RULES AND REGULATIONS

FOR

CLASSIFIED EMPLOYEES

OF THE

SANTA BARBARA COMMUNITY COLLEGE DISTRICT

By The Board of Trustees:

Mrs. Kathryn O. Alexander
Dr. Joe W. Dobbs
Mr. Sidney R. Frank
Mr. Eli Luria
Mrs. Joyce H. Powell
Mr. Gary R. Ricks
Mr. Benjamin P.J. Wells

DR. PETER R. MAC DOUGALL, Superintendent/President

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GENERAL PROVISIONS AND DEFINITIONS

Statutory Authority

1111.10 The rules contained herein are established pursuant to the requirements of Title 1, Division 1; and Title 3, Divisions 5 and 7 of the Education Code of the State of California.

1111.11 The Board of Trustees, upon recommendation of the Superintendent-President, shall fix and prescribe the duties to be performed by all persons employed in the classified service of the Santa Barbara Community College District.

1111.12 The Superintendent shall be responsible for developing and recommending to the Board of Trustees a position classification plan for the classified employees which provides for the standardization and classification of all positions in the classified service. The Board of Trustees shall approve the plan as submitted or modify it as it sees fit and from time to time shall create, abolish, or combine classifications as are necessary to maintain the plan.

Administration

The Director of Personnel Services, is hereby designated the authority and responsibility to administer the provisions of these rules.

Severability

If any section, sentence, clause, or phrase of these rules shall be held for any reason to be inoperative or unconstitutional, void, or invalid, the validity of the remaining portion of these rules shall not be affected thereby. It is the intention that in adopting these rules, no portion thereof or provision therein shall become inoperative, or fail by reason of the invalidity of other portions, and the Board of Trustees hereby declares that it would have separately passed and adopted the provisions contained herein separately and apart from one another.

Interpretation and Application of Rules

1114.10 It is recognized that no set of rules can contemplate all possible combinations of circumstances affecting particular cases. These rules are to be applied with consideration of their intent; however, specific, applicable provisions of the rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. The Board of Trustees is open to responsible suggestions to amend the rules with prospective application; however, no rule, amendment, or new rules shall have retroactive applicability.

1114.11 These Rules and Regulations apply to all classified employees of the Santa Barbara Community College District. In those subject matters also covered by the CSEA Agreement, and in which the language may differ, the CSEA Agreement preempts these Rules and Regulations for CSEA bargaining unit members.
Status of Present Employees

On the operative date of these policies, all persons then holding positions included in the classified services:

1. shall have permanent status if they have held their present positions for at least 6 months immediately preceding the operative date of these policies; or,

2. shall successfully complete a probationary period of 6 months before acquiring permanent status if they have held their positions for less than 6 months immediately preceding the operative date. The probationary period shall be computed from the beginning of their current period of service.

Hiring, Appointing and Discharging

1116.10 All applications for employment for classified personnel shall be received and processed by the Personnel Department.

1116.11 Placement on the salary schedule is made by the Personnel Department and approved by the Board of Trustees.

1116.12 When a vacancy occurs or when a new position is established in the classified service, either short term or permanent, in any department or office, the supervisor of the department or office shall request, in writing on a requisition form available in the Personnel Department and signed by the Superintendent-President and approved for budget purposes by the Business Manager, that the position be filled. (Applicants are then screened by the Personnel Department prior to interviews by the supervisor.)

1116.13 Except as otherwise provided by law, each supervisor shall hire the employees of his/her department or office, and promote, demote, and discharge his/her employees in accordance with the rules and regulations herein contained or any other applicable laws.

1116.14 No person may be hired (except as otherwise herein allowed) unless the position to which s/he is appointed is established, allowed, and the salary, therefore, properly budgeted and appropriated and set forth in these rules and the applicable salary schedules of the Santa Barbara Community College District subsequently in force and effect. Any person employed in violation of this section shall not be considered an employee of the district and, therefore, not entitled to salary or personnel benefits unless otherwise approved by the Board of Trustees.

1116.15 No employee shall be changed from one position to another by a supervisor for the sole purpose of changing compensation of the employee involved. Such a change shall be made only on the basis and for the purpose of the performance of the duties of the position to which appointed and must be approved by the Board of Trustees.

1116.16 Employees of the classified service, when transferring from one department or office, shall also transfer sick leave, vacation leave, and anniversary date except as otherwise herein provided.
Unless otherwise required by context and/or prevailing law, words used in these rules are understood to have the following meanings:

**ACT or THE ACT:** The Act shall mean those sections of the Education Code of the State of California contained in Titles 1 and 3.

**ALLOCATION or ALLOCATE** refers to the act of assigning a position to its appropriate class based on the duties performed.

**ANNIVERSARY DATE:** The date upon which an employee is granted an earned salary increment. This is the first day of the pay period next following the successful completion of the established probationary period. The anniversary date affects salary.

**BOARD OF TRUSTEES:** Used to denote the Board of Trustees of the Santa Barbara Community College District.

**CLASS** means a group of positions sufficiently similar with respect to their duties and responsibilities that the same title can reasonably be used to designate each position in the class; that substantially the same tests of fitness may be used; that substantially the same qualifications may be required; and that the same schedule of compensation may be made to apply with equity.

**CLASS SPECIFICATION** is a written description of a class consisting of a title, a definition, examples of duties, and employment standards.

**CLASSIFIED SERVICE:** All noncertificated positions to which the Act applies and which are not excepted by the Act.

**DEMOPTION:** A change in assignment, voluntary or otherwise, of an employee from a position in one class to a position in another class that is allocated to a lower maximum salary rate.

**EMPLOYMENT DATE:** Whenever any employee is appointed and begins working in a position on or before the 15th day of the month, his/her initial employment date shall be the first day of that month during which s/he was employed. If the employment commences on or after the 16th day of the month, his/her initial employment date shall be the first day of the month following the date of his/her employment. The employment date affects benefits.

**PERMANENT EMPLOYEE:** An employee who has completed a probationary period for the specific class to which s/he is assigned.

**PERMANENT POSITION:** A position established for a continuing and indefinite or unlimited period of time or for a fixed period in excess of 12 consecutive months.*

**POSITION:** A group of duties and responsibilities assigned by competent authority requiring the full- or part-time employment of one person on a permanent basis. A position can only be established, changed, or abolished by the Board of Trustees of the Santa Barbara Community College District.

*Amended, Board Meeting 12/13/73
PROBATIONARY PERIOD is the trial period, as established by the Board of Trustees, immediately following an original or promotional appointment to a permanent position. Probationary periods do not apply to position reclassifications.

PROMOTION is any movement of an employee from a position in one class to a position in another class having a higher maximum salary rate.

RECLASSIFICATION is a change in the assignment of a position to a class and/or salary range.

TRANSFER: The reassignment of an employee from one position to another position in the same class or to a position in a similar or related class with the same salary range.
1200

POSITION CLASSIFICATION PLAN

1210 GENERAL CLASSIFICATION POLICY

1211 Nature and Purpose of the Classification Plan

It is the policy of the District to maintain a formal position classification plan. In this plan, positions which perform similar duties and are equal in responsibility are grouped into a single class of positions. All persons in a class are assigned to the same salary range. The actual assignments of duties to positions is done by the Board of Trustees and the Superintendent-President. The position classification plan is intended only to broadly define and classify those duties.

1212 Responsibilities of Supervisory and Administrative Personnel

All position classifications must be approved by the Board of Trustees. Supervisory and administrative personnel of the District have the responsibility to assign duties and responsibilities which are consistent with the organizational structure and position classifications approved by the Board of Trustees. Employees must not work outside their position classifications and supervisors shall not condone such practices. Supervisors will be held accountable for this responsibility to insure that their employees are working within their authorized position classifications.

1213 Procedures for Reclassification

If conditions within the organization have changed to the extent of requiring a change in a position(s) classification, written justification must accompany any recommendation for a classification study. Recommendations must have the progressive approval of the supervisor, the Department Head, the Administrative Dean (or Business Manager if in Business Services), and the Superintendent-President. Upon approval by the Superintendent-President, the Classification Analyst will conduct a classification study and submit a recommendation. If the classification study results in a recommended change in classification, the recommendation shall be submitted to the Board of Trustees.

1214 Wage Impact of Reclassification

The Board of Trustees shall authorize the reclassification of any position whenever it deems appropriate, upon the recommendation of the Superintendent-President. Such reclassifications shall be to recognize changes in a position's duties and responsibilities as described in Section 1213 and to meet the needs of the District's Salary Administration Plan. For CSEA unit positions, the district shall negotiate the wage impact of position reclassification, if any, consistent with applicable law and contract provisions. Except for unusual circumstances, all such negotiation shall be during the annual contract negotiations.

Deleted Sections 1210 through 1221 and renumbered 1210-1220 - May 27, 1982.

2.00
WORKING OUT OF CLASSIFICATION

Compensation for working out of classification on a temporary basis may be authorized in accordance with Education Code 88010 upon approval of the Superintendent-President and the Board of Trustees.

DEFINITIONS OF CLASSIFIED PERSONNEL

Classified Employees and Classified Service

Classified personnel are persons employed in positions not requiring certification qualifications. Except for the exclusions set forth below, all such employees and positions are defined as the classified service of the college district.

In accordance with Education Code Sections 87064 and 88004, such positions may not be designated as certificated nor shall the assignment of a title to any such a position remove the position from the classified service, nor shall possession of a certification document be made a requirement for employment in any such position.

No individual will be prohibited employment in a position described by these sections as part of the classified service who is in possession of certification qualifications, nor shall the possession of certification qualifications be grounds for the elimination of an individual for consideration for employment in such a position.

Nonclassified Service

Persons employed in the following positions are members of the classified staff, but they are not members of the classified service. These persons and positions are defined as the nonclassified service and as such serve at the wish of the Board of Trustees. Such employees may be terminated or suspended at any time without the right of appeal, and do not accrue benefits of the classified service.

1. Persons employed in positions requiring certification qualifications.

2. Substitutes.

3. Short-term employees who are not classified as regularly employed part-time employees and who work less than 195 days defined as working days in a school year (75 percent of a school year).

4. Part-time playground positions.

5. Full-time students employed part-time (defined for purposes of this policy as students who attend the respective schools in which they are enrolled for not less than the applicable minimum school day prescribed by law).

6. Apprentices.

7. Professional consultants employed on a temporary basis for a specific project regardless of length of employment (such as construction inspectors, consultants retained by the day, etc.).

Amended Section 1232 - Board Meeting 7/26/73 and 7/14/83
Full-Time Classified Employees

Full-time classified employees are employees employed and paid by the district for 8 hours per day, 40 hours/semester week, and for 10, 11, or 12 calendar months during the college year.

Part-Time Classified Employees

Part-time classified employees are employees employed and paid by the district for less than 8 hours per day or 40 hours/semester week.

"Restricted" Classified Employees

If specially funded positions not requiring certification qualifications are restricted to employment of persons in low income groups, from designated impoverished areas and other criteria which restricts the privilege of all citizens to compete for employment in such positions, all such positions shall, in addition to the regular class title, be defined and classified as "restricted" positions. Persons employed in positions properly classified as "restricted" shall be classified employees for all purposes except those set forth below and shall enjoy the same rights, burdens, and benefits accorded other classified employees excepting (Ed. Code 88005):

1. Eligibility to attainment of permanent classification;

2. Acqurement of seniority credits for the purpose of layoff for lack of work or lack of funds as may be established by rule of the Board of Trustees. Seniority credits are defined as the period of time in a position as determined by the employment date in that position.

3. Eligibility for promotion into the regular classified service excepting as specifically provided in the Education Code.

Career Increments for Classified Personnel

10 Years

1236.10 A person employed in the classified service, who is employed not less than 20 hours a week, and who has served in the employ of the Santa Barbara Community College District for ten (10) years, shall be granted a career increment equivalent to 2-1/2 percent of the basic salary a month to which he/she is entitled in his/her respective position, time assignment, and salary schedule classification established by the Board of Trustees.

15 Years

1236.11 A person employed in the classified service who is employed not less than 20 hours a week, and who has served in the employ of the Santa Barbara Community College District for fifteen (15) years, shall be granted a career increment equivalent to 5 percent of the basic salary a month to which he/she is entitled in his/her respective position, time assignment, and salary schedule classification established by the Board of Trustees.
20 Years

1236.12 A person employed in the classified service who is employed not less than 20 hours a week, and who has served in the employ of the Santa Barbara Community College District for twenty (20) years, shall be granted a career increment equivalent to 7 1/2 percent of the basic salary a month to which s/he is entitled in his/her respective position, time assignment, and salary schedule classification established by the Board of Trustees.

1236.13 In determining eligibility for such career increments, the following leaves do not constitute a break in service:

a. Time spent on earned vacation, sick leave, bereavement leave, and industrial accident or illness leave for which salary benefits are provided by the district, and on military leave.

b. Authorized absences without salary for a period of thirty (30) calendar days or less.

1236.14 In determining eligibility for such career increments, the following do constitute a break in service:

a. Time served while on substitute or temporary assignments.

b. Service rendered in the employ of a school district, public agency, or public employer other than the Santa Barbara Community College District.

1236.15 The service applicable toward career increment eligibility shall commence on the employment date as specified in Section 1312.

1237 Right of Governing Board to Increase Annual Salaries of Classified Personnel

The Board of Trustees of the Santa Barbara Community College District, in accordance with Education Code Sections 88160 and 88161, may increase the annual salaries of persons employed by said college district in positions not requiring certification qualifications.

1238 Permanent Status of Classified Employees

Unless otherwise provided by state law, an employee in the classified service becomes a permanent employee of the district upon the satisfactory conclusion of the prescribed period of probationary service. In accordance with Education Code Section 88013, no permanent employee in the classified service shall be suspended, demoted, or dismissed except for reasonable cause considered detrimental to the efficiency of his/her service or the welfare of the district, as specified in Section 1561.

The Personnel Department shall be responsible for establishing and maintaining a continuing program of performance evaluations of permanent classified employees, including provision for preparation of written evaluations by appropriate supervisory personnel and a means of making the results of such evaluations known to the employee concerned.

2.03
1310 COMPENSATION PLAN

The compensation plan for all classified employees of the Santa Barbara Community College District shall be consistent with the schedule or ranges or rates of pay as adopted by the Board of Trustees. Each class in the classification plan shall be assigned to the appropriate range or rate in the compensation plan upon recommendation of the Personnel Department and with the approval of the Superintendent-President and the Board of Trustees.

1311 Establishing Salary Rates

   In establishing the range or rate to which each class shall be assigned, the Board of Trustees, upon recommendation from the Superintendent, shall give appropriate consideration to:

   1. Maintenance of equitable relationships between classes, based on their relative duties and responsibilities.

   2. The general level of rates in the appropriate labor markets for comparable work under similar working conditions and like work for like pay.

   3. Current recruitment and retention experience.

   4. Practices in other educational institutions.

1312 Employment Date and Anniversary Date

   Whenever any employee is appointed and begins working in a position on or before the 15th day of the month, his/her initial employment date shall be the first day of that month during which s/he was employed. If the employment commences on or after the 16th day of the month, his/her initial employment date shall be the first day of the month following the date of his/her employment. An employee's anniversary date is the date upon which an employee is granted an earned salary increment. This is the first day of the pay period next following the successful completion of the established probationary period. The employment date affects benefits, and the anniversary date affects salary. However, the anniversary date is changed when an employee is promoted.

1313 Priority of Increases

   Whenever an employee is promoted to a class with a higher salary range on his/her salary anniversary date, s/he shall first receive any within-range increase to which s/he is entitled and then receive the higher step in the new salary range as provided in this rule.

1314 Increases Within the Salary Range

   1314.10 Thirty (30) days prior to each employee's anniversary date for salary increase, the Personnel Department shall notify the supervisor to evaluate the employee by forwarding him/her a performance evaluation form for completion.
1314.11 Salary increases within a range shall be recommended by the Personnel Department after review of the employee's performance evaluation, including other written documents by the employee's supervisor, and may include consultation with the employee's immediate supervisor and the employee.

1314.12 Employees shall be eligible for advancement to the next step of the salary range for their class after completing the probationary period. Eligibility for advancement will be on an annual basis thereafter until the employee reaches the maximum salary step of the appropriate salary range.

1314.13 Except for military leaves of absence, the granting of any leave of absence without pay shall cause the employee's salary increase anniversary date to be postponed one calendar month for each month, or major fraction thereof, of such leave taken.

**Salary on Change in Range Assignment**

1315.10 Whenever a class is reassigned to a higher salary range, the salary of each incumbent in such class shall be adjusted to the step in the new salary range that corresponds to the step s/he was receiving in the former range. This upward adjustment shall reflect not less than a 2 1/2 percent increase in salary unless this would exceed Step E of the new range.

1315.11 Whenever a class is reassigned to a lower salary range, the "Y" rate principle will apply (See Section 1316).

1315.12 The effective date of reclassification shall coincide with the first day of the calendar month.

1315.13 In any case, the incumbent shall retain the same anniversary date.

**Special Compensation**

Column "Y" of the salary range for any designated position is hereby defined as a rate of compensation in excess of the maximum compensation provided by column "E" of the Basic Pay Plan, and such column "Y" shall be discontinued when the incumbent ceases to occupy the position, or whenever column "E" of the salary range assigned equals, or exceeds, such "Y" rate.

**Restorations**

1317.10 A former permanent employee who resigned in good standing may be reinstated in a vacant position in his former class and status within 39 months of the last date of paid service. Also, s/he may be reinstated in a vacant position in a lower related class, if qualified, or in limited-term status in the same or lower class. Such actions are discretionary with the Board of Trustees.

1317.11 An employee who has taken a voluntary demotion may be restored to a vacant position in his/her former class or a vacant position in a related lower class, as determined by the Board, within 39 months. Except when demotion was chosen in lieu of layoff, restoration is discretionary with the Board of Trustees.
1317.12 An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, or abolishment or reclassification of his/her position, has the right to be reemployed in a vacant position in his/her former class within 39 months after demotion. Interim reassignments to other classes shall not abrogate that right.

1317.13 Reinstatement or reemployment of a former employee shall have the following effects:

a. Restoration to the former step in the current salary range for the class, or, if restored in a lower class, to the rate closest to that of the step to which s/he would be assigned if s/he were restored in his/her former class.

b. If restored to permanent status, restoration of accumulated sick leave and seniority as of the date of the separation.

c. Restoration of former anniversary date and employment date but without longevity credit for the off-duty period.

d. Restoration of all rights, benefits, and burdens of a permanent employee in the class to which restored.

1318 Benefits for Part-Time Employees of the Classified Service

Regularly employed part-time employees of the classified service shall be entitled to a prorated share of all benefits granted to the majority of regular full-time employees in the classified service. The benefits shall be prorated in the same ratio as the regular work hours per day, days per week, weeks per month or months per year as such part-time employees bear to 8 hours per day, 40 hours per week, calendar weeks per month, or 12 calendar months during the college year. Prorated health and welfare benefits are granted to persons employed half-time or more (See Ed. Code Section 88035).

1319 Short-Term Employment

In those cases where a person is employed on a short-term basis, the employee shall be paid on an hourly basis in accordance with the salary schedule in effect at that time.

1320 SALARY FOR NEW EMPLOYEES

New employees shall be appointed at the first step of the salary range for their class except as follows:

1. The Director of Personnel Services determines that it is necessary to increase the entry rate to recruit an employee.

2. Whenever a critical shortage of qualified personnel exists in a class requiring special skills or training, the Board may, by resolution, authorize that all new appointments to positions in this class be made at any step above "A" of the salary range for this class. (In such cases, present employees occupying positions in the same class and who are being paid less than the step at which new employees are to be employed shall be advanced in salary to the new recruiting step with no change of anniversary date.)
1331 Promotions

1331.10 An employee who receives a promotion to a class allocated to a higher salary range shall be placed on the step of the new salary range that will guarantee not less than a 5 percent increase.

1331.11 A new anniversary date is established at the time of the promotion and in accordance to Section 1312.

1331.12 The employee will serve a twelve-month probationary period in the new class, and advancement on the new salary range will occur only on the new anniversary date.

1331.13 During the probationary period the employee serves in the new class, s/he retains permanency in the original class from which s/he was promoted.

1331.14 For the purpose of this rule, appointment of an employee to a class with a salary range equal to his/her current range shall not be considered a promotion and shall not warrant a salary increase.

1332 Salary on Demotion

Any employee who is demoted for disciplinary reasons to a position in a class with a lower salary range shall have his/her salary reduced to the nearest salary step in the range for the lower class which provides a salary decrease. In cases of demotion for other than disciplinary reasons, and for good cause, the Board, upon recommendation of the Superintendent, may fix the salary of the demoted employee at any step within the appropriate salary range. In either case, his/her salary anniversary date shall not change.

1333 Salary on Transfer

Any employee who is transferred from one position to another position in the same class, or to another related position in a class having the same salary range, shall be compensated at the same step in the salary range as s/he previously received, and his/her salary anniversary date shall not change.

1334 Salary on Position Reclassification

The salary of the incumbent of a position which is reclassified shall be determined as follows:

1334.10 If the position is reclassified to a class having the same salary range, the salary and anniversary date of the incumbent shall not change.

1334.11 If the position is reclassified to a class which has a higher salary range, then the incumbent shall be placed on the step of the new salary range that is the same as the step the employee was on in the previous range.

Amended Section
1331.12 - Board Meeting 12/13/73
1334.12 If the position is reclassified to a class which has a lower salary range, the salary of the incumbent shall be adjusted to the step in the new range which provides the same salary s/he was receiving immediately preceding the effective date of the new range. If there is no such step, his/her salary shall be adjusted as provided below:

a. If the current salary of the incumbent is less than the maximum salary for the new class, s/he shall receive the step in the new range having a salary next lower than the salary s/he was receiving immediately preceding the effective date of the new range.

b. If the current salary of the incumbent is greater than the maximum salary for the new class, the "Y" rate principle shall apply and his/her salary shall remain unchanged as provided for in Section 1316.

1334.13 In any case, the incumbent shall retain the same anniversary date.

1335 Shift Differentials (Ed. Code 88180-88185)

A shift differential is allowed for all classifications regularly assigned to a swing shift, a graveyard shift, and a split shift according to the following differential rate schedule:

1. Swing Shift ....... additional 2-1/2 percent increment
2. Split Shift ....... additional 2-1/2 percent increment
3. Graveyard Shift .... additional 5 percent increment

1335.10 In order to qualify for a differential compensation, the employee is to meet one of the following definitions:

a. Swing Shift -- When hours of work regularly assigned exceed 4:30 p.m. by more than three (3) hours per day on a regular Monday through Friday work week. Employees must work this shift for at least three of the five normal work days.

b. Split Shift -- When hours of work regularly assigned are split by two (2) or more hours for three (3) or more days per regular Monday through Friday work week.

c. Graveyard Shift -- When hours of work regularly assigned exceed 12 midnight by more than three (3) hours per shift on a regular Monday through Friday work week. Employees must work this shift for at least three of the five normal work days.

1335.11 Shift changes which involve a shift differential are subject to approval by the Board of Trustees.
Confidential Class Differential

A differential of 2 and 1/2 percent is allowed for employees in the following classes, as designated by the Board of Trustees:

- Certificated Personnel Technician
- Classified Personnel Clerk
- Credentials Clerk
- Secretary, Administrative/Confidential
- Secretary/Confidential
- Secretary to Superintendent/Board of Trustees
- Typist Clerk, Intermediate/Confidential

Added Section 1321 - Board Meeting 7/13/72
Amended Section 1320.10 - Board Meeting 7/14/83
Amended Section 1336 - 7/1/77, Board Meeting 7/14/83
Sections 1321 & 1322 Renumbered 1335 & 1336 7/14/83
For the purpose of this section, "continuous service" shall mean employment for 10 or more calendar months of each school year.

A new employee of the classified service shall not be eligible to take more than six days, or the proportionate amount to which s/he may be entitled, until the first day of the calendar month after completion of six months of continuous service with the Santa Barbara Community College District. Under certain circumstances and only upon written approval of the Director, Personnel Services, a vacation may be granted an employee during his/her first six months. Each regular full-time employee shall be entitled to vacation leave with pay, subject to the following provisions:

a. From the employment date of full-time service, classified employees earn one working day credit for each calendar month, or major fraction thereof, of paid employment.

b. After the completion of the second year of full-time service, employees shall begin earning 1 and 1/4 working days of credit for each calendar month, or major fraction thereof, of paid employment.

c. After the completion of the seventh year of full-time service, classified employees shall begin earning 1 and 1/2 working days of credit for each calendar month, or major fraction thereof, of paid employment.

d. After the completion of twelve years of full-time service, classified employees shall begin earning 1 and 2/3 working days of credit for each calendar month, or major fraction thereof, of paid employment.

e. After completion of the eighteenth year of full-time service, classified employees shall begin earning 1 and 5/6 working days of credit for each calendar month or major fraction thereof, of paid employment.

f. After completion of the twenty-third year of full-time service, classified employees shall begin earning 2 and 1/12 working days of credit for each calendar month, or major fraction thereof, of paid employment.
g. Classified employees whose positions are excluded from overtime provisions, as listed in Section 1355.10 of these policies, shall earn:

1) An additional 1/4 working day of credit (CSEA bargaining unit), or

2) An additional 1/2 working day of credit (management)

for each calendar month, or major fraction thereof, of paid employment; total vacation allowance earnable shall not exceed 25 working days per year.

1341.12 It is the policy of the Santa Barbara Community College District that vacation be taken annually; however, vacation credit may be accumulated to a total not exceeding that which the employee could earn in 15 months, except that, upon written approval of the Director, Personnel Services, vacation credit may be accumulated to a total not exceeding that which the employee could earn in two years. A maximum of 20 vacation days may be taken by employees with 60 months or less of continuous service; a maximum of 30 days vacation may be taken by employees with more than 60 months of continuous service.

1341.13 Whenever a vacation period includes any declared holidays (other than Saturdays and Sundays), it shall be extended by a number of days equal to said included holidays.

1341.14 No payment in lieu of taking vacation shall be paid to any employee, except (1) part-time regular classified service employees working less than 4 hours per day, (2) upon termination of employment.

1341.15 All employees of the classified service rendering less than full-time service shall be entitled to a prorated portion of vacation credits computed on the ratio that the hours, days, or months worked bears to full-time service.

1341.16 Vacations must be scheduled in advance and must be taken at times convenient to the department to which the employee is assigned. Requests for vacation must be made in writing and signed by the supervisor prior to the vacation period requested.

1341.17 All 10- and 11-month employees shall take earned vacations during the Christmas and/or spring vacations unless approved otherwise by the supervisor.

1341.18 Illness and Bereavement While on Vacation

a. Any permanent classified employee who commences his/her prescribed vacation period and subsequently becomes ill or is bereaved before his/her vacation period has been completed shall be placed on sick leave under the following conditions:

Amended Sections
1341.11g - 7/01/77
1341.11g - 7/14/83
1341.14 - 8/28/75
1341.18 - 8/28/75
1) If the illness or bereavement is for three (3) consecutive days or more, or

2) If the illness or bereavement is such that had the employee been working, s/he would have been absent on sick or bereavement leave, or

3) If the employee normally is required to return to duty immediately following the vacation period, and

4) If the request is filed with the Personnel Department within two weeks of the illness or bereavement or within, at the latest, one week of his/her return to duty unless extraordinary, extenuating circumstances exist which prevent such filing, and,

5) If the filed request fully outlines the reasons for the request and is fully substantiated to include medical reports in the case of illness. (See Ed. Code Section 88200)

b. When all or part of an employee's vacation is to be converted to illness or bereavement leave, the appropriate vacation credit shall be restored to the employee's earned vacation balance. If possible, s/he shall be granted opportunity to consume this vacation credit in order not to exceed the limit on accrued vacation as defined in Section 1341.12 of these policies.

1342 Sick Leave

1342.10 Sick leave is the authorized absence of an employee because of personal illness or injury or exposure to contagious disease.

1342.11 Full-time employees shall be entitled to one day leave of absence for illness or injury with full pay for each calendar month of service or major fraction thereof. Employees shall accumulate sick leave for personal illness or injury, or for injury or illness of a member of his/her immediate family at the rate of one day for each calendar month of service or major fraction thereof during the fiscal year.

1342.12 For members of the classified service, "immediate family" means mother, mother-in-law, father, father-in-law, grandmother or grandfather of the employee or the spouse of the employee, spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee, grandchild, stepson, stepdaughter, stepparents or any relative living in the immediate household of the employee.

1342.13 Classified employees serving less than a fiscal year or on less than a full-time basis shall be entitled to sick leave in proportion that the time worked bears to a fiscal year of full-time service.
1342.14 A new employee of the district shall not be eligible to take more than six days, or the proportionate amount to which s/he may be entitled under Education Code Section 88191 or 88196, until the first day of the calendar month after completion of 6 months of active service with the district.

1342.15 Interpretation of the above paragraphs of these rules and regulations shall be in accordance with Education Code Section 88191.

1342.16 Unused sick leave provided above shall be accumulated from year to year with no cumulative limit.

1342.17 Legal holidays, Saturdays and Sundays shall not be counted as any part of said sick leave unless the employee is obligated to work on such days.

1342.18 At the beginning of each fiscal year, each permanent employee of the classified service shall be entitled to additional sick leave in an amount that when added to his/her accumulated sick leave as specified above and referenced in Education Code Section 88196, shall not exceed 100 working days. Such days of paid sick leave in addition to those required by Education Code Section 88196 shall be compensated at the rate of 50 percent of the employee's regular salary. The paid additional sick leave as herein authorized shall exclude all other paid leave, holidays, vacation and compensating time, to which the employee may be entitled.

1342.19 For any absence of up to five (5) consecutive working days the Personnel Office will require a written statement on the prescribed form from the employee stating that the employee was absent because of illness or injury. After an absence of more than five (5) consecutive working days, the Personnel Office shall require written verification of illness or injury by the employee on the prescribed form. Additionally, the Personnel Office shall require the verification by the employee's medical authority (as defined by Ed. Code Section 88191) as to an employee's reason for absence in order to establish the validity of such absence of more than five (5) consecutive working days. Such verification from the medical authority shall include either (1) a statement concerning the employee's illness or injury to justify his/her continued absence from work, or (2) a statement concerning the employee's ability to return to his/her assigned duties in the District following his/her illness or injury which resulted in an absence of more than five (5) consecutive working days. The Superintendent may require that the District select one or more physicians at District expense to verify the frequent recurrence of the same illness or injury. Such verification will include a statement covering either the employee's need for intermittent absence from work due to illness or injury, or the degree of duty the employee can assume within his assigned duties in the District. Under no circumstances may sick leave be used in lieu of, in addition to, or as vacation.
1342.20 The Director, Personnel Services, shall cause to have kept complete records of attendance and including a physician's certificate when required. All such records shall be available to the Personnel Department, Controller, Superintendent, and the Board of Trustees for the purpose of ascertaining and preparing payrolls.

1342.21 In addition to other leaves, employees of the classified service may use a maximum of six (6) sick leave days as provided in Education Code Section 88191 in any fiscal year (at the employee's election) in cases of personal necessity, including any of the following:

a. Death of a member of his/her immediate family when additional leave is required beyond the provided bereavement leave.

b. Accident involving his/her person or property or person or property of a member of his/her immediate family.

c. Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction.

d. Any unexpected event involving damage or injury to personal property which has crucial significance for the employee and his/her immediate family. The aftermath of fire, flood, falling objects, and burglary are examples. Such circumstance shall be reported by the employee to his/her immediate supervisor without delay so that verification to the Payroll Department will occur within the next payroll period.

e. Death of a close personal friend or a member of the employee's family not defined as "immediate member of the family."

f. Personal business that cannot reasonably be expected to be conducted outside of regular working hours.

g. Illness of a member of the employee's immediate family.

h. Such other reasons for which the Director, Personnel Services gives written approval.

1342.22 Termination of an employee's employment or service shall abrogate all sick leave accrued to the time of such termination. However, if such person subsequently reenters regular employment or service within 39 months from the date of separation as provided in these policies, all benefits shall be restored.

1342.23 Upon written request, a new employee who has been employed in a school district within one year of the time s/he is employed by the Santa Barbara Community College District shall have any unused sick leave remaining from said former district transferred to the employee's sick leave account in the Santa Barbara Community College District.

Amended Section 1342.21 - 7/14/83
Upon separation from the district, no remuneration will be paid for unused sick leave.

Upon separation from the district, any absence due to illness or injury beyond authorized sick leave shall be deducted from the final pay warrant of the employee.

Industrial Accident and Industrial Illness Leave

Leaves resulting from industrial accident or industrial illness shall be granted to the employees of the classified service, and used in lieu of entitlement granted under Section 1342 of these rules, in accordance with the provisions of Education Code Section 88192 and this rule 1343.

A classified service employee who has been employed for a period of at least one year shall be granted a leave of absence with pay when s/he is absent due to an industrial accident or illness which arose out of and in the course of employment by the Santa Barbara Community College District in accordance with the following regulations:

a. Any employee of the classified service who receives temporary disability benefits under Worker's Compensation laws of this state shall not be entitled to receive wages or salary from the Santa Barbara Community College District which, when added to the temporary disability benefits, will exceed a full day's wages or salary.

b. During periods of temporary disability so long as the employee of the classified service has available for his/her use sick leave, vacation leave, compensating time off or other paid leave of absence, the employee shall be required to endorse his/her temporary disability checks payable to the Santa Barbara Community College District.

c. When sick leave, vacation leave, compensating time off, or other available paid leave is used in conjunction with temporary disability benefits derived from Worker's Compensation, the employee's salary shall be reduced only in the amount necessary to provide a full day's wages or salary when added to the temporary disability benefits of classified employees.

d. The accident must have been reported and verified according to administrative regulations and must be accepted by the Worker's Compensation administrator as a bonafide injury arising out of and in the course of employment.

e. Such leaves shall be for a maximum of 60 working days in any one fiscal year for the same accident or illness. In the event that the 60 days will overlap into the next fiscal year, the employee shall be entitled to only those days remaining in the end of the fiscal year in which the accident or illness occurred.

f. Such leave shall not be accumulative from year to year.
g. Leave benefits shall not be applied retroactively to any injury or illness occurring prior to initiation of classified service with the district.

h. During all paid leaves of absence required as a result of industrial accident leave, sick leave, vacation or other paid leave, the employee shall endorse to the Santa Barbara Community College District wage loss benefit checks received under Worker's Compensation laws. The Santa Barbara Community College District, in turn, shall issue the employee appropriate forms for full payment of salary and shall make normal payroll deductions.

i. After allowable industrial accident or illness leave is exhausted, accumulative sick leave, approved compensatory time due, and/or allowable vacation time may be applied against the employee's continuing absence for the same injury, and the employee shall continue to endorse his/her Worker's Compensation Insurance checks to the district. Also, the Board of Trustees may grant additional leave under the provisions of Education Code Section 88199.

j. An employee's industrial accident leave shall be suspended automatically for any period during which s/he is not within the state unless s/he has obtained prior approval of the Board of Trustees for absence from the state.

k. The leave shall commence on the first day of absence, and the amount of allowable leave shall be reduced by one day for each day of absence authorized by said leave.

l. If the employee is not medically able to resume the normal duties of his/her position at the expiration of all available leaves of absence, s/he shall be placed on a reemployment list for a period of 39 months. If the employee has medically recovered and is available during the 39-month period, s/he shall be employed in any vacant position in his/her previous classification over all other candidates except those on a reemployment list established as a result of a layoff in which case s/he shall be listed in accordance with appropriate seniority.

m. Any employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the Education Code. An employee shall continue to receive seniority credit for all purposes while on such a paid or unpaid leave of absence.

n. An employee who fails to accept an appropriate assignment after being medically approved therefore, shall be removed from the reemployment list. Appropriate assignment is defined as an assignment to the employee's former class, in his/her former status and time basis, and in assignment areas in which the employee has made him/herself available. Employees removed from a reemployment list under this rule may appeal the removal to the Superintendent.

o. The period of leave shall not be considered to be a break in service of the employee.
1344 Bereavement Leave

1344.10 Every person employed in the classified service shall be granted necessary leave of absence not to exceed three days, or five days if travel of more than 300 miles one way or out-of-state travel is required, on account of the death of any member of his/her immediate family.

1344.11 No deduction shall be made from the salary of an employee of the classified service granted a bereavement leave, nor shall such leave be deducted from any other leaves granted by other sections of these rules.

1344.12 Additional bereavement leave, not to exceed six (6) days, may be allowed. If allowed, the days shall be deducted from the employee's accumulated sick leave as provided in 1342.21a.

1344.13 "Member of the immediate family" shall have the same definition as in Section 1342.12.

1345 Jury Duty and Witness Leave (Ed. Code 87036)

1345.10 Leave of absence for jury service shall be granted to any employee who has been officially summoned to jury duty in local, state, or federal court. Leave shall be granted for a period of jury service. The employee shall receive full pay while on leave provided that the jury service fee for such leave is assigned to the District and the subpoena or court certification is filed with the Personnel Department. Request for jury service leave should be made by presenting the official court summons for jury service to the Personnel Department or by other verification to the Personnel Department.

1345.11 Leave of absence to serve as a witness in a court case shall be granted to a classified employee when s/he has been served a subpoena to appear as a witness, not as a litigant, (see Section 1342.21) in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided that the witness fee for such leave is assigned to the District and the subpoena or court certification is filed with the Personnel Department. Request for leave of absence to serve as a witness should be made by presenting the official court summons to the Personnel Department.

The jury service fee and witness fee referred to in the above do not include reimbursement for transportation expenses.

1345.12 The employee who has received leave of absence under this rule shall make him/herself available for work during normal hours when his/her presence is not required in court.
Maternity Leave (Ed. Code 88193)

1346.10 Employees are entitled to use personal illness leave as set forth in Section 1342 for disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom on the same terms and conditions governing leaves of absence for other illness or medical disability. Such leave shall not be used for child care, child rearing, or preparation for child bearing, but shall be limited to those disabilities as set forth above. The length of such disability leave shall be determined by the employee and his/her physician; however, the District management may require a verification of the extent of disability through a physical examination of the employee by a physician appointed by the District.

1346.11 Nothing in this section shall be construed so as to deprive any employee of sick leave rights under other sections of these policies for absences due to illness or injury resulting from pregnancy.

Leave of Absence for Study

1347.10 A full-time leave for study without pay for a maximum length of one year may be granted by the Board of Trustees to a permanent employee who has worked for the District for seven consecutive years when it has been determined by the Superintendent-President to be in the best interests of the District.

1347.11 The employee will submit to the Superintendent-President, via the Supervisor, (1) a letter requesting leave along with written justification for undertaking the educational program (2) an outline of the work to be accomplished and (3) the name of the educational institution where the course work will be taken and (4) the effective dates of the leave.

1347.12 One month prior to the ending date of the leave, the employee shall notify in writing as to the intent to return to employment at the end of the leave. Failure to return at the agreed time may cause the employee to be terminated when the leave expires.

1347.13 The number of employees on leave of absence from a specific department will be based upon the needs of the department affected, as determined by the supervisor and administration.

1347.14 Authorized leave of absence without pay shall not be construed as a break in service or employment and rights accrued at the time the leave is granted shall be retained by the employee; however, vacation credits, sick leave credits, increases in salary, and other similar benefits shall not accrue to a person granted such leave during the period of absence. An employee returning from a leave of absence without pay shall receive the same step in the salary range s/he received when the leave of absence began. Time spent on such leave without pay shall not count toward service for increases within the salary range, and the employee's salary anniversary date shall be postponed one calendar month for each month, or major fraction thereof, of leave taken.

3.14

Deleted Sections 1346.10 and 1346.12 - 7/14/83
Added Sections 1346.10 and 1346.11 - 7/14/83
Deleted Section 1347.11 and
Renumbered Section 1347.10 to 1347.10-1347.15 - 7/14/83
1347.15 Certain aspects within the District Fringe Benefit package (such as the health insurance) may be continued in specific cases at the employee's expense with no District contribution.

1348 Leave of Absence for Retraining

As per leave of absence for study policy, section 1347.

1349 Miscellaneous Provisions

1349.10 Military Leave

Military leave of absence shall be granted and compensated in accordance with the Military and Veterans code Section 389 and 395 in Education Code.

1349.11 Absence for Examinations

Permanent and probationary employees shall be entitled to necessary time off with pay for the purpose of taking examinations required during working hours for the purpose of determining eligibility for movement to another class or for qualifying, or similar examinations for positions within the Santa Barbara Community College District.

1349.12 Leaves of Absence Without Pay

a. The Superintendent may authorize a leave of absence without pay for any permanent or probationary employee for a period not to exceed 30 calendar days. Leaves of absence without pay in excess of 30 days must be approved by the Board of Trustees.

b. A leave of absence shall be granted only to an employee who desires to return therefrom to the classified service, and who, at the time the leave is granted, has a satisfactory service record.

c. Leave of absence without pay may be granted to an employee for any of the following reasons:

1) To attend school or college or to be trained to improve the quality of his service;

2) If temporarily incapacitated by illness or is pregnant;

3) If s/he is loaned to another governmental agency for the performance of his/her specific assignment;

4) Or other authorized reasons.

Deleted Section 1349.10 and
Renumbered Sections 1349.10 - 1349.15 - 7/14/83
d. Authorized leave of absence without pay shall not be construed as a break in service or employment and rights accrued at the time the leave is granted shall be retained by the employee; however, vacation credits, sick leave credits, increases in salary, and other similar benefits shall not accrue to a person granted such leave during the period of absence. An employee returning from a leave of absence without pay shall receive the same step in the salary range s/he received when s/he began his/her leave of absence. Time spent on such leave without pay shall not count toward service for increases within the salary range, and the employee's salary anniversary date shall be postponed one calendar month for each month, or major fraction thereof, of leave taken.

1349.13 Additional Leaves for Nonindustrial Accident or Illness

A permanent employee of the classified service who has exhausted all entitlement to sick leave, vacation leave, compensatory overtime, or other available paid leave and who is absent because of nonindustrial accident or illness may, with the recommendation of the Superintendent and approval of the Board of Trustees, be granted 6 months leave, paid or unpaid, as determined by the Board, not to exceed 18 months. Refer to Education Code Section 88195.

1349.14 Absence Without Leave

All unauthorized or unreported absences shall be considered as absence without leave, and a deduction of pay shall be made for each period of such absence. Such absence may be made the grounds for disciplinary action and will serve to interrupt continuous service. Absence without leave, voluntary or involuntary, for ten consecutive working days is automatic resignation from the classified service. Such termination shall be final unless said employee furnishes satisfactory reason upon his/her return for not having obtained prior permission.

1349.15 Reporting of Absences

a. Any employee of the classified service who is absent from duty for any reason shall report the reason therefore to his/her supervisor immediately on the day of absence or before, if possible, and in any case, at the earliest practicable time.

b. The supervisor's absence report shall be forwarded to the Payroll Office.

Amended Section 1349.14 - 7/14/83
Definition of Normal Work Week and Normal Work Day

The normal work week of full-time classified employees in the Santa Barbara Community College District is established at 40 hours, and the normal work day of such employees is established at 8 hours. Persons employed in classified positions who work less than 8 hours a day or 40 hours a week shall be deemed to be part-time employees in application of this policy. (Ed Code 88026)

Definition of Overtime

Except as otherwise provided, overtime is defined to include any time required to be worked in excess of 8 hours in any one day or in excess of 40 hours in any calendar week. For purposes of computing the hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leave of absence shall be considered as time worked by the employee.

Compensation for Hours Worked not Exceeding 8 Hours a Day and 40 Hours a Week

In the event an employee who regularly works less than 8 hours a day and 40 hours a calendar week is designated and authorized to work in excess of the number of hours a day or a week for which s/he is customarily employed, and such additional hours of work, together with the customary hours of work, do not exceed 8 hours a day, s/he shall be compensated for such additional hours at his/her regular rate of pay on a 1 for 1 basis. Overtime service in excess of 8 hours a day shall be compensated at the overtime rates specified for full-time employees. Also see Policy No. 1358.

Compensation for Overtime Work

Overtime work by classified employees may be ordered and authorized by the Superintendent, division head, or district office department head having jurisdiction only under circumstances where the interests of the college will clearly be served by such overtime services. Excepting as provided elsewhere in this policy, such overtime work in excess of 8 hours a day in any one day, or 40 hours in any one week, must have advanced written approval of the Business Manager and shall be compensated as follows:

a. Either cash compensation at the rate of 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the overtime work, or

b. Compensatory time off at the rate of 1 1/2 times the number of hours or authorized overtime work, such compensatory time off to be taken at time(s) as arranged by mutual agreement between the responsible supervisor or the administrator having immediate jurisdiction and the employee designated and authorized to perform the overtime work, (see Policy 1354.11) or

c. A combination of cash compensation and compensatory time off as arranged in accordance with terms set forth in this policy.

Amended Sections 1352 and 1354.10
5/27/76
d. Compensatory time shall be taken off in units of one-half hour or more with the approval of the responsible supervisor. Times when compensating time off may be taken shall be at the discretion of the immediate supervisor. When compensating time off is ordered by the department head or requested by the employee, reasonable advance notice (at least three days, if possible) shall be provided.

1354.11 Compensatory time off shall be granted and taken not later than 12 calendar months following the week in which the overtime was worked and at such times as arranged that will not impair the services rendered by the district and the college or district office to which the employee is assigned.

1354.12 Deleted - removed from Education Code.

1355 Exclusions, Exceptions, and Exemptions

1355.10 Positions Excluded from Overtime Provisions

The Board finds that the duties, hours, and authority of the following positions or classes of positions are of such nature that they should be set apart from those positions which are subject to overtime provisions, and they, the employees serving in such positions, are, therefore, under provisions of the Education Code 88029 excluded from compensation for overtime:

Administrative Assistant to Superintendent/President
Admissions and Records Office Supervisor (Added 7/1/77)
Assistant Director, Facilities & Operations (Added 7/1/77)
Bookstore Manager
Business Manager (Amended 7/1/79)
Business Services Supervisor (Amended 2/1/78)
College Information Officer
Community & Admin. Services Supervisor (Added 1/1/82)
Controller
Custodial Supervisor (Added 7/1/77)
Director, Facilities & Operations
Director of Personnel Services
Director, Purchasing
EOPS/Financial Aids Specialist (Added 2/1/82)
Personnel Specialist (Amended 7/1/80)
Production Office Supervisor
Program Planning Assistant
Student Activities Coordinator (Added 2/1/82)

Notwithstanding the provisions of this policy, if a person serving in an excluded position is required to work on a holiday, as provided for in the Ed. Code, or by action of the Board of Trustees, this person shall be paid, in addition to his/her regular pay for the holiday, compensation, or given compensating time off, at a rate not less than the employee's normal rate of pay. (Ed. Code 88029)
1355.11 Positions Excluded from Compensation for Occasional Overtime on a Daily Basis

The Board finds that the following specific positions or classes of positions are subject to periodic fluctuations in daily working hours not susceptible to administrative control, and they are, therefore, under provisions of Education Code Section 88026, excluded from compensation for overtime in excess of 8 hours in one day, provided that hours worked in excess of 40 in a calendar week shall be compensated on an overtime basis:

Athletic Equipment Attendant
Athletic Equipment Attendant, Senior
Athletic Trainer & Coordinator of Gym Facilities
Coordinator, Publications
Groundsman, Lead
Laboratory Teaching Assistant
Laboratory Technician Supervisor
Linotype/Press Operator
Principal Clerk, Admissions and Records
Secretary to Superintendent/Board of Trustees
Security Officer
Special Program Advisor
Stagecraft Technician
Theatre Technician

1355.12 Persons Employed Exclusively on Weekends and Holidays

Classified employees who are assigned as security personnel for work exclusively on weekends and holidays and who are paid at a special salary rate that recognizes the exclusive weekend and holidays peculiarity, shall be exempted from the provisions of overtime and/or holiday compensation and shall be paid for such weekend and/or holiday work at a special salary rate prescribed by the Board of Trustees. (Ed Code 88204)

1356 Hours Worked To Make Up Uncompensated Hours of Time Off

In the event an employee is permitted to take uncompensated time off not to exceed 8 hours because of personal emergency, and the employee desires and is permitted to make up the time lost within the current and/or next succeeding calendar week in order to avoid salary deduction for the time lost, said employee shall not be deemed to have worked overtime or to qualify for overtime compensation to the extent that s/he is making up the time lost because of the personal emergency.

1357 Voluntary Service in Excess of Normal Work Day and/or Normal Work Week

Service in excess of the normal work day and/or normal work week of a classified employee that is rendered at the voluntary discretion of the employee, and that is not designated, authorized, or ordered in advance by the college or district office administrator having immediate jurisdiction, shall be deemed to be voluntary in nature on the part of the said college employee, and no compensation or compensating time off, therefore, shall be provided for such voluntary overtime service.

Amendment:
1355.11 - 7/1/77
1357 - 5/27/76
1355.11 - 7/14/83
Length of Workday

Notwithstanding the provisions of Ed. Code Section 88026, the work week shall consist of not more than five consecutive working days for any employee having an average workday of four hours or more during the workweek. Such an employee shall be compensated for any work required to be performed on the sixth or seventh day following the commencement of the workweek at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work. An employee having an average workday of less than four hours during a workweek shall, for any work required to be performed on the seventh day following the commencement of his/her workweek, to be compensated for at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work. Positions and employees excluded from overtime compensation pursuant to Policies 1355.10 and 1355.11 shall also be excluded from the provision of this section.
HOLIDAYS FOR CLASSIFIED EMPLOYEES

1361.10 Except as otherwise provided, all employees who are a part of the classified service shall be entitled to the following paid holidays provided they were in a paid status during any portion of the working day immediately preceding or succeeding the holiday. Payment to eligible part-time employees for such holidays shall be appropriately pro-rated in proportion that the actual time worked, excluding overtime, bears to time served in a full-time position.

a. Holidays specified by Education Code:

January 1, February 12, third Monday in February, last Monday in May, July 4, Labor Day, November 11, Thanksgiving Day, December 25, and every day appointed by the President of the United States or Governor of California for a public fast, thanksgiving, or holiday as specified in the Education Code.

When such a holiday falls on a Sunday, the following Monday shall be deemed to be a holiday in lieu of the day observed. When such a holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed.

b. Holidays specified by the Board of Trustees for Classified Employees:

Friday following Thanksgiving, four working days during the Christmas holidays as agreed upon and approved by the Superintendent/President, and every other day which the Board specifies as a holiday for classified employees.

1361.11 Regularly employed classified employees who are not normally assigned to duty during the winter vacation period encompassing December 25 and January 1 shall be paid on an appropriate pro-rated basis for these two holidays provided they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

1361.12 Paid status is defined as including time worked and time during which any employee is excused from work but paid because of holidays, sick leave, vacation, compensatory time off, or other paid leave of absence.

1361.13 The Board of Trustees may designate other days during each such year as the holidays to which members of the classified service shall be entitled in lieu of holidays on February 12, third Monday in February, last Monday in May, or November 11, provided that such designated in-lieu days shall provide for at least a three-day weekend.

Amendments
1361.10b - 6/14/73 & 5/23/74
1361.10 a & b, 1361.13 - 7/1/77
1361.10b - 7/14/83
Compensation for Work on Paid Holidays

Work by classified employees on holidays listed in Section 1361.10a and b of this policy may be ordered and authorized in advance by the Superintendent, division head, district office department head, or supervisor, having jurisdiction only when the interests of the college will be clearly served by such holiday work.

Except as otherwise provided, whenever a classified employee is required to work on a specified holiday, s/he shall be paid compensation or given compensating time off for such work at a rate equal to time and one-half in addition to the regular pay received for the holiday.

Exemptions and Exceptions

1363.10 Employees not a Part of the Classified Service

Persons employed in the following positions or classes of positions are defined by law as not being a part of the classified service:

Persons employed in positions requiring certification qualifications.

Substitutes.

Short-term employees who are not classified as regularly employed part-time employees and who work less than 195 days defined as working days in a school year (75 percent of a school year).

Part-time playground positions.

Full-time students employed part-time (defined for purposes of this policy as students who attend the respective schools in which they are enrolled for not less than the applicable minimum school day prescribed by law).

Apprentices.

Professional consultants employed on a temporary basis for a specific project regardless of length of employment (such as construction inspectors, consultants retained by the day, etc.).

Persons employed in such positions shall not be entitled to any of the paid holidays listed in Section 1361 of this policy unless they are required to work on the holiday, in which case they shall be paid for such holiday work at the rate of time and one-half for the hours worked.

1363.11 Part-time classified employees who are assigned as security personnel for work exclusively on weekends and holidays and who are paid at a special salary rate that recognizes the exclusive weekend and holiday peculiarity, shall be exempted from the provisions of overtime and holiday compensation and shall be paid for such weekend and holiday work at a special salary rate prescribed by the Board of Trustees.
RECRUITMENT

Responsibility

The Personnel Department is responsible for carrying out such recruitment and selection procedures as are necessary to seek out and secure the most qualified individuals to apply for vacant positions at all levels of the classified and non-classified service. The Director of Personnel Services shall have authority to interpret and enforce all provisions of this section.

Advertisement of Vacancies

All classified service vacancies shall be advertised with the exception of positions filled through reinstatement or reemployment of former classified service employees, lateral transfer, or demotion of current classified employees. Vacancies in the non-classified service shall be advertised as determined by the Director of Personnel Services, in consultation with the appointing department head. All vacant positions in the classified service normally will be advertised both within and outside of the District.

Promotional Recruitments

In those cases where it has been determined by the Personnel Department that a sufficient number of qualified applicants exists among current District employees, the Personnel Department may restrict competition to regular employees of the District who meet the prescribed qualifications for the class. This shall be done after review by the Director of Personnel Services to insure compliance with the District's Affirmative Action Policy.

Upward Mobility Training

A vacant classified position may be underfilled by competitive appointment of a candidate to a lower, related class, provided approval is granted by the Director of Personnel Services and the selection process complies with Section 1420 of these rules and regulations. The employee shall be trained for the higher level class, to which the employee may be promoted, upon successful completion of a prescribed training program. The promotion may be without further competition, provided that competition has been assured for appointment to the training class.

Permanent Employee Preference

All persons involved in the screening, interviewing and selection process are encouraged to give preference to permanent classified service employees of the District, provided that education, experience, knowledge, and abilities of such employees are equal to those of non-district applicants.

Amended Sections:
1411-1414 Board Meeting 1/9/75, 12/4/75
1400 - Board Meeting 11/10/77
Entire 1400 Section Renumbered - 7/14/83
SELECTION PROCEDURES

Selection of persons for classified service positions shall be based solely on the competence of applicants for meeting the requirements of the district. Selection procedures shall insure appointment of the best qualified persons for positions on the basis of skills, knowledge, personal qualification, and potential for growth. Selection shall be without regard to race, color, creed, marital status, national origin, ancestry, handicap, medical condition (as defined in California Labor Code), sex, or age of the applicant, and shall be in accordance with all state or federal laws as they apply to equal opportunity.

1421 Request to Fill Position

When a department head wishes to fill a vacant or a new position, either short term or permanent, he or she shall complete a Personnel Authorization Form, available from the Personnel Department. This form must be approved for budgetary purposes by the Business Manager and by the Superintendent-President.

1422 Job Announcement

Upon approval of the Personnel Authorization Form, the Personnel Department, in consultation with the requesting department, shall for all classified service positions, prepare a job announcement for advertisement. Each job announcement will be reviewed by the Personnel Office for equal opportunity compliance prior to distribution. All job announcements shall be given distribution as determined by the Director of Personnel Services so as to provide for a diverse applicant pool.

1423 Application Review and Selection for Interview

1423.10 The Personnel Department shall be responsible for receipt and review of all applications for advertised vacancies in the classified service. The Personnel Department shall determine which applicants meet the district's minimum qualifications as stated on the job announcement. Those applicants not possessing the minimum qualifications shall be removed from the selection process and notified of their removal.

1423.11 The Personnel Department shall screen all remaining applications and shall invite those applicants who are among the best qualified to an interview before an appraisal committee. If five or fewer applicants are determined to meet the minimum qualifications, they shall be referred for interview to the appointing supervisor and no committee shall be convened. The appointing supervisor is the management employee or chairperson who most immediately supervises the position.
1424 Affirmative Action

The Director of Personnel Services shall insure that good faith efforts have been made to recruit qualified minority and women applicants for each vacancy. If, in the determination of the Director of Personnel Services, an insufficient number of women or minority applicants exists, further recruitment efforts may be made and selection for the vacancy deferred until the Director of Personnel Services determines that sufficient recruitment has been conducted.

1425 Interviewing Committee

Upon receipt of six or more applications which meet the minimum qualifications as determined by the Personnel Department, an interviewing committee will be appointed by the requesting supervisor, with approval of the Personnel Department. The committee shall be comprised of three to five individuals, at least one of whom shall not be an employee of the department in which the vacancy exists. At least one member of the committee shall be technically qualified in the specified occupational area. A chairperson shall be selected by the committee and will have overall responsibility for coordinating the committee's activities. Minority and women members will serve on the committee. In the event that no minorities or women are readily available, the chairperson of the Affirmative Action Committee shall be contacted for assistance. The appointing supervisor shall not be a member of the committee and shall not participate in the interviewing process, with the exception of meeting with the committee to discuss the position's responsibilities. With the exception of management positions, appointing supervisors may not sit-in during the committee's interviews or deliberations after the interview. No incumbent of the classified position may participate in the selection process for his/her vacancy.

1426 Interview Questions

The Personnel Department shall prepare a set of written job-related questions for the interview committee to ensure the control and consistency of the interviews. The committee may ask other related questions to clarify unique or specific responses made by the candidate during the interview or on the application/resume.

1427 Determination of Top Three Candidates

The committee shall interview and evaluate the candidates invited and determine the three candidates who are best qualified for the position. The Personnel Office shall prepare job-related evaluation factors for the interview committee to ensure the validity and consistency of the ranking process. The top three candidates shall be referred, unranked, to the appointing supervisor for employment interviews. The committee may refer ranked alternate candidates, up to a total of three, to the Personnel Office in the event of candidate unavailability, or rejection due to unsatisfactory reference or reasons cited in Section 1443.
Departmental Interview, Reference Checks, and Additional Candidates

1428.10 The appointing supervisor shall interview the top three candidates. With the exception of management positions, higher echelon supervisors shall not sit-in during the appointing supervisor's interviews unless approved by the Personnel Department for good cause. The supervisor shall evaluate and recommend an applicant to the Personnel Department.

1428.11 The Personnel Office shall conduct reference checks. No non-district applicant shall be employed by the district without satisfactory reference checks conducted by the Personnel Department. All offers of employment shall be made by the Personnel Department.

1428.12 If the appointing supervisor can show good cause to the interviewing committee, in writing, why none of the top three candidates are acceptable, the committee shall submit with approval of the Personnel Department, three additional names or recommend that the recruitment process be re-opened. Any changes of the committee membership after re-opening of the recruitment process must be justified in writing and approved by the Director of Personnel Services.

Notification and Records

All applicants not selected for appointment shall be given notice that the position has been filled. All applications shall be maintained by the Personnel Department for a minimum of two years. A case file shall be maintained for a minimum of two years by the Personnel Department for each vacancy filled and shall include a summary of affirmative action taken by departments in filling vacant positions. The appointing department shall prepare and submit to the Personnel Department a Classified Employment Audit Report, which shall be signed by the appointing department head and Director of Personnel Services.

APPOINTMENT OF CLASSIFIED SERVICE EMPLOYEES

1430 Recommendation for Appointment

Recommendations for each appointment are made by the Superintendent-President to the Board of Trustees, which appoints each classified employee of the district.

1432 Salary Placement

See Section 1320.
APPLICATION FOR EMPLOYMENT

Filing of Application

All applications for employment shall be made upon official forms furnished by the Personnel Services Department.

General Qualifications of Applicants

1442.10 Applicants must possess all requirements that may be specified in the minimum qualifications established for the class. Every applicant must be in all respects mentally and physically competent to perform the duties of the position for which he applies.

1442.11 The district may employ qualified persons on a permanent basis who are related to current employees of the district, but in order to avoid a conflict of interest employees should neither initiate nor participate in decisions involving a direct benefit (initial employment, retention, promotion, salary, leave of absence, etc.) to members of their immediate families; neither should an employee exercise direct supervision over another person who is related by blood or kinship. The above restrictions apply to both the Classified Service and Non-Classified Service.

1442.12 If, subsequent to appointment to a position, an employee becomes legally related to another employee of the district, classified or certificated, the district may require one of the parties to change department or position to avoid a conflict of interest.

Elimination of Unfit Applicants, Candidates, and Eligibles

An applicant or an eligible may be refused appointment for any of the following reasons:

1. Failure to meet the general qualifications of Section 1442.

2. Membership in the Communist Party and/or failure to execute the oath of allegiance required by the State of California.

3. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.

4. Conviction of or pleading guilty in court to a narcotics offense as defined by Education Code Section 87011 or a charge of moral turpitude or any sex offense or mistreatment of children.

5. Criminal, infamous, dishonest, immoral, or disgraceful conduct contrary to standards approved by the Board of Trustees.

6. Making a false statement or omitting a statement as to any material fact on the application form.

7. Practicing any deception or fraud in connection with an examination or to secure employment.

Amended Section
1422.11 - 4/13/72, 1/9/75
1422.11 Now 1442.11 - 7/14/83
8. Narcotics offense as defined by Education Code Section 87011, drug addiction, and/or use of intoxicating beverages to excess.

9. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the district.

10. Previous dismissal from this district unless the district waives this subsection.

11. A record of unsatisfactory service with this district even though separation has not occurred.

12. Unsatisfactory health conditions.

13. Discharge other than honorable from the armed forces of the U.S.

14. Failure to report for duty after an assignment has been offered and accepted.

15. Failure, after due notice, to report promptly for review of any of the above bases for rejection.

16. Refusal to furnish testimony at a hearing or investigation before the Board of Trustees.

1444 Applications not to be Returned

All applications and examination papers are confidential records of the district and shall not be returned to the applicants.

1445 Applicants' Names not made Public

The names of the applicants or unsuccessful candidates in any examination shall not be made public.

1450 NEW EMPLOYEE CLEARANCES

1451 Physical Examinations

1451.10 Initial Employment

a. Every person of the classified service employed by the district shall be required to have a physical examination. The cost of such examination may be paid by the district, if the candidate is declared fit for employment as provided by Education Code Section 88021.

b. Upon employment, each person is required to submit adequate proof that s/he has undergone a test for tuberculosis and has been found to be free of active tuberculosis. The examination must have been conducted within the past 60 day period of the date of employment. (Ed. Code 76406)

Deleted Sections 1424 and 1425 and
Renumbered Sections 1426-1427 to 1444-1445 - Board Meeting 7/14/83
1451.11 After Employment

a. Every employee is required to undergo an examination to determine that s/he is free from active tuberculosis at least once every four years after employment. (Ed. Code 76406)

b. The Student Health Services Office shall maintain adequate records on each employee which indicate compliance with these rules and the law.

1452 Criminal Records Check

1452.10 Fingerprinting (Ed. Code 88024)

Every new employee shall submit to a criminal records check in accordance with prescribed procedures or shall forfeit eligibility for employment. The district will notify each such employee where and when to report for fingerprinting, which shall take place no later than the tenth day of employment. The district may reimburse the employee for the fingerprinting fee.

1452.11 Review of Criminal Records

a. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.

b. The criminal records report from the California Bureau of Criminal Indentification and Investigation and/or the Federal Bureau of Investigation will be reviewed together with the person's application form. If there is a criminal record, the Personnel Department shall recommend to the Superintendent-President whether or not the person should be employed or retained in employment.

c. If the record discloses no information beyond that supplied by the person on his/her application form and s/he was accepted for examination and/or appointment, s/he shall be considered employable.

1453 Personnel File Contents and Inspection (Ed. Code 87031)

See Section 1614
PROBATIONARY PERIOD

Probationary Status

All original and promotional appointments in the classified services shall be subject to the serving of a probationary period, which shall be considered a part of the examining process.

Length of Probationary Period

1512.10 The regular probationary period shall be twelve consecutive months. The probationary period shall be indicated on the job specification sheet when a position is open. During the probationary period, a granting of any leave of absence without pay exceeding fifteen calendar days shall cause the probationary period to be extended by the length of the leave of absence less the first fifteen days.

Reports of Performance on Probationary Employees

The supervisor of a probationary employee shall file with the Personnel Department, on the prescribed form, reports of performance at intervals as specified in Sections 1531 and 1532. (This does not prevent a supervisor from evaluating an employee at any time.) Copies of these performance reports shall be given to the employee.

Rejection of Probationary Employee

1514.10 It shall be the duty of the supervisor at any time during the probationary period to reject a probationary employee if his/her conduct capacity, moral responsibility, integrity, or work performance is found to be unsatisfactory.

1514.11 Rejection of an employee during a probationary period is accomplished by the supervisor filing a performance report with a recommendation to dismiss the employee for failing to satisfactorily complete the probationary period.

1514.12 A permanent employee in the classified service who vacated his/her position to accept a probationary promotion to a class in a higher level and who is rejected during the probationary period shall be reinstated to his/her former class of position unless the reasons for which s/he was terminated from the promotional position were such as to constitute cause for dismissal under these rules.

Amended Sections:
1512, 1512.10 & 1512.11 - Board Meeting 5/10/73
1513 - Board Meeting 5/24/73
1512.10 - Board Meeting 11/29/73
Deleted Section 1512.11 - Board Meeting 11/29/73
Amended Section 1513 - Board Meeting 12/13/73

5.00
1514.13 Upon the completion of the probationary period, an employee shall gain permanent status if the supervisor reports to the Personnel Department that the services of the employee have been entirely satisfactory, and upon approval of the Board of Trustees.

**Rights of Probationary Employees**

1515.10 A new employee who is suspended or dismissed during his/her initial probationary period shall be notified in writing of the action taken and the charges against him/her. S/he shall not have the right of appeal.

1515.11 An employee who has permanent status in the classified service and who has been promoted to a higher class may be demoted during the probationary period to his/her former class. S/he shall be notified in writing of the action and the charges against him/her but shall have the right of appeal.

**CHANGES IN POSITION AND CLASS**

1520 **Transfer**

1521.10 An employee may be transferred at his request or for the good of the district from one position to another in the same class or from a position in one class to a position in another related class which has reasonably similar qualifications and the same compensation, at the discretion of the Board of Trustees, provided that such action shall not be taken for punitive or preferential reasons.

1521.11 A permanent employee may be transferred to a position in a related class on the same salary schedule. Such transfers shall be made only with the approval of the Superintendent.

1522 **Demotions and Dismissals**

A permanent employee may request voluntary demotion to a class with a lower maximum salary rate. Such requests require the approval of the immediate supervisor, the department head, and that of the head of the department to which he is to be assigned.
Resignation

An employee desiring to resign from service in good standing may do so by notifying his department head in writing of the reason therefor and the effective date. Failure to give at least two weeks notice may be cause for denying subsequent employment with the classified service. The department head shall report the resignation on the prescribed form to the Personnel Department. The resignation of the employee shall be attached to this form or the employee shall sign the form stating the reason therefor and certifying that the resignation is of his/her own free will. Undated resignations will not be accepted. The Superintendent-President, or his/her designee, shall be authorized by the Board of Trustees to officially accept the resignation of any employee. The resignation shall be effective at the time of receipt by the Superintendent-President. The Superintendent-President shall report to the Board of Trustees any resignations accepted by him/her pursuant to this policy.

Layoffs

1524.10 General

Layoffs in the classified service may be effected for lack of work or lack of funds. Normally such layoffs will be effected at the end of a fiscal year. An employee subject to layoff will be given at least 30 days notice before the layoff will be effective.

1524.11 Order of Layoff

a. Length of service (seniority) as prescribed herein will be the only criterion used to effect layoffs.

b. The employee who has been employed the shortest time in the class where layoffs are required, plus higher classes, shall be laid off first.

1524.12 Rights of Employees Upon Layoff

a. A reemployment list for each class subjected to layoffs will be established and maintained for at least 39 months or until exhausted, whichever is sooner.

b. The names of employees who are laid off will be placed on the reemployment list in accordance with length of service in the class, plus higher classes, and they shall be reemployed in accordance therewith as vacancies occur in the class for which the list has been established.

c. Persons on a layoff reemployment list will be reemployed over all other candidates for the position vacancy except for reemployment lists established in accordance with the provisions of Education Code Sections 88191 and 88195 when those lists were established after the layoff was effected.
d. When reemployment lists are in effect in accordance with Education Code Sections 88191 and/or 88195 and persons thereon have served in the class effecting layoffs, they will be placed on the layoff reemployment list according to seniority if they would have been laid off had they been in active service.

e. Offer of Reemployment—When a vacancy occurs in a class for which a layoff reemployment list has been established, the senior employee will be notified and given an opportunity to accept the vacancy. The laid-off employee may decline the offer of employment and retain his position on the list. If s/he twice declines an appointment, his/her name will be removed from the list and s/he forfeits all rights to which s/he would otherwise be entitled.

f. An employee required to be laid off may be assigned to a position vacancy in another class for which he is qualified. Such assignment will not be made on previous length of service, but if so assigned, salary schedule placement will be made on the basis of prior service. In the event of future layoffs within the new class of assignment, length of service for layoff purposes will be counted only from the time of assignment to the position.

g. Rights Upon Reemployment—A person reemployed from a layoff list will, upon resumption of his duties, be fully restored as a permanent employee and the break in service will be disregarded.

h. Acceptance of Substitute or Short-Term Employment—An employee who has been laid off for lack of work or lack of funds and who is on a layoff reemployment list may be employed as a substitute or short-term employee in his original class or any other class for which qualified and such employment shall in no manner jeopardize or otherwise affect his status or eligibility for reemployment.

The district will attempt to provide substitute or short-term employment to those on a reemployment list in accordance with their relative seniority but are not bound by seniority.

1524.13 Displacement Rights

a. An employee in the classified service who is laid off from a class and who has previous service in an equal or lower class shall have the right to displace an employee with less seniority in that class. Seniority shall include the total of the previous service in the equal or lower class plus service in the class from which layoff occurs and in higher classes.

b. A classified employee who is displaced by an employee with greater seniority shall have displacement rights as though he had been laid off for lack of work or lack of funds.
Pursuant to Government Code Sections 20983.5, the following rules and regulations shall apply:

1525.10 Any employee who desires to continue employment past age 70 shall 4 months prior to reaching age 70 submit in writing (Attachment Part A) to his/her immediate supervisor, a request to continue in employment beyond the normal retirement age of 70. The immediate supervisor shall attach thereto his/her recommendation (Attachment Part B) certifying to the competency of the requesting employee.

1525.11 The employee's request and the recommended certification by the immediate supervisor shall be forwarded to the appropriate Administrative Dean (or Business Manager if in that division) and the Superintendent-President for approval, disapproval and/or recommendations.

1525.12 The employee's request, immediate supervisor's recommendation and the Superintendent-President's report (Attachment Part C) shall be placed on the agenda of the next regular Board of Trustees meeting providing the request was received by the Superintendent-President at least ten (10) days prior to the scheduled regular meeting.

1525.13 At any one of the four decision-making levels the employee may be required to submit to a physical or mental examination (Attachment Parts D, E, and F) at the employee's expense to assist in determining the employee's competency. (The employee shall pay for the first examination; thereafter, the expense shall be paid by the requesting party.)

1525.14 Upon approval of the Board of Trustees, the employee shall be permitted to remain in employment. Any decision to deny the request of the employee shall be based upon substantial evidence that the employee is not competent to continue in his/her assignment. In making the decision, the Board of Trustees must consider the results of all physical or mental examinations.

1525.15 The decision of the proper medical or mental examination authorities shall be final. In cases where the employee or the employer are not satisfied with the initial physician's report, either party at his/her own expense may require an additional physical or mental examination and/or secure additional information from the physician.

Adopted Sections:
1525 - 2/9/78
1525.16 In case the second medical or mental examination is contrary to the first, the employee or the employer may request a third medical or mental examination at his/her own expense.

1525.17 The employee and his employer, upon certification of competency, shall submit the certification signed by both parties to the county superintendent of schools for approval. Upon approval by the county superintendent, the certification (Attachment Part G) that the employee is continuing in employment shall be forwarded to the appropriate retirement system.

1525.18 All approvals to continue in employment shall be for one year only.

1525.19 This procedure will be repeated each year, 4 months prior to beginning a new work year, for each subsequent approval to work beyond the age of 70.
COMPETENCY CERTIFICATIONS

PART A - EMPLOYEE'S REQUEST TO CONTINUE IN EMPLOYMENT BEYOND RETIREMENT AGE

TO:

I, ____________________________, hereby request approval to continue beyond the normal retirement age for a period of one calendar year.

Respectfully requested,

Date __________________________ Employee’s Signature __________________________

PART B - THE SUPERVISOR’S RECOMMENDED CERTIFICATION (IF APPROPRIATE)

I hereby recommend approval _____ disapproval _____ of the request of __________________________ to continue employment beyond the normal retirement age for a period of one calendar year.

If disapproved, state rationale:

Date __________________________ Supervisor’s Signature __________________________

PART C - SUPERINTENDENT-PRESIDENT

I hereby recommend approval _____ disapproval _____ of the request of __________________________ to continue employment beyond the normal retirement age for a period of one calendar year.

If disapproved, state rationale:

Date __________________________ Superintendent-President’s Signature __________________________

Adopted by the Board of Trustees 2/9/78
PART D - PHYSICIAN'S CERTIFICATION

I hereby certify that ___________________________ is / ___/ is not / ___/ (Employee's Name) competent to remain in employment beyond the normal retirement age.

Date ___________________________ Physician's Signature

PART E - SECOND PHYSICIAN'S CERTIFICATION (if needed)

I hereby certify that ___________________________ is / ___/ is not / ___/ (Employee's Name) competent to remain in employment beyond the normal retirement age.

Date ___________________________ Physician's Signature

PART F - THIRD PHYSICIAN'S CERTIFICATION (if needed)

I hereby certify that ___________________________ is / ___/ is not / ___/ (Employee's Name) competent to remain in employment beyond the normal retirement age.

Date ___________________________ Physician's Signature

PART G - COUNTY SUPERINTENDENT'S CERTIFICATION

I hereby approve / ___/ disapprove / ___/ this request to continue in employment beyond the normal retirement age for the school year 19___ - 19___.

Date ___________________________ County Superintendent's Signature

Distribution of Copies: Requesting Employee; Immediate Supervisor; Superintendent-President; Public Employees' Retirement System

Adopted by the Board of Trustees 2/9/78 5.07
EVALUATION OF EMPLOYEE PERFORMANCE

Non-Management Classified Employees

1531.10 Each department head shall provide for at least an annual evaluation of all permanent employees in his/her department in achieving the standard of work performance required. This evaluation shall include a discussion between the employee and his immediate supervisor for the purpose of determining goals and evaluating progress toward better performance and personal development. A memorandum record of the results of these discussions shall be forwarded to the employee, the department head, and the Personnel Department by the supervisor on forms prescribed by the Personnel Department.

1531.11 Each employee shall be given a copy of the evaluation form prepared by his supervisor regarding his progress. Copies of these reports shall be available only to the supervisor, the department head, the Business Manager, the Personnel Department, the Superintendent-President, and the Board of Trustees.

1531.12 All employees shall be evaluated by their immediate supervisors in accordance with the following schedule:

a. Probationary employees—at least at the beginning of the fourth, eighth and eleventh months of service.

b. Permanent employees—at least once a year.

c. At any other time a supervisor believes an evaluation of the employee is necessary.

Management Employees

1532.10 The purposes of the evaluation process are to assess the performance of managers in the carrying out of their assigned duties and responsibilities and to assist managers in their professional development. The evaluation will be based on the manager's duties and responsibilities and the standards contained in the Management Evaluation Form. In the evaluation process, managers are expected to discuss desirable and undesirable performance whenever it is observed. Intermittent informal evaluations are encouraged to either recognize exemplary performance or to review areas in need of improvement.

1532.11 The primary evaluator will be the immediate supervisor of the management employee. The primary evaluator is responsible for insuring that the evaluation occurs as scheduled. All evaluations shall be reviewed and may be commented upon by the supervisor.

1532.12 All classified managers shall be evaluated according to the following schedule:

a. Probationary Managers—At least the fourth (4th) and eleventh (11th) month of service.

b. Permanent Managers—Evaluated on a bi-ennial basis.

Amended Sections:
1533 - Board Meeting 5/24/73
1533.a - Board Meeting 12/13/73
1530 - Board Meeting 7/14/83
1532.13 The evaluatee shall have a conference with his/her supervisor at which time the evaluatee's job performance is reviewed. Prior to the conference, the evaluatee will complete the self-evaluation part of the Management Evaluation Form. The supervisor will then complete his/her section of the Management Evaluation Form. The form, completed by both parties, will then be discussed at the evaluation conference. The evaluatee shall sign the form to indicate that the conference took place. Signing the form shall not necessarily mean agreement with the evaluation. The evaluatee may attach a response to the evaluation form.

1532.14 The evaluatee's evaluation shall also include a client survey to be conducted by the evaluatee in consultation with his/her supervisor. The content of the client survey and persons to be included in the survey shall be mutually agreed upon by the supervisor and evaluatee. Classified managers shall include faculty members in the survey when appropriate. A standard Management Client Survey Form shall be available in the Personnel Office for use when desired. The client survey shall be conducted before the Management Evaluation Form is completed and shall be reviewed by the Evaluatee's supervisor. All client survey results shall be destroyed upon completion of the evaluation process.

1532.15 A copy of all completed Management Evaluation Forms shall be permanently retained in the employee's personnel file.

1540 IN-SERVICE TRAINING AND EMPLOYEE GROWTH

1541 Because of the importance of the classified employee to the educational program, the Santa Barbara Community College District is expressly interested in methods of upgrading the classified staff so that effective performance for current assignment will be increased and talent for promotion to greater responsibility will be detected and developed.

1541.11 Professional Growth Program

The In-Service Training and Professional Growth Programs of the Santa Barbara Community College District shall consist of planned instruction relating to the work which contributes to the continuous and systematic development of all levels of employees of that knowledge and those skills and attitudes which contribute to their welfare and to that of the District.

1542 In-Service Training -- Department Responsibility

Each department head shall be responsible for providing orientation, induction, and on-the-job training for the department work assignment of each classified employee for whom s/he exercises supervisory responsibility and in meeting any special training needs for the employee's immediate assignment and for the encouragement of continued development of each employee in his/her department.
1551 Definitions

1551.10 A "grievance" is an allegation by a grievant that s/he has been adversely affected by a violation of written Board policies. Actions to challenge or change the policies of the District as set forth in the rules and regulations or administrative regulations and procedures must be undertaken under separate legal processes. Other matters for which a specific method of review is provided by law, by the rules and regulations of the Board of Trustees, or by the Administrative regulations and procedures of this college district are not within the scope of this procedure.

1551.11 A "grievant" may be any classified employee of the District covered by the terms of these Rules and Regulations.

1551.12 A "day" is any day in which the central administrative office of the Santa Barbara Community College District is open for business.

1551.13 The "immediate supervisor" is the lowest level supervisor designated as management having immediate jurisdiction over the grievant who has been designated to administer grievances.

1552 Informal Level

1552.10 Before filing a formal grievance, the grievant should attempt to resolve it by an informal conference with his/her immediate supervisor.

1553 Formal Level

1553.10 Level I

   a. Within ten (10) days after the occurrence of the act or omission giving rise to the grievance, the grievant must present his/her grievance in writing on the appropriate form to his/her immediate supervisor.

   b. This statement shall be a clear, concise statement of the grievance, the circumstances involved, the decision rendered at the informal conference, and the specific remedy sought. The supervisor shall communicate his/her decision to the employee in writing within ten (10) days after receiving the grievance. If the supervisor does not respond within the time limits, or the grievant is not satisfied with the decision, the grievant may appeal to the next immediate supervisor, if there is one or if there is not one, to the next level.

   c. Within the above time limits either party may request a personal conference.

Sections 1550.10 - 1550.34 Renumbered as 1551.10 - 1553.13 - 7/14/83
1553.11 Level II

a. In the event the grievant is not satisfied with the decision at Level I, s/he may appeal the decision on the appropriate form to the Administrative Dean (or Business Manager, if in that department) within ten (10) days.

b. This statement should include a copy of the original grievance, the decision rendered, and a clear, concise statement of the reasons for the appeal.

c. The appropriate Administrative Dean (or Business Manager) shall communicate his/her decision within ten (10) days after receiving the appeal. Either the grievant or the appropriate Administrative Dean (or Business Manager) may request a personal conference within the above time limits. If the appropriate Administrative Dean (or Business Manager) does not respond within the time limits, the grievant may appeal to the next level.

1553.12 Level III

a. If the grievant is not satisfied with the decision at Level II, s/he may within ten (10) days appeal the decision on the appropriate form to the Superintendent/President or his designee.

b. This statement shall include a copy of the original grievance and appeal, the decisions rendered and a clear, concise statement of the reasons for the appeal.

c. The Superintendent/President or his designee shall communicate his decision to the grievant within ten (10) days.

1553.13 Level IV

a. If the grievant is not satisfied with the decision at Level III, s/he may within ten (10) days appeal the decision on the appropriate form to the Board of Trustees.

b. This statement shall include a copy of the original grievance and appeal, the decisions rendered and a clear, concise statement of the reasons for the appeal.

c. The Board of Trustees, or their designee, shall communicate their decision to the grievant within ten (10) days.
Causes for Suspension, Demotion, and Dismissal

Persons employed in the classified service may be suspended, demoted, or dismissed for any of the following causes:

a. Incompetency, inefficiency, insubordination, inattention to or dereliction of duty, discourteous treatment of the public or of fellow employees, or any other wilful failure of good conduct tending to injure the public service, or any wilful and persistent violation of the provisions of the Education Code or of rules, regulations or procedures adopted by the Board of Trustees pursuant to it, provided that specific instances must be set forth as to any of the causes enumerated under this heading.

b. Dishonesty, habitual drunkenness, immoral conduct, or addiction to the use of narcotics.

c. Political activities engaged in by an employee during his assigned hours of employment.

d. Conviction of a serious crime by a court of law; a record of one or more convictions which indicated that the person is a poor employment risk; failure to disclose material facts regarding criminal records; and other false or misleading information on application forms or examination and employment records concerning material matters.

e. Frequent unexcused absence or tardiness.

f. Illness leaves, when habitually taken for trivial indispositions.

g. Continuing illness of a disabling nature after the exhaustion of illness leave and leave of absence privileges.

h. Failure to report for review of criminal records or for health examination after due notice.

i. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.

j. Membership in the Communist Party.

k. The discovery or development of any physical, emotional, and/or mental condition which would have precluded acceptance as an eligible for assignment.

l. Abandonment of position.

m. Physical or mental incapacity.
Non-Discrimination in Disciplinary Action

No employee in the classified service shall be suspended, demoted, dismissed, or in any way discriminated against because of his political or religious acts or opinions or affiliations, or race, color, sex, age, national origin or ancestry, physical handicap, or marital status, subject to the provisions of Section 1561c.

Procedures for Disciplinary Action

1563 Notices of Charges

a. When it is recommended that a permanent employee is to be suspended, demoted, or dismissed, specific written charges shall be prepared by the Superintendent and presented to the employee and the Board of Trustees. The charges must be so clear that the employee will know the exact complaints and may be expected to respond to them.

b. Notice to the employee shall include a copy of the charges and a statement of right to a hearing before the Board of Trustees.

c. The notice shall inform the employee that s/he shall be allowed one (1) calendar week from receipt of the notice to file a request for a hearing before the Board of Trustees. The notice shall be accompanied by a card or paper, the signing and filing of which by the employee shall constitute a demand for a hearing and a denial of all charges.

1563 Hearing

a. If the employee requests a hearing before the Board of Trustees, all information and records pertinent to the case shall be made available to the employee or to the individual or organization designated as his/her representative at the hearing.

b. Notice of the time and place of the Board hearing shall be mailed to the employee by United States certified mail at least five (5) days before the date of such meeting.

c. At a regular meeting of the Board of Trustees, or at a special meeting called for that purpose, the Board shall hear the charges. The Board may engage a hearing officer or other representative to conduct any hearing or investigation which the Board itself is authorized to conduct. The Board may instruct such authorized representative to present findings or recommendations. The Board may accept, reject or amend any of the findings or recommendations of the said authorized representative.

d. The burden of proof of the charges shall remain with the Board of Trustees, but the Board's determination of the sufficiency of cause for disciplinary action shall be conclusive.

Amended Section: 1563 - July 23, 1981
e. When formal disciplinary action has been taken by the Board of Trustees, the action shall be reported to the Superintendent, who will immediately notify the employee. The employee shall be notified not later than the effective date of the action.

f. If the employee fails to request a hearing on the charges against him/her within the time specified in the notice, s/he shall be deemed to have waived his/her right to hearing and the Board of Trustees may proceed to act upon the charges without hearing or further notice.

g. All hearings will be held in closed session unless the employee requests a public hearing.

1563.12 Suspensions

An employee may be suspended prior to a hearing by the Board of Trustees only if the Superintendent/President determines it is in the best interest of the District. The employee will be provided with the following prior to suspension:

a. Written notice of the proposed action.

b. Reason action is being taken.

c. A copy of charges and materials upon which action is to be based.

d. Right to respond to charges orally or in writing.

1563.13 Sex and Narcotic Offenses

Any employee charged with the commission of any sex offense as defined in Section 87010 or any narcotics offense as defined in Section 87011 of the Education Code by complaint, information, or indictment filed in a court of competent jurisdiction, may be suspended as provided for in Section 88123 of the Education Code. Such a suspension will be processed as an involuntary personal leave in accordance with the provisions of this rule relative to suspensions. The employee may receive compensation as provided for in the code section. Such suspension shall be reviewed by the Personnel Department every 90 calendar days. Prior to such suspension the employee shall be afforded the rights specified in Section 1563.12.
1610 PERSONNEL RECORDS

1611 Responsibility

The Board of Trustees shall cause to have maintained all personnel records for the classified service employees by the Personnel Department. The Superintendent shall be provided with those records and reports as requested and required.

1612 Procedure

The Personnel Department shall report to the Board of Trustees any information required for appointment, separation, or other transaction affecting the status of positions or employees in the classified service.

1613 Confidential Records

Salary data and other employment data furnished to the Personnel Department by other employers on the condition that the source remains confidential, material to be used in examinations, confidential reports of employers regarding applicant eligibles, or employees, shall be considered confidential and not open to the public or admissible as evidence in any action or special proceedings.

1614 Official Acts

The Personnel Department shall maintain adequate records of official acts, and the employment record of every employee for a period of at least five years.

1615 Personnel File Contents and Inspection (Ed. Code 87031)

Materials in personnel files of employees which may serve as a basis for affecting the status of their employment are to be made available for the inspection of the person involved.

Such material is not to include ratings, reports, or records which (1) were obtained prior to the employment of the person involved, (2) were prepared by identifiable examination committee members, or (3) were obtained in connection with a promotional examination.

Every employee shall have the right to inspect such materials upon request, provided that the request is made at a time when such person is not actually required to render services to the employing district. Information of a derogatory nature, except material mentioned in the second paragraph of this section, shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. An employee shall have the right to enter, and have attached to any such derogatory statement, his own comments thereon. Such review shall take place during normal business hours, and the employee shall be released from duty for this purpose without salary reduction.

Amended Section:
1614 - 6/26/75
1614 - 7/14/83

6.00
INCOMPATIBLE ACTIVITIES

Prohibition of

No officer or employee shall engage in any employment, activity, or enterprise which is inconsistent, incompatible, or in conflict with his/her duties as a school district employee or with the duties, functions, and responsibilities of the department by which s/he is employed.

Type of Incompatible Activities

Activities that shall be considered inconsistent, incompatible, or in conflict with employment are, among others, and without limitation, those activities, enterprises, or employment which:

1. Involve the use for private gain or advantage of the school district's time, facilities, equipment, or supplies, or the badge, uniform, prestige, or influence of school district employment.

2. Involve the receipt or acceptance by the employee of any money or other valuable consideration from anyone other than the school district for the performance of an act which the employee would be required or expected to render in the regular course of his/her employment or a part of his/her duties as a school district employee.

3. Involve the performance of an act in other than his/her capacity as an employee which may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such employee or the department by which s/he is employed.

4. Involve so much of the employee's time that it impairs his/her attendance or efficiency in the performance of his/her duties as an employee.

Property or Proceedings

Where property or proceedings of an employee are involved, they shall be inspected, reviewed, audited, or enforced by an employee other than her/himself.

Political Activity

The rights of employees to register and vote as they choose shall not be infringed. Employees may express their opinions on all political subjects without recourse against them. No employee shall engage in political activity of any kind during working hours. Such prohibited activity shall include but is not limited to soliciting money, influence, service, or any other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office while on the job during working hours. No person shall attempt to coerce, command, or require a person holding or applying for any position, office, or employment with the Santa Barbara Community College District to influence or give money, service, or other valuable thing to aid, promote, or defeat the nomination or election of any person to public office. Subject to all of the foregoing, any employee may seek appointment or election to any public position, office, or employment for which s/he is qualified.
1624.10 Election to a Political Office

An employee who is elected to a political office, the duties of which will clearly conflict with his normal duty hours and assignment with the district, may request an unpaid leave of absence which shall commence on the date he assumes the office and shall terminate not later than 30 days after his last day in the elected office. Reelection to the same office or election to a different office which provides reasonable continuity of elected public service shall cause extension of the approved leave.

1624.11 Intent

It is the intent and purpose in enacting these rules to allow employees their lawful privilege of political freedom and activity, but to insure that political activities are not engaged in during normal duty hours and normal duty assignments. The district has a reasonable obligation to make certain that personnel are aware of their political rights and can exercise those rights, but, at the same time, to insure that its employees do not wrongfully use their duty hours or district facilities for political purposes.
COMPLAINTS CONCERNING DIVISION, OFFICE, OR EMPLOYEE

1710 A charge or complaint shall be directed to the person, division, or department most immediately involved with the problem. All efforts shall be made to reach a satisfactory conclusion on this level.

1720 However, if a person feels it is necessary, anyone may present to the Board of Trustees a charge or complaint against an identifiable employee or against a specific division or office in a public Board meeting where the basis for the charge or complaint arises out of the personal actions or omissions of an identifiable employee. The presentation of such charge or complaint shall be subject to the following procedures:

1. Any such charge or complaint shall be made in writing and shall be sworn to by the person or persons submitting it. The Secretary-Clerk of the Board will advise, if requested, as to the methods of swearing to the truth of the charge or complaint.

2. No such charge or complaint may be orally presented in a meeting of the Board of Trustees or of any of its special committees except as in c. below.

3. The sworn, written statement of the charge or complaint shall be submitted to the Secretary-Clerk of the Board of Trustees who shall present it to the Board of Trustees, or to an appropriate committee as determined by the Board of Trustees, in a closed meeting (executive session). The Board of Trustees, if it deems advisable, may allow the person swearing to the truth of the statement to appear before the Board of Trustees, or its appropriate committee, in a closed meeting (executive session) and to present orally the charge or complaint.

4. The Board of Trustees, or its appropriate committee, will review and, if necessary, investigate the charge or complaint, and will respond in writing to the person who has submitted the written statement.

5. In the event this procedure is not known or followed, the President of the Board of Trustees shall terminate the right of the speaker at the point the charge or use of the staff member's name is brought into the speaker's presentation in a public Board meeting or at the first indication that the speaker intends to speak against a staff member in such a meeting. The speaker shall immediately be told the reason for terminating his right to speak and shall be informed of the proper steps to follow in registering his complaint.

6. In the event that an individual registers a charge or complaint with a member of the Board of Trustees in person or by telephone, that Board member shall usually refer the matter to the Superintendent for investigation. When anyone registers a charge or complaint with the Superintendent, he shall investigate that charge or complaint by tracing it to the source in the division or office concerned and then shall report his findings to the complainant or Board Member.

7. The employee has the right of representation during all phases of this procedure.

7.00
General Provisions

The Board of Trustees is governed as are employees by the provisions of the Educational Employment Relations Act as contained in Chapter 10.7 of Division 4 of Title I of the Government Code.