivalence shall be maintained. See **Appendix 5G6E1** of this Manual for the Certification of Equivalency form.~~

~~**5G6E3** The College Senate, area administrator or Equal Employment Opportunity representative may present its views to the Board regarding each specific case of equivalency before the Board makes its decision. A written record of the Board's decision shall be kept.~~

~~**5G6F** The Selection Committee shall review all completed applications and shall select those applicants for an interview who best meet the desired qualifications listed on the job description.~~

~~**5G6G** The candidates will be evaluated with respect to, but not limited, to the following criteria:~~

- ~~• Subject area knowledge and competency;~~
- ~~• Teaching/service and communications skills;~~
- ~~• Commitment to professional growth and service;~~
- ~~• Potential for overall professional effectiveness;~~
- ~~• Sensitivity to and understanding of the diverse academic, socio-economic, cultural, disability and ethnic backgrounds of the students;~~
- ~~• Teaching or skill demonstrations and/or writing samples.~~

~~**5G6H** The Selection Committee shall formulate uniform interview questions. The Selection Committee shall conduct interviews and evaluate responses. During interviews, a standardized question and appropriate follow-up procedure shall be employed. Individual committee members must be present for each interview in order to participate in the evaluation of candidates.~~

~~**5G6H1** Every effort shall be made to schedule interviews when all selection committee members can be present. If necessary, classroom substitutes shall be provided for faculty members on the selection committee.~~

~~**5G6I** The Selection Committee shall conduct reference checks.~~

~~**5G6J** The Chair shall lead the committee discussion regarding strengths and weaknesses of the candidates. The committee may include written comments for each candidate as a further means of communicating its recommendations. The Selection Committee may wish to schedule second-stage interviews for those considered best qualified.~~

~~**5G6K** Except as noted in **Policies 5G6K1** and **5G6K2**, the Selection Committee shall recommend two (2) or more finalists to the College President for final consideration. If the Selection Committee sends two (2) or more, the College President can select from those recommended after consultation with the Selection Committee Chair or with the Selection Committee if it so requests.~~

~~**5G6K1** In the event the Selection Committee recommends one (1) finalist, the College President shall then meet with the Selection Committee to discuss its recommendation. The Selection Committee shall explain its reasons for submitting one (1) candidate. The College President may choose the candidate~~

~~recommended or request additional recommended candidates, or reopen the process.~~

~~**5G6K2** If the Selection Committee cannot recommend any of the applicants, or if the College President cannot choose any of those recommended, the hiring process shall reopen.~~

#### ~~**5G7** Selection of the Final Candidate~~

~~**5G7A** The College President shall review the Selection Committee's recommendations and shall interview the finalists and conduct additional reference checks.~~

~~**5G7B** The College President, in consultation with the Selection Committee Chair, shall select the finalist to be recommended to the Chancellor and Board of Trustees for final approval.~~

#### ~~**5G8** Notification of Candidates~~

~~**5G8A** All candidates for positions in the Kern Community College District shall be notified in a timely manner regarding disposition of their applications. Interviewees shall receive personal calls from the College President or designee regarding the position.~~

~~**5G8B** The formal offer of employment shall be prepared and issued from the District Personnel Office.~~

#### ~~**5G9** Implementation~~

~~**5G9A** This policy shall be deemed a general statement of compliance with Assembly Bill 1725, and the Academic Senate of each College shall approve any additional procedures to implement this policy, according to its legal responsibility under Assembly Bill 1725.~~

#### ~~**5G10** Review and Revision~~

~~**5G10A** This policy is subject to review and revision at the request of any one (1) of the College Academic Senates or the Board of Trustees. Such revised policy shall be agreed upon by each Academic Senate and the Board of Trustees before it replaces the previously agreed upon policy.~~

#### ~~**5H** Adjunct Employment (**See Procedure 5H**)~~

~~**5H1** The Board of Trustees shall appoint all adjunct faculty to provide instruction or services for the District.~~

~~**5H2** All adjunct appointments shall be recommended to the Board of Trustees by administration who will involve the active participation and recommendation of faculty.~~

~~5H3~~ The District shall adopt administrative procedures for hiring adjunct faculty who meet the following criteria:

- ~~1. meet state-mandated discipline minimum qualifications or meet criteria to receive an equivalency for the discipline as determined by the College Academic Senate Equivalency Committee.~~
- ~~2. demonstrate subject area knowledge and competency.~~
- ~~3. be skilled in teaching and serving the needs of a diverse student~~

~~population.~~

- ~~4. show potential for overall professional effectiveness.~~
- ~~5. communicate effectively.~~
- ~~6. demonstrate a sensitivity to the ethnic and cultural diversity of our~~

~~communities.~~

~~5H4~~ It is the responsibility of the College Human Resources Office to maintain approved applicant pools for adjunct hiring. To the extent possible, all disciplines shall have approved adjunct pools.

~~5H5~~ Unless an emergency situation exists, the department/division administrator shall offer adjunct employment only to candidates from these approved adjunct pools.

~~5H6~~ The College Human Resources Office is responsible for monitoring, training, and consulting College administration, faculty, and staff involved with the recruitment and screening process for adjunct faculty.

~~5H7~~ Nothing in this policy or District Administrative Procedure shall violate federal or state laws governing personnel employment.



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**BP 7130**     **Compensation**

**References:**

Education Code Sections 70902(b)(4), 72411, 87801, and 88160;

Government Code Section 53200;

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

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

Salary schedules, compensation and benefits, including health and welfare benefits, for all classes of employees and each administrator employed pursuant to a contract under Education Code Section 72411 shall be established by the Board of Trustees.

**Prohibition of Incentive Compensation**

The District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance. Employees covered by this ban shall be referred to as “covered employees” for purposes of this policy.

Also refer to the applicable collective bargaining agreements for specific compensation-related details.

- From Current KCCD Policy 7A titled Compensation Philosophy, this language is shown as struck below as it is covered in the above language

**7A Compensation Philosophy Statement**

~~7A1 Umbrella Statement—Compensation programs will be designed and administered to support the District in its mission to provide outstanding educational programs and services that are responsive to the educational needs of diverse students and communities. The foundation of all compensation programs will be a commitment to attract, retain, and reward the quality and quantity of employees needed to meet the District’s mission. The~~

compensation programs will be based upon principles of fairness, equity, accountability, and established standards of responsibilities and job performance. The compensation programs will be administered with sound fiscal discipline.

## **7A2 Component Statements**

~~**7A2A** The Board will be accountable for the establishment of the compensation philosophy and for its periodic review to ensure that there is continued alignment between the District's mission, goals, human resources objectives, and compensation philosophy. Implementation of compensation programs within the philosophy is a delegated authority of the Chancellor.~~

~~**7A2B** The compensation program will be based on consistent principles of equity throughout the District. This will allow for multiple pay plans to reflect both the teaching and non-teaching business of the District.~~

~~**7A2C** Establishing the value of compensation for faculty will reflect both the qualifications and experience of the incumbent, as well as the teaching role. Establishing the value of compensation for classified staff and management team employees will reflect both the internal value of a position and the value placed on that role in the appropriate market. The internal value will be measured through the sound and consistent application of a proven method of job classification evaluation.~~

~~**7A2D** The primary pay delivery mechanisms for faculty will be based on the educational qualifications of the incumbent and the years of service with the District. This does not preclude the District from establishing other bases for pay delivery. While recognizing that service and tenure yields valued experience, the primary pay delivery mechanisms for classified staff and management team employees will be based on pay for differences in job content (knowledge, accountability, and complexity/problem-solving); satisfactory performance; demonstration of behavioral competencies.~~

~~**7A2E** All aspects of compensation (base salary, benefits and if applicable, lump sum payments and allowances) will be considered as a total compensation package for District employees.~~

~~**7A2F** Total compensation, as defined above, will be targeted at a competitive level when compared to the appropriate labor markets. For faculty, this will include other educational institutions in defined geographic locations and of similar size. For classified staff and management team employees, this will include other educational institutions in defined geographic locations and similar size, as well as other public sector employers and private sector employers in defined geographic locations. Compensation will be targeted at such a level as to allow the District to attract and retain the quality and quantity of employees it needs to meet or exceed its goals and objectives.~~

~~**7A2G** While recognizing the role of Bargaining Units, the District is committed to ensuring that its salary structures are up-to-date through market surveys. There will be a planned approach to ensure that internal equity is maintained.~~

~~7A2H Compensation will be affordable within the overall fiscal accountability of the Board and in the best interests of the District as an employer and provider of services.~~

- From Current KCCD Policy 6C titled Confidential and Management Compensation, this language is shown as struck below as it is codified in AP 7130 OR in related Compensation Guidelines.

## ~~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.~~

## ~~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 (1 1/2) 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).~~





BP 7140 - New

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**BP 7140     Collective Bargaining**

**References:**

Government Code Sections 3540 et seq.

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

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

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**BP 7150     Evaluation**

**References:**

ACCJC Accreditation Standard III.A.5

NOTE: This policy is **unique to Kern CCD.**

- From Current KCCD Policy 6E titled Confidential and Management Evaluation.

All employees will periodically undergo a performance evaluation at prescribed intervals.

All faculty and permanent classified employees will periodically undergo a performance evaluation in accordance with relevant collective bargaining provisions.

All Confidential and Management employees will periodically undergo a performance evaluation in accordance with AP 7150.

- From Current KCCD Policy 6E titled Confidential and Management Evaluation, this language is shown as struck below as it will be reflected in AP 7150.

**~~6E Confidential and Management Evaluation~~**

~~6E1 Evaluation of Confidential and Management Employees has, as its primary purpose, recognition of success 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.~~

### **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.~~

### **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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**BP 7160**     **Professional Development**

**References:**

ACCJC Accreditation Standard III.A.14

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

It is the intent of the District to maximize professional development opportunities for its employees.

- From Current KCCD Policy 6D titled Confidential and Management Professional Development, this language is shown as struck below as it is codified in AP 7160

**~~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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**BP 7210**     **Academic Employees**

**References:**

Education Code Sections 87400 et seq., 87419.1; 87600 et seq.,  
87481 et seq., and 87482.8;  
Title 5 Section 51025

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

Academic employees are all persons employed by the District in academic positions. Academic positions include every type of service, other than paraprofessional service, for which minimum qualifications have been established by the Board of Governors for the California Community Colleges.

Faculty members are those employees who are employed by the District in academic positions that are not designated as supervisory or management. Faculty employees include, but are not limited to, instructors, librarians, counselors, and professionals in health services, DSPS, and EOPS.

Decisions regarding tenure of faculty shall be made in accordance with the evaluation procedures established for the evaluation of probationary faculty and in accordance with the requirements of the Education Code. The Board of Trustees reserves the right to determine whether a faculty member shall be granted tenure.

The District may employ temporary faculty from time to time as required by the interests of the District. Temporary faculty may be employed full-time or part-time. The Board of Trustees delegates authority to the Chancellor to determine the extent of the District's needs for temporary faculty.

Notwithstanding this policy, the District shall comply with its goals under the Education Code regarding the ratio of full-time to part-time faculty to be employed by it and for making progress toward the standard of 75 percent of total faculty workload hours taught by full-time faculty.



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**BP 7230**     **Classified Employees**

**References:**

Education Code Sections 88003, 88004, 88009, and 88013

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

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

The classified service does not include:

- Substitute and short-term employees who are employed and paid for less than 75 percent of the fiscal year.
- Part-time apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment.
- Full-time students employed part-time, and part-time students employed part-time in any college work-study program or in a work experience education program conducted by the District.

The Board of Trustees shall fix and prescribe the duties of the members of the classified service. (See BP 7110 Delegation of Authority)

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

The Chancellor shall establish procedures to assure that the requirements of state law and regulations regarding the classified service are met.

The probationary period for classified employees shall be one year.



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**BP 7240**     **Confidential Employees**

**References:**

Government Code Section 3540.1(c)

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

Confidential employees are those who are required to develop or represent management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. The fact that an employee has access to confidential or sensitive information shall not in and of itself make the employee a confidential employee. Except in extenuating circumstances and approved by the Chancellor, confidential employees do not have the ability to supervise other employees.

A determination whether a position is a confidential one shall be made by the Board of Trustees in accordance with applicable law and with the regulations of the California Public Employment Relations Board.

Confidential employees are not eligible for inclusion in a bargaining unit represented by an exclusive representative. The terms and conditions of their employment are not controlled by any collective bargaining agreement.

The terms and conditions of employment for confidential employees shall be provided for by procedures developed by the Chancellor. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers and reassignments.

Also see BP/AP 7120 titled Recruitment and Hiring.

- From Current KCCD Policy 6B2 titled Selection of Confidential Employees, this language is unique to the District

- From Current KCCD Policy 6 titled Confidential and Management, this language is shown as struck below as it will be reflected in AP 7120.

## ~~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 District Chancellor for approval and action by the Board of Trustees.

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



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**BP 7250**     **Educational Administrators**

**References:**

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

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

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

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

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

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

Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board of Trustees upon recommendation by the Chancellor. Educational Administrators shall further be entitled to health and welfare benefits made available by action of the Board of Trustees upon recommendation by the Chancellor.

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Educational administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, these policies, and administrative procedures adopted by the Chancellor.

Every educational administrator shall be employed by an appointment or contract of up to four years in duration.

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

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

Also see BP/AP 7120 titled Recruitment and Hiring.

- From Current KCCD Policy 6B4 titled Administrator Retreat Rights to Faculty Status for Administrators Hired on or After July 1, 1990, this language is now codified in AP 7250.

#### **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.~~

- From Current KCCD Policy 6B5 titled Administrator Retreat Rights to Faculty Status for Administrators Hired Prior to July 1, 1990, this language is now codified in AP 7250.

### ~~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 District Chancellor, such assignment will be determined by existing Board policy after consultation with the administrator.~~

~~6B5E The College President shall make recommendations to the District Chancellor regarding assignment.~~

~~6B5F~~ The District 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.



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**BP 7260      Classified Supervisors and Managers**

**References:**

Education Code Sections 72411

Government Code Section 3540.1(g) and (m)

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

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

Classified supervisors are those classified administrators, regardless of job description, having authority to hire, transfer, suspend, recall, promote, discharge, assign, reward, or discipline other employees, or having the responsibility to assign work to and direct them, adjust their grievances, or effectively recommend such action.

Classified administrators do not supervise faculty.

Classified managers are those classified administrators, regardless of job description, having significant responsibilities for formulating District policies or administering District programs other than the educational programs of the District.

Classified administrators may be employed by an appointment or contract of up to four years in duration. If a classified administrator is employed by an appointment or contract, the appointment or contract shall be subject to the same conditions as applicable to educational administrators.

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

Also see BP/AP 7120 titled Recruitment and Hiring, BP/AP 7240 titled Confidential Employees, and BP/AP 7250 titled Educational Administrators. AP 7260 titled Classified Supervisors and Managers.

- From Current KCCD Policy 6B1 and 6B3 titled General Policies and Selection of Management Employees respectively.
- From Current KCCD Policy 6B1 and 6B3 General Policies and Selection of Management Employees respectively, this language is now codified in AP 7120, AP 7240, AP7250 and AP7260.

## **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.~~

### **6B3 Selection of Management Employees**

~~6B3A The selection procedure for classified management employees shall be approved by the College President for College positions and the Chancellor for District Office positions.~~

~~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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**BP 7270 Student Employment**

Reference Education Code §69950-69967

- ~~7C1~~ For the purposes of this policy a student worker must be a student in good standing and currently enrolled in six (6) units or more.
- ~~7C2~~ Student work should be integrated as part of an academic program or curriculum requirement.
- ~~7C3~~ Student workers are not part of the classified service and are not covered by the collective bargaining agreement between the District and its classified employees.
- ~~7C4~~ Student workers shall not supplant or replace classified employees. (The Kern Community College District will comply with Education Codes 69950 – 69967 in terms of student employment.)
- ~~7C5~~ A student worker assignment may not exceed 19 hours per week, except during instructional recess as designated in the Academic Calendar. The student worker shall be compensated at an hourly rate based on the State and Federal minimum wage laws, whichever is the higher rate.
- ~~7C6~~ Student workers are not eligible for District-paid benefits, except for workers' compensation.

Student workers shall not exceed a term of employment longer than 3 years. An exception to this time frame, due to extenuating circumstances, must be made in writing to the College President for review and approval.



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**BP 7310**     **Nepotism**

**References:**

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

NOTE: This policy is **legally advised.**

**7M Nepotism**

**7M1** The District does not prohibit the employment of relatives (or domestic partners as defined by District Collective Bargaining Agreement or Family Code Section 297 et seq.) in the same department or division, with the exception that they shall not be assigned to a regular position within the same department, division, or site that has an immediate family member who is in a position to recommend or influence employee decisions.

**7M2** ~~Employee~~ Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, discipline, demotion, or salary of the relative (or domestic partner as defined by District Collective Bargaining Agreement or Family Code Section 297 et seq.).

**7M3** Immediate family means spouse, domestic partner, significant other, parents, mother, step-mother, mother-in-law, father, step-father, father-in-law, grandparents, siblings, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, children, step-children, grandchildren, step-grandchildren, aunt, uncle, niece, and nephew ~~and in-laws~~ or any other relative living in the employee's home.

**7M4** The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest.

**7M5** Notwithstanding the above, the District retains the right where such placement has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest, to refuse to place immediate family members in the same department, division, or facility. The District retains the right to reassign or transfer any person to eliminate the potential to create an adverse impact on supervision, safety, security, or morale, or involve other potential conflicts of interest.

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**BP 7330**     **Communicable Disease**

**References:**

Education Code Sections 87408, 87408.6, and 88021

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

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

All newly hired academic or classified employees must show that within the past 60 days they have submitted to a tuberculosis risk assessment and, if risk factors are present, been examined to determine that they are free from active tuberculosis. If risk factors were present at the tuberculosis risk assessment, and an examination occurs, after the examination the employee shall provide the District with a certificate from the employee's examining physician showing that the employee was examined and found to be free from active tuberculosis.

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

Also see BP/AP 5210 Communicable Disease, BP/AP 7335 titled Health Examinations, and AP 7336 titled Certification of Freedom from Tuberculosis and AP 7330.

- From Current KCCD Policy 71 titled Employees with Chronic Communicable Diseases or Infectious Conditions is shown as struck as it is now codified in AP 7330.

**~~71 Employees with Chronic Communicable Diseases or Infectious Conditions~~**

~~711 An employee with identified chronic communicable disease or infectious condition shall be permitted to continue in the workplace whenever, through reasonable accommodation, the employee is physically and mentally capable of fulfilling his/her duties satisfactorily and so long as the best available medical evidence indicates that continued employment does not present a health and safety threat to themselves or to others.~~

~~712 Employment decisions by the Board of Trustees will be made after using available public health department guidelines concerning the particular disease or condition, the physician's recommendation, the law and the factual assessment of the following:~~

- ~~• the risks associated with how the disease or condition is transmitted;~~
- ~~• the risks associated with how long the carrier is infectious;~~
- ~~• the risks associated with the disease's or condition's potential harm to others; the risks associated with the probability of the disease or condition being transmitted in the work setting; and~~
- ~~• whether, after taking into account the above, the College can reasonably accommodate the individual who carries the disease or condition without incurring undue financial or administrative burdens.~~

~~713 Individual cases will not be prejudged; rather, decisions will be made based upon the facts of the particular case.~~

~~714 The District shall respect the right of privacy of any employee who has a chronic communicable disease or infectious condition. The employee's medical condition shall be disclosed only to the extent necessary and permitted under law to minimize the health risks to others.~~

~~715 Employees with chronic communicable disease or infectious condition shall remain subject to Board of Trustees policies, including the applicable current collective bargaining agreement.~~

~~716 The District shall provide an educational program for employees to communicate the sources, transmittal and prevention of the major chronic communicable diseases and infectious conditions.~~

### Put this on top on the AP

A person who transfers his or her employment from one campus or community college district to another shall be deemed to meet the requirements of Education Code Section 87408.6 subdivision (a) if the person can produce a certificate that shows that he or she within the past four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the college previously employing him or her that it has a certificate on file that contains that showing.

A person who transfers his or her employment from a private or parochial elementary school, secondary school, or nursery school to the community college district subject to this section shall be deemed to meet the requirements of Education Code Section 87408.6 subdivision (a) if the person can produce a certificate as provided for in Section 121525 of the Health and Safety Code that shows that he or she within the last four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him or her that it has the certificate on file.

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**BP 7332 Lactation Accommodation**

**Reference:**

Education Code Section 66271.9

**NOTE:** Beginning January 1, 2020, employers are **legally required** to have a policy regarding lactation accommodation. The following language satisfies this requirement. **A district's lactation accommodation policy must be provided to all new employees upon hire and when an employee inquires about or requests parental leave.**

**Lactation Accommodation**

Employees have the right to request lactation accommodation, and should make the request to [ **Designate position** ] will respond to the request.

An overtime-eligible employee who wishes to express breast milk for her infant child during her scheduled work hours will receive additional unpaid time beyond the 15-minute compensated rest period. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

The District will make reasonable efforts to accommodate employees by providing an appropriate location to express milk in private. The District will attempt to find a location in close proximity to the employee's work area, and the location will be other than a bathroom. The location shall contain a surface to place a breast pump and personal items, a place to sit, and have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump. Access to a sink with running water and a refrigerator or other suitable cooling device suitable for storing milk in close proximity to the employee's workspace will also be provided.

Employees occupying such private areas shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance.

Employees may file a complaint with the Labor Commissioner for any alleged violation of Labor Code Sections 1030, et seq., which governs lactations accommodations.

Any employee storing expressed milk in any authorized refrigerated area within the work area shall clearly label it as such. No expressed milk shall be stored at the work area beyond the employee's workday.

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**BP 7335**     **Health Examinations**

**References:**

Government Code Section 12940;  
42 U.S. Code Section 12112 subdivision (d);  
29 Code of Federal Regulations, Part 1630

NOTE: This policy is **legally advised**.

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

The procedures may require any employee to undergo a physical or mental examination where such a fitness for duty exam is job related and consistent with business necessity. Such medical examinations shall be at the District's expense and shall be conducted by a physician chosen by the District.

Also see AP 7335 titled Health Examinations and AP 7336 titled Certification of Freedom from Tuberculosis.

- From Current KCCD Policy 7G titled Wellness of Employees is shown as struck as it is now codified in AP 7335.

**~~7G Wellness of Employees~~**

~~**7G1** The Kern Community College District is committed to the development and maintenance of physical and mental health of all its employees. Accordingly, the District encourages physical and mental wellness activities on behalf of employees.~~

~~**7G2** In order to assure that employees are physically capable of performing their assigned job responsibilities and task, the District requires that candidates, as a condition of~~



~~employment, under consideration to fill positions in the following areas take and pass a pre-employment physical examination:~~

~~Child Care  
Food Service  
Custodial  
Maintenance  
Grounds  
Security  
Mechanical Skilled Workers Bus Drivers~~

~~A candidate who is not physically capable of performing the requirements of the job will not be hired for the position. The physical examination will be provided at District expense. See **Procedure 7G2** of this Manual for the listing of Position Classifications for Mandatory Physical Examinations.~~



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**BP 7340      Leaves**

**References:**

Education Code Sections 87763 et seq. and 88190 et seq. and cites below;  
Labor Code Sections 245 et seq.

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

The Chancellor shall establish procedures for employee leaves as authorized by law and by any collective bargaining agreements entered into by the District. Such leaves shall include, but are not limited to:

- Illness or injury leaves for all classes of permanent employees (Education Code Sections 87781 and 88192);
- paid sick leave (Labor Code Section 246);
- vacation leave for members of the classified service, administrators, supervisors, and managers;
- leave for service as an elected official or steward of a community college District public employee organization, or of any statewide or national employee organization with which the local organization is affiliated or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization (Education Code Sections 87768.5 and 88210; Government Code Section 3558.8);
- leave of absence to serve as an elected member of the legislature (Education Code Section 87701);
- pregnancy leave (Education Code Sections 87766 and 88193; Government Code Section 12945);
- leave to bond with a new child (Education Code Sections 87780.1, 87784.5, 88196.1, and 88207.5);
- use of illness leave for personal necessity (Education Code Sections 87784 and 88207);
- industrial accident and illness leave (Education Code Sections 87787 and 88192);
- bereavement leave (Education Code Sections 87788 and 88194);
- jury service or appearance as a witness in court (Education Code Sections 87035 and 87036);
- military service (Education Code Section 87700); and

- sabbatical leaves for permanent faculty; academic employees, administrators and managers.

Vacation leave for members of the classified service, educational administrators and classified supervisors and managers shall not accumulate beyond [#] days of paid leave or [#] hours of paid leave two (2) years of vacation accrual according to district policies and collective bargaining agreements. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.

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

- From Current KCCD Policy 6F titled Absences and Leaves is shown as struck as it is now codified in AP 7340.

## **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.~~

~~**6F2A4** Unused sick leave shall be accumulated.~~

#### ~~**6F2A5** Catastrophic Leave~~

~~**6F2A5A** 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.)~~

~~**6F2A5B** 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.)~~

~~**6F2A5C** A confidential or management staff member may receive up to forty (40) days of donated sick leave per illness/injury.~~

~~**6F2A5D** 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.~~

~~**6F2A6** 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.~~

~~**6F2A7** 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.~~

~~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.~~

## **6F2J Military Leave**

~~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.~~

~~6F2L3 Applications for leave must be filed with the Chancellor at least sixty (60) days prior to the beginning of the leave period. The maximum length of the leave is one (1) year provided the employee on leave gives sixty (60) days notification of return and provided a satisfactory substitute is available. The leave shall be approved by the Chancellor and the Board of Trustees.~~

~~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.

- From Current KCCD Policy 6G3 titled Vacation and Holidays is shown as struck as it is now codified in AP 7340 or may be codified in related publications such as a Management Handbook and Confidential Employee Handbook (uploaded on the Human Resources intranet portal).

### ~~6G3~~ Vacation and Holidays for Confidential and Management Employees

~~6G3A~~ Confidential and management employees adhere to the classified employee's holiday schedule that is adopted by the Board of Trustees each year. (Also see AP 7342 titled Holidays).

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

~~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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**BP 7345     Catastrophic Leave Program**

**References:**

Education Code Section 87045

NOTE: This policy is **legally advised.**

The Board of Trustees authorizes implementation of a catastrophic leave program to permit employees of the District to donate eligible leave credits to an employee when that employee or a member of his/her/their family suffers from a catastrophic illness or injury.

The Chancellor shall establish administrative procedures to administer the program to comply with the requirements established by the Education Code. The administrative procedures shall assure that the program is administered in a nondiscriminatory way.

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**BP 7350      Resignations**

**References:**

Education Code Sections 87730 and 88201

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

The Board of Trustees shall accept the resignation of any employee and shall fix the time when the resignation takes effect, which shall not be later than the close of the academic year during which the resignation has been received by the Board of Trustees.

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

~~**7B3** The Chancellor is authorized by the Board of Trustees to accept the resignation of any employee. The Chancellor may delegate this responsibility by written designation to District Officers or College Presidents.~~

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**BP 7360      Discipline and Dismissal, Academic Employees**

**References:**

Education Code Sections 87666 and 87732

NOTE: This policy is **legally advised.**

A contract or regular employee may be dismissed or penalized for one or more of the grounds set forth in Education Code Section 87732. If the employee is to be penalized, the Board of Trustees shall determine the nature of the penalties. If the Board of Trustees decides to dismiss or penalize a contract or regular employee, it shall assure that each of the following has been satisfied:

- The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of Education Code Sections 87660 et seq., and any administrative procedure for evaluation contained in a collective bargaining agreement;
- The Board of Trustees has received all statements of evaluation which considers the events for which dismissal [or penalties] may be imposed;
- The Board of Trustees has received a recommendation from the Chancellor.
- The Board of Trustees has considered the statements of evaluation and the recommendations in a lawful meeting.

If the Board of Trustees decides it intends to dismiss or penalize a contract or regular employee, it shall take the actions required by the Education Code, and the Chancellor or designee shall thereafter assure that the employee is afforded the full post-termination due process required by Education Code Sections 87666-87681.

The Chancellor shall establish procedures that define the conditions and processes for dismissal, discipline, and due process and ensure they are available to employees.

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**BP 7365    Discipline and Dismissal, Classified Employees**

**References:**

Education Code Section 88013;  
Government Code Sections 3300 et seq.

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

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

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

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

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

1. Fraud in securing employment or making a false statement on an application for employment.
2. Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
3. Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee in the position.
4. Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of, or insulting or demeaning the authority of a supervisor or manager.
5. Dishonesty involving employment.
6. Being impaired by or under the influence of alcohol or illegal drugs or narcotics while on duty, which could impact the ability to do the job.

7. Excessive absenteeism.
8. Unexcused absence without leave.
9. Abuse or misuse of sick leave.
10. The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this chapter.
11. Discourteous treatment of the public or other employees.
12. Improper or unauthorized use of District property.
13. Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.
14. Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department or division.
15. Inattention to duty, tardiness, indolence, carelessness, or negligence in the care and handling of District property.
16. Mental or physical impairment which renders the employee unable to perform the essential functions of the job without reasonable accommodation or without presenting a direct threat to the health and safety of self or others.
17. Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his/her/their official duties.
18. The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.
19. Willful violation of policies, procedures and other rules which may be prescribed by the District, college(s), or departments.
20. Working overtime without authorization.

- From Current KCCD Policy 7B2 titled Personnel Transactions

~~7B2 The suspension or dismissal of an employee of the District shall be made by the Board on the Chancellor's recommendation. The Chancellor may suspend an employee at any time until the next meeting of the Board under provisions of the law.~~



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**BP 7370 Political Activity**

**References:**

Education Code Section 7054 and 7056;  
Government Code Section 8314

NOTE: This policy is **legally advised.**

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

Also see BP 2716 titled Political Activity.

An AP needs to be developed



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**BP 7380 Retiree Health Benefits: Academic Employees**

**References:**

Education Code Sections 7000 et seq.

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

The District shall permit any former eligible academic, classified, management and confidential employee who has retired from the District to enroll in the health and welfare benefit plan in accordance with the criteria specified in the respective agreement for their unit and under the rules of eligibility for their college-sponsored plans. ~~and/or dental care benefit plan currently provided to its current academic employees.~~ In addition, the District shall also permit the enrollment of the surviving spouse of a former eligible academic employee who either retired from the District or was, at the time of his/her/their death, employed by the District as an eligible academic employee and a member of the State Teacher's Retirement System or California Public Employee Retirement System.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse's own expense.

A retired eligible academic employee or surviving spouse may enroll in the District's health and welfare benefit plans only once pursuant to this policy. A retired eligible academic employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The Chancellor shall establish procedures as may be deemed necessary to administer this policy in accordance with Education Code Sections 7000 et seq.

- From Current KCCD Policy 6G2 titled Health and Dental Plans for Retirees is shown as struck as it is now codified in AP 7380 or may be codified in related publications.

**~~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.~~

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

~~**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.~~

### ~~**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 employee must have worked for the District five (5) 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.~~

~~**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 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.~~

~~**6G2C1B** A surviving eligible dependent(s) of a retiree may continue the health plan at his/her expense.~~

## ~~**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, 1988 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.~~

## ~~**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.~~

## **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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**BP 7385 Salary Deductions**

**References:**

Education Code Sections 87040, 87833, 87834, and 88167

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

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

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

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

The District shall without charge reduce the salary payment by the amount which the employee has authorized in writing for the purpose of paying his/her/their membership dues in any local, statewide, or other professional organization. Revocation of such authorization shall be in writing and shall be effective beginning with the next pay period.

- From Current KCCD Policy 6G1D titled Tax-Deferred Annuity Plan is shown as struck as it is now codified in AP 7385.

~~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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**BP 7400 Travel**

**References:**

Education Code Section 87032

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

The Chancellor is authorized to attend conferences, meetings and other activities that are appropriate to the functions of the District.

The Chancellor shall establish procedures regarding the attendance of other employees at conferences, meetings, or activities. The procedures shall include authorized expenses, advance of funds, and reimbursement.

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

Also see BP/AP 4300 titled Field Trips and Excursions and BP/AP 6530 titled District Vehicles.

- From Current KCCD Policy 3C titled Travel Transportation is shown as struck as it is now codified in BP/AP 4300 and AP 7400.

**3C Travel and Transportation**

**~~3C1 Student Transportation~~**

~~See Policy 4B9, for Student Field Trips, Excursions, and Transportation. (See Procedures 3C1(a-b) of this Manual for Meals and In-State Travel Allowances for Athletes.)~~

~~3C1A Waiver of Claims by Participants~~

~~All persons making the field trip or excursion shall be deemed to have waived all claims against the District or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All student participants of a field trip or excursions shall sign a statement waiving such claims. All emancipated minors, parents or~~

guardians of students, and adults taking field trips or excursions shall sign a statement waiving such claims.

### ~~3C2 In-Lieu Payments for Students Commuting From Remote Areas~~

~~3C2A In-lieu of transportation, payments will be made as provided by law.~~

### ~~3C3 Staff Conferences and Meetings~~

~~3C3A Employees who are authorized and directed by the Chancellor or designee to attend educational conferences or meetings may be reimbursed for expenses incurred. Out-of-country travel requires Chancellor or designee approval. See Procedure 3C3A(b) of this Manual for forms and procedures for attendance of conferences and meetings and for expense reimbursement.~~

~~3C3B The most economical mode of transportation shall be used. When a school car is not available and travel by private automobile is authorized, mileage shall be paid to the owner of the vehicle at the Board approved rate, mileage will be based upon most direct route. Receipt for commercial transportation shall be submitted with claim.~~

~~The Board approved rates for mileage reimbursements shall be the same as the guidelines used by the federal government (IRS). See Procedure 3C3B of this Manual for the Agreement for Use of Private Automobile on School Business form.~~

### ~~3C4 Staff Transportation~~

~~3C4A Employees whose duties necessitate in-district travel shall be paid for meals in accordance with the guidelines in Procedure 3C4A and for the use of their cars at the Board approved mileage rate described in Policy 3C3B. Itemized claim statements must be presented to ensure payment of claims. (See Procedure 3C4A of this Manual for the In-District Travel Expense Claim form and General Guidelines and Procedure 3C3B of this Manual for the Agreement for Use of Private Automobile on School Business form.)~~

~~3C4B Private vehicles used for District business must be properly insured, currently registered, in safe and reliable working condition and appropriate for the intended use. The employee shall certify that his/her automobile has public liability, property damage, and medical insurance, with coverage amounts at least in accordance with the minimum requirements of the State of California.~~

~~3C4C Employees or students using either District or private vehicles for District business must be properly insured and licensed. (See Policy 4B9 for student transportation policies.)~~

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**BP 7510    Domestic Partners**

**References:**

Family Code Sections 297 et seq.

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

Domestic partners registered with the California Secretary of State shall have, insofar as permitted by California law, all of the same rights, protections, and benefits, as well as the same obligations, responsibilities, and duties of married persons (spouses) under state law. Former domestic partners shall have all of the rights and obligations of former spouses. Surviving domestic partners shall have the same rights, protections, and benefits as are granted to a surviving spouse of a decedent.

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

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**BP 7600      Campus Public Safety Officers**

**References:**

Education Code Section 72330.5

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

The District shall employ campus security officers, who shall provide services as security guards, or patrol persons on or about the campus(es) owned or operated by the District. Their duties include, but are not limited to protecting persons or property, preventing the theft of District property, and reporting any unlawful activity to the District and local law enforcement.

The Chancellor shall establish procedures necessary for administration of campus security. In addition, the Chancellor shall enter into an agreement with local law enforcement, which includes that campus security officers shall cooperate with local law enforcement in performing their duties.

Every campus security officer who works more than twenty hours per week shall complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs as required by Education Code Section 72330.5 subdivision (b).

The Board directs the Executive Director, College Safety to establish operational guidelines regarding reasonable use of force for District security officers. The Board expects every District security officer to carry out their duties, including the use of force, in a fair and unbiased manner and to use reasonable force in any situation and make decisions in a professional, impartial, and reasonable manner and to use of de-escalation techniques whenever possible.

Every campus security officer shall meet other requirements set out in Education Code Section 72330.5.



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**BP 7700     Whistleblower Protection**

**References:**

Education Code Sections 87160-87164;

Labor Code Section 1102.5;

Government Code Section 53296;

Private Attorney General Act of 2004 (Labor Code Section 2698);

Affordable Care Act (29 U.S. Code Section 218C)

**NOTE: This policy is legally advised.**

**7F Whistleblower Protection**

~~California Labor Code Section 1102.5; Government Code Section 53296; Private Attorney General Act of 2004 (Labor Code Section 2698)~~

~~7F1~~– The Chancellor or Designee shall establish procedures regarding the reporting and investigation of suspected unlawful activities by Kern Community College District employees, and the protection from retaliation of those who make such reports in good faith and/or assist in the investigation of such reports. For the purposes of this policy and any implementing procedures, “unlawful activity” refers to any activity – intentional or negligent – that violates state or federal law, local ordinances, or Kern Community College District Board policy.

~~7F2~~ **The** Procedures shall provide that individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation; that such reports are investigated thoroughly and promptly; that remedies are applied for any unlawful practices; and protections are provided to those employees who, in good faith, report these activities and/or assist the Kern Community College District in its investigation. ~~(See Procedure 7F of this Manual)~~

~~7F3~~ Kern Community College District employees shall not:

- retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order;
- retaliate against an employee or applicant for employment because the employee or applicant is a family member of a person who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or

- ~~or~~ directly or indirectly use or attempt to use the official authority or influence of his ~~or~~/her/their position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the ~~Kern Community College~~ District.

~~7F4~~—The ~~Kern Community College~~ District will not tolerate retaliation and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it up to and including termination.

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**BP 7800 Emeritus Status**

**References:**

Education Code Sections 87160-87164:

Labor Code Section 1102.5:

Government Code Section 53296:

Private Attorney General Act of 2004 (Labor Code Section 2698):

Affordable Care Act (29 U.S. Code Section 218C)

NOTE: This policy is unique to Kern CCD.

**~~7B4 Designation of Emeritus Status~~**

In recognition of years of valued service and contributions to the ~~Kern Community College~~ District, the Board of Trustees has established the title of “Emeritus” to be granted to those who meet the standards as set forth in this Board policy. The objective of this policy is to honor past services and encourage and maximize the inclusion of Emeriti in District and College activities after retirement.

~~7B4A~~—The Board of Trustees shall have the sole responsibility for officially honoring and recognizing District Faculty and Educational Administrator retirees by granting the designation of Emeritus. The Emeritus designation shall have no contractual obligations, nor shall there be any compensation connected with the title.

~~7B4B~~—District Human Resources shall have the responsibility of verifying eligibility for Emeritus designation and notifying the College President.

~~7B4C~~—For consideration of Emeritus designation, the faculty or educational administrator must have served the District for at least twenty (20) years in full-time status; and shall be retiring or resigning without cause by the end of the academic year in which the Emeritus designation is granted; or must have previously retired from the Kern Community College District.

Emeritus designation may be bestowed on the following groups of Kern Community College District employees:

Faculty – upon retirement or resignation after twenty (20) years of full- time service



Educational Administrator – includes presidents and other educational administrators; upon retirement or resignation after twenty (20) years of full-time service.

~~7B4D~~ Official recognition of Emeritus status shall be given during an appropriate meeting or ceremony of the Board of Trustees close to the time of the qualifying retirement or resignation.

No public announcement regarding an employee's Emeritus status shall be made prior to designation by the Board of Trustees.

~~7B4E~~ Official recognition of Emeritus status shall provide certain privileges, benefits, and courtesies as defined in AP 7800 titled Emeritus Status. ~~Procedure 7B4 of this Manual.~~

~~7B4F~~ District Human Resources shall maintain a file with contact information of all District employees for whom the status of Emeritus has been granted by the Board of Trustees.

~~7B4G~~ The title of Emeritus may be granted under exceptional circumstances to full-time faculty or administrators who have served fewer than twenty (20) years at the institution and are concluding, or have concluded, a career that demonstrates exceptionally dedicated, honorable and distinguished service to the institution, as determined by the Board of Trustees. Consideration may be initiated by the instructional or service area, or by the College President.

~~7B4H~~ The Emeritus designation shall be acted upon individually in each case upon recommendation of the College President. Consideration may be initiated by the instructional or service area, or by the College President. The College President shall make recommendations to the District Chancellor for consideration, and the Chancellor shall make a recommendation to the Board of Trustees for action with respect to Emeritus designation.

Codified in AP 7800

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**BP 7900 Students and Staff with Disabilities**

**References:**

Federal Americans with Disabilities Act (ADA)

NOTE: This policy is legally required.

**7D3 Students and Staff with Disabilities**

**7D3A**—The Kern Community College District shall adhere to the wording and the spirit of the Federal Americans with Disabilities Act (ADA) and accompanying laws and regulations that protect persons with disabilities in the State of California.

**7D3A1** The Kern Community College District shall consider or retain for employment all qualified individuals who satisfy the requisite skills, experience, education, and other job related requirements and can perform the essential functions of the position with or without reasonable accommodations. Pre-employment physicals or drug testing shall be conducted after an offer of employment has been made. This offer of employment is conditioned on the employee either passing these tests, or providing proof of disability [as defined in the Federal Americans with Disabilities Act (ADA)]. The District will provide reasonable accommodation upon request to applicants and employees in accordance with the Federal Americans with Disabilities Act (ADA).

**7D3A2**— The District's goal is to remove barriers to ensure that all qualified employees or students with disabilities are not excluded from or denied the benefits of services, programs, or activities because District facilities are inaccessible or unusable. The District, in terms of existing structures or new construction, shall make every reasonable effort to remove existing architectural barriers to the disabled and/or provide architectural access.

**7D3A3** To the best of its ability, the District shall also furnish disabled students and staff with appropriate aids and instructional services in order to provide an equal opportunity to participate in the services, programs, or activities conducted by the Colleges.

**7D3A4** The District shall designate a coordinator for the ADA related activity at each of its Colleges. The coordinator shall monitor compliance efforts, investigate

complaints, complete an initial ADA self-evaluation, and update this evaluation at least every three (3) years.

~~7D3A5~~—The ADA complaint procedure to be utilized shall be that described in AP ~~7D4A~~  
7900.