

Administrative Procedures
Chapter 6
Business and Fiscal Affairs*

- AP 6100 **Delegation of Authority**
- AP 6150 **Designation of Authorized Signatures**
- AP 6200 **Budget Preparation**
- AP 6250 **Budget Management**
- AP 6300 **Fiscal Management**
- AP 6305 Reserves
- AP 6307 **Debt Issuance and Management**
- AP 6310 Accounting
- AP 6315 Warrants
- AP 6320 **Investments**
- AP 6321 **Inventory and Capitalization of District Fixed Assets**
- AP 6322 Employee Indemnity Bonds
- AP 6325 **Payroll**
- AP 6330 **Purchasing**
- AP 6340 Bids and Contracts
- AP 6345 Bids and Contracts (UPCCAA Option)
- AP 6350 **Contracts – Construction**
- AP 6360 **Contracts – Electronic Systems and Materials**
- AP 6365 Accessibility of Information Technology
- AP 6370 **Contracts – Personal Services**
- AP 6380 **Vendors**
- AP 6400 **Audits/Periodic Reports**
- AP 6450 Wireless or Cellular Telephone Use
- AP 6500 Property Management
- AP 6520 Security for District Property
- AP 6530 District Vehicles
- AP 6535 Use of District Equipment
- AP 6540 **Insurance**
- AP 6550 Disposal of Property
- AP 6600 **Capital Construction**
- AP 6620 **Naming of Buildings**
- AP 6700 **Civic Center and Other Facilities Use**
- AP 6740 Citizens' Oversight Committees
- AP 6750 **Parking and Traffic**
- AP 6800 **Safety**
- AP 6850 Hazardous Materials
- AP 6900 Bookstore

- AP 6950 **Drug and Alcohol Testing (U.S. Department of Transportation)**

*Procedures listed in bold text are currently available. All other procedures are being reviewed and will be posted when finalized.

AP 6100 Delegation of Authority

References: *Education Code Sections 70902(d), 81644, 81656; Public Contract Code 20651, 20658, 20659*

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

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

See Board Policy #6100.

Adopted: May 2013

AP 6150 Designation of Authorized Signatures

References: *Education Code Sections 85232 and 85233*

The President/Superintendent or designee is designated by the Board of Trustees to sign contracts and other legally binding documents and checks on behalf of the District.

Proper documentation regarding signing District warrants shall be filed with the county Treasurer's office, as required for maintaining fiscal accountability status.

See Board Policy #6150.

Adopted: May 2013

AP 6200 Budget Preparation

References: *Accreditation Standard IID; Education Code Section 70902(b)(5); California Code of Regulations, Title 5 Sections 58300 et seq.*

Each year the annual budget will be developed in a collaborative environment, support the goals and guidelines established by the Board of Trustees, and be directly or indirectly linked to departmental planning documents, such as the Program Improvement Objectives (PIOs).

The budget development calendar is as follows:

- By April 30 the Business Office will provide budget development documents to budget managers for development of the subsequent year's budget;
- By May 31 budget managers will return budget development documents to the Business Office;
- No later than July 1 the tentative budget will be presented to the Board;
- No later than September 15 the final budget will be approved by the Board;
- No later than September 15, a public hearing will be held to allow for public comment on the proposed annual budget;
- By September 30 copies of the adopted budget will be submitted to the California Community Colleges Chancellor's Office.

Every effort will be made to adhere to the budget development calendar; however, if for some unforeseen circumstance(s), the deadline dates for the final budget approval process cannot be met, a request for an extension shall be made to the California Community Colleges Chancellor's Office.

The Superintendent/President or designee shall prepare a quarterly report on forms provided by the California Community Colleges Chancellor's Office and submit a copy to the appropriate county offices and the Chancellor no later than forty-five days following the completion of each quarter. These quarterly reports (311Q reports) shall be placed on the agenda of regularly scheduled meetings of the Board to be reviewed and approved.

See Board Policy #6200.

Adopted: May 2013

AP 6250 Budget Management

References: *Title 5 Sections 58305, 58307, and 58308*

Budget management in the Ohlone Community College District conforms to the following minimum standards:

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

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

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

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

See Board Policy #6250.

Adopted: May 2013

AP 6300 Fiscal Management

References: *Accreditation Standard III.D.2, Education Code Section 84049(c);*

The President/Superintendent shall ensure that the fiscal procedures of the District are prudent, sound and in compliance with California Code of Regulations, Title 5 and the California Community Colleges Budget and Accounting Manual.

The President/Superintendent delegates to the Vice President of Administrative Services the responsibility for stewardship of the available resources of the District and for ensuring that the following fiscal practices are in place: safeguarding and managing District assets to ensure ongoing effective operations; maintenance of adequate cash reserves; implementation and maintenance of effective internal controls; and determination of sources of revenues prior to making short-term and long-term commitments.

The Vice President of Administrative Services, in collaboration with the Director of Business Services, shall ensure an organizational structure within the fiscal services departments of the District to provide for adequate and clear delineation of fiscal responsibility and staff accountability.

The President/Superintendent or designee shall communicate with the Board of Trustees at least on a quarterly basis, or sooner as the need arises, the fiscal condition of the District to enable the Board for informed policy and decision making.

The President/Superintendent shall ensure that the District has an adequate management information system to provide timely, accurate and reliable fiscal information for planning, decision making and budgetary control.

These processes assure that the District's fiscal management is in accordance with the principles contained in Title 5, Section 58311. The books and records of the District shall be maintained pursuant to the California Community Colleges Budget and Accounting Manual. As required by the Budget and Accounting Manual, expenditures shall be recognized in the accounting period in which the liability is incurred, and shall be limited to the amount budgeted for each major classification of accounts and to the total amount of the budget for each fund.

The District's management information system shall provide timely, accurate, and reliable fiscal information.

See Board Policy #6300.

Adopted: May 2013

AP 6307 Debt Issuance and Management

This Administrative Procedure (the "Procedure") provides written guidelines for the issuance of indebtedness by the Ohlone Community College District (the "District") in satisfaction of the requirements of S.B. 1029, codified as part of Government Code Section 8855.

Article I

Purpose and Goals

This Procedure provides a framework for debt management and capital planning by the District. This Procedure has been developed to meet the following goals:

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

Article II

Purposes for Which Debt Proceeds May be Used

Section 2.01. Authority and Purposes of the Issuance of Debt

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

Section 2.02. State Law

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

There are a number of State laws that govern the issuance of general obligation bonds ("GO Bonds") by community college districts. Sections 1(b)(2) (Proposition 46) and 1(6)(3) of Article XIII A (Proposition 39) of the State Constitution allow the District to issue GO Bonds. The statutory authority for issuing GO Bonds is contained in Education Code Section 15000 *et seq.* Additional provisions applicable only to Proposition 39 GO Bonds are contained in Education Code Section 15264 *et seq.* An alternative procedure for issuing GO Bonds is also available in Government Code Section 53506 *et seq.*

The statutory authority for issuing Tax and Revenue Anticipation Notes ("TRANS") is contained in Government Code Section 53850 *et seq.* Certain lease financings may be undertaken pursuant to Government Code 4217.10 *et seq.* The District may also issue Mello-Roos bonds pursuant to Government Code Section 53311 *et seq.*

Section 2.03. Debt Issued to Finance Operating Costs

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

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

The District's President/ Superintendent or Vice President, Administrative Services, will review potential financing methods to determine which method is most prudent for the District. Potential financing sources include but are not limited to tax and revenue anticipation notes, temporary borrowing from the Alameda County Treasurer, and temporary interfund borrowing.

Article III

Types of Debt That May be Issued

Section 3.01. Types of Debt Authorized to be Issued

A. Short-Term: The District may issue fixed-rate and/or variable rate short-term debt, which may include TRANS, when such instruments allow the District to meet its cash flow requirements. The District may also issue bond anticipation notes ("BANs") to provide interim financing for bond projects that will ultimately be paid from GO Bonds.

B. Long-Term: Debt issues may be used to finance essential capital facilities, projects and certain equipment where it is appropriate to spread the cost of the projects over more than one budget year. Long-term debt should not be used to fund District operations.

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

The District may also enter into long-term leases and/or participate in the sale of certificates of participation or lease revenue bonds for public facilities, property, and equipment.

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

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

Article IV

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

Section 4.01. Impact on Operating Budget and District Debt Burden

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

Section 4.02. Capital Improvement Program

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

Section 4.03. Refunding and Restructuring Procedure

A. Considerations for Refunding

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

Article V

Procedure Goals Related to District's Planning Goals and Objectives

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

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

Article VI

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

Section 6.01. Structure of Debt Issues

A. Maturity of Debt: The duration of a debt issue shall be consistent, to the extent possible, with the economic or useful life of the improvement or asset that the issue is financing. In addition, the average life of tax-exempt financing shall not exceed 120% of the average life of the assets being financed. The District shall also consider the overall impact of the current and future debt burden of the financing when determining the duration of the debt issue.

B. Debt Structure:

1. GO Bonds:

a. **New Money Bond Issuances:** For tax-exempt new money bond issuances, the District shall size the bond issuance consistent with the "spend-down" requirements of the Internal Revenue Code and within any limits approved by the District's voters. To the extent possible, the District will also consider credit issues, market factors (e.g. bank qualification) and tax law when sizing the District's bond issuance.

b. **Refunding Bond Issuances:** The sizing of refunding bonds will be determined by the amount of money that will be required to cover the principal of, accrued interest (if any) on, and redemption premium for the bonds to be defeased on the call date and to cover appropriate financing costs.

c. **Maximum Maturity:** All bonds issued by the District shall mature within the limits set forth in applicable provisions of the Education Code or the Government Code. The final maturity of tax-exempt bonds will also be limited to the average useful life of the assets financed or as otherwise required by tax law.

d. **Taxable Bonds:** Taxable bonds shall be considered for funding projects which do not satisfy the "spend-down" requirements of the Internal Revenue Code.

2. **Lease-Purchase Obligations:** The final maturity of equipment or real property lease obligations will be limited to the useful life of the assets to be financed.

C. **Debt Service Structure:** The District shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, provide flexibility, and, as practical, to recapture or maximize its debt capacity for future use.

Section 6.02. Use of Proceeds

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

1. As required by Government Code Section 53410, the District shall only use GO Bond proceeds for the purposes approved by the District's voters; and

2. The Vice President, Administrative Services shall have the responsibility, no less often than annually, to provide to the District's Board of Trustees a written report which shall contain at least the following information:

(i) The amount of the debt proceeds received and expended during the applicable reporting period; and

(ii) The status of the acquisition, construction or financing of the school facility projects, as identified in any applicable bond measure, with the proceeds of the debt.

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

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

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

Adopted: August 2018

AP 6320 Investments

References: *Government Code Sections 53600 et seq.*

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

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

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

- County Treasurer's Investment Pool
Investment of District funds may be delegated to the County Treasurer. In accordance with county procedures, District funds may be pooled with other local agencies and invested by the County Treasurer in accordance with the investment guidelines specified by Government Code Section 53635 and investment policies adopted by the County Board of Supervisors.
- State's Local Agency Investment Fund (Government Code Sections 16429.1-16429.3)
District funds not required for immediate needs of the District may be remitted to the State Local Agency Investment Fund (LAIF) for the purpose of investment (Government Code Section 16429.1). District funds deposited with the LAIF shall be invested by the State Treasurer in securities prescribed by Government Code Section 16430, or the Surplus Money Investment Fund and as determined by the Local Investment Advisory Board (Government Code Section 16429.2).
- Other Investments
Other investments as permitted by Government Code Sections 53600 et seq., and in particular Government Code Sections 53601 and 53635, may be made by Vice President of Administrative Services or designee subject to prior approval of the Governing Board.

The Vice President of Administrative Services shall provide the Board with quarterly reports describing the types and amounts of investments, purchase and maturity dates, and yield on investments, purchase and maturity dates, and yield on investments, including a statement of how the district portfolio compares with district's investment policy.

Approval of Investment transactions shall be as follows:

- Approval of deposits and withdrawals in the investment account shall require the written authorization of the Vice President of Administrative Services or the President/Superintendent.

For Bond related Technology Endowment, the following investments apply:

- In accordance with the Resolution and subject to the federal tax restrictions, moneys in the Debt Service Fund and the Building Funds may be invested in the following:
 - Lawful investment permitted by Sections 16429.1 and 53601 (“Section 53601”) of the Government Code of the State of California, including Non-AMT Bonds and Qualified Non-AMT Mutual Funds;
 - Shares in a California common law trust established pursuant to Title 1, Division 7, Chapter 5 of the Government Code which invests exclusively in investments permitted by Section 53635 of the Government Code;
 - A guaranteed investment contract with a provider rated in at least the second highest category by each rating agency then rating the Bonds;
 - The Local Agency Investments Fund of the California State Treasurer;
 - The County Pool; and,
 - State and Local Government Series Securities.

See **Board Policy #6320**.

Adopted: February 2014

AP 6321 Inventory and Capitalization of District Fixed Assets

Reference: GASB Statement No. 34 and 35, California Education Code Section 35168

Definitions

CAPITAL ASSETS

Capital assets are long-term assets of the District and include land, land improvements, construction-in-progress, buildings, and equipment

LAND

Land is defined as the cost of acquisition, preparation and development of property for building. Land is a non-depreciable asset.

Land improvement is defined as any improvement done to the land costing \geq \$50,000, and is capitalized and depreciated over its useful life.

BUILDINGS

Buildings are defined as the costs associated with the construction or acquisition of a structure. Buildings are depreciated over the useful life of the asset.

Building improvements are defined as any refurbishment costing \geq \$50,000 that extends the useful life or significantly changes the functionality of a building. The improvement cost must be depreciated over its useful life.

EQUIPMENT/FURNITURE/FIXTURE

Equipment is defined as tangible, non-expendable personal property that has a useful life of more than one year and an acquisition cost of \$500 or more per unit.

Inventory Tracking, Depreciation, and Capitalization

AP 6321 sets a threshold of \$500 per unit cost for inventory tracking and a threshold of \$5,000 per unit cost for the depreciation of capital equipment. Therefore, equipment with an acquisition cost of \$500 to \$4,999 per unit is tagged and included in the District's asset inventory, but not capitalized and depreciated. However, equipment with an initial cost of \$5,000 or more per unit is not only tagged and included in the District's asset inventory, but is capitalized and depreciated over the useful life of the asset. Group purchases with individual items $<$ \$5,000, but together \geq \$5,000 in a group, is capitalized only if the effect of applying the \$5,000 threshold to individual items in the group would eliminate a significant portion of those capital assets. Repairs of equipment/furniture/fixture are capitalizable if they extend the useful life of a piece of equipment or significantly change functionality, and meet the \$5,000 threshold requirement.

Adopted: June 2017

AP 6325 Payroll

Reference: *Education Code Section 70902 and 87040*

Payroll

Classified employees who work less than 12 months per year may elect to be paid in twelve equal payments. Full Time Faculty also have this option.

Payday for permanent employees is the last working day of the month.

All temporary employees, overtime pay for all permanent classified employees, and overload for faculty members are paid on the 10th day of the month or the last business day before the 10th of the month, for services rendered through at least the first working day of the month.

Employment and pay records must contain information which is accurate. Whenever an employee changes name, address, telephone number, beneficiary for retirement benefits, marital status, or any other item affecting employment or pay records, the individual shall immediately submit these changes in writing to the Human Resources Office.

Changes to an employee's budget number, position, or pay (shift differential) are accomplished through a Personnel Action Form (PAF). New employees are added by completing a new PAF. Employees are deleted from payroll by use of a PAF. In order to ensure payroll is accurate and timely, all PAF's must be submitted to the Human Resources Office by the close of business twenty-one days before payday. The Human Resources Office must forward all PAF's to District Payroll Office by the close of business fourteen days before payday. These dates are also posted on the District's network folder.

PAF's that establish new positions or adjust existing employee compensation must be approved by the Vice President of Administrative Services and/or Director of Business Services prior to being submitted to payroll.

Accounting for Time Worked

A monthly time report showing the presence or absence of all non-exempt classified employees is submitted to the District Payroll Office. Classified employees must accurately report their time worked on time record forms provided by the District.

The supervisor is responsible for checking the accuracy of all time reports, for authorizing any overtime which an employee works, and for filing the forms with the District Payroll Office.

Absences

All permanent employees will report absences from work on the absence forms provided by the District. Absence reports must be filed by the supervisor within three days of the absence.

Payroll Deductions

The District Payroll Office will make appropriate deductions from employees' monthly pay for approved insurance plans, income taxes, retirement, credit union, garnishments, approved charitable organizations, association and union dues, tax-sheltered annuities, and deferred compensation in accordance with Education Code Section 87040.

The employee must authorize in writing all optional deductions made from the individual's salary.

Warrant Distribution

As a rule employees may elect to have his/her warrant sent to the bank via electronic money transfer. After making arrangements with a bank to deposit money to the employee's account, the employee will need to send to the District Payroll Office a completed authorization form and a voided blank check for a checking account or a deposit slip for a savings account.

A regular employee may elect to have his/her warrant sent to the Administration Offices at the District location where he/she works. The employee may pick up the warrant on the warrant date or on the first banking day thereafter.

Errors in Payment

Employees who discover an error in their payment must notify their Supervisor. Underpayment errors will be corrected as soon as practical no later than the next pay cycle.

Overpayment errors for members of the classified bargaining unit will be handled according to the collective bargaining agreement.

For management, confidential and academic employees, the District and the employee will reach agreement as to the repayment period, normally the District will recover the overpayment in the same increments as the overpayment, the total repayment occurs by the end of the fiscal year unless there is mutual agreement between the District and the affected employee to extend beyond the fiscal year.

Education Code Section 70902

See Board Policy #6325.

Adopted: May 2013

AP 6330 Purchasing

Reference: *Education Code 81656; Public Contract Code 20650-20654*

The President/Superintendent or designee is authorized to procure materials and services necessary to carry out the programs and operations of the District. Such authorization includes the following guidelines:

- Best business practices to maximize the value of each dollar spent shall be adopted.
- All applicable provisions of state and federal laws shall be adhered to.
- Pursuant to the Public Contract Code and the Education Code, competitive bidding for purchases over prescribed amounts shall be adhered to, unless in an emergency situation, as defined in Public Contract Code 20654, exists.
- Equal opportunity shall be provided for all bidders or vendors who qualify for District business.
- Transactions shall be neutral and without conflict of interest.
- Employees of the District shall not accept gratuities in dealing with vendors.
- Local vendors shall be patronized where there is no measurable difference in service, quality, or cost.
- When consistent with other policies, the District shall participate in cooperative purchasing with other governmental agencies and, when advantageous, shall acquire material from the State Educational Agency for Surplus Property.
- Unauthorized purchases made without processing through required channels may be deemed personal purchases by the individual and are not the responsibility of the District.

Specific purchasing processes are outlined in the Ohlone College web site under “Doing Business with the Ohlone Community College District” in the Purchasing, Contracts, and Auxiliary Services Department section. The Director of Purchasing, Contracts, and Auxiliary Services is delegated with the responsibility and authority for maintenance of this section of the Ohlone College web site. Purchasing procedures of the District shall be published and distributed to the staff.

See Board Policy #6330.

Adopted: May 2013

AP 6350 Contracts – Construction

References: *Education Code Section 81800; Public Contract Code Sections 20650 et seq. and 22000 et seq.*

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

The Vice President of Administrative Services or designee shall be responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations and improvements of buildings and grounds together with estimates of costs.

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

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

The letting of contracts for construction shall comply with procedures of the District regarding contracts that exceed the statutory minimums for competitive bidding.

Please see AP #6340 titled Bids and Contracts.

Adopted: May 2013

AP 6360 Contracts – Electronic Systems and Materials

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

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

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

Criteria to determine what constitutes a responsive and responsible bid shall be established by the Vice President of Administrative Services or designee.

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

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

See Board Policy #6360.

Adopted: May 2013

AP 6370 Contracts – Personal Services

References: *Education Code Section 88003.1; Government Code Section 53060*

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

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

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

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

Professional Experts – Contracts for the services of persons who qualify as professional experts may be let without competitive bidding. Professional experts are persons specially qualified to provide professional services and expertise on a temporary basis for a specific project. Professional experts may also provide advice in financial, economic, accounting, engineering, legal or administrative matters. They must be specially trained, experienced and competent to perform the services required.

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

- The contractor controls the way in which work is performed.

- The contractor sets his or her own hours.
- The contractor is not restricted from taking jobs from other businesses at the same time that they are doing work for the District.
- No District employees have duties similar to the independent contractor.
- The District does not provide assistants to the contractor.
- The duration of employment is for a specific job, not for a specified period of time.
- The District does not furnish tools, training, or equipment to the contractor. Contractors should be able to perform their services without the District's facilities (e.g., equipment, office furniture, machinery).
- The contractor's investment in his or her trade must be real, essential, and adequate.
- The contractor has employer identification numbers with the Internal Revenue Service and the California Employment Development Department for reporting employer payroll taxes and employee wages.
- The individual is not presently employed by the District to do the same type of work.
- Contractors are hired to provide a result and usually have the right to hire others to do the actual work.
- Contractors are hired for the final result, and therefore should not be asked for progress or interim reports.
- Contractors are generally responsible for their incidental expenses.
- Contractors should be able to make a profit or a loss. Five circumstances show that a profit or loss is possible:
 - If the contractor hires and pays assistants
 - If the contractor has his own office, equipment, materials, or facilities
 - If the contractor has continuing and reoccurring liabilities

- If the contractor has agreed to perform specific jobs for prices agreed upon in advance
- If the contractor's services affect his own business reputation

Contractors cannot be terminated so long as they produce a result that meets the contract specifications.

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

Consultants – Consulting services contracts refer to all services that:

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

Adopted: May 2013

AP 6380 Vendors

Student groups and employee groups may apply for consent to vend on campus. Any group vending on campus must comply with related policies and regulations cited below. The Vice President of Administrative Services or designee will approve any application before the group may vend. Any revenue may only be used for lawful purposes approved by the group.

Permitting a vendor to operate on a District campus is subject to compliance with the following Board policies and Administrative Procedures:

- Board Policy and Administrative Procedure #3600, Auxiliary Organizations
- Board Policy and Administrative Procedure #3900, Speech: Time, Place, and Manner
- Board Policy and Administrative Procedure #6300, Fiscal Management
- Board Policy and Administrative Procedure #6340, Bids and Contracts
- Board Policy and Administrative Procedure #6500, Property Management
- Board Policy and Administrative Procedure #6540, Insurance

Adopted: May 2013

AP 6400 Audits/Periodic Reports

References: *Education Code Sections 84040(b), 81644 Public Contract Code Section 20651 (4) (c)*

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

A contract with an auditing firm shall normally be for no more than five (5) years. The audit shall include all funds under the control or jurisdiction of the District. The audit shall identify all expenditures by source of funds and shall contain:

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

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

See Board Policy #6400.

Adopted: May 2013

AP 6540 Insurance

References: *Education Code Sections 32221, 70902, 72502, 72506, 81601 et seq. Government Code 990*

The District shall maintain insurance including but not limited to the following:

- Liability insurance for damages for death, injury to person, or damage or loss of property.
- Liability insurance for the personal liability of the members of the Board of Trustees and of the officers and employees of the District for damages, for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer or employee when acting within the scope of his or her office or employment.
- Comprehensive liability insurance, including liability for operation of vehicles, covering members of the Board and the officers and employees of the District, as required by Education Code Section 72506 and as permitted by Government Code Section 990.
- Fire insurance, including extended coverage and vandalism and malicious mischief, shall be carried on all buildings owned by the District and on the contents of all buildings owned or occupied by the District. Coverage of all property shall be carried on a replacement cost basis.
- Workers' Compensation insurance covering all employees of the District in accordance with the provisions of the Workers' Compensation Insurance and Safety Act of the State of California.
- Vehicle physical damage insurance including fire, theft, comprehensive and collision.
- Fidelity bonds or coverage provided by a joint power authority to protect the District against loss resulting from fraud or dishonesty of officers or employees.
- Physical loss coverage of District personal property including loss of money and securities.
- Boiler and pressure vessel insurance including inspection as required.
- Hospital-medical coverage for employees and dependents. Coverage shall be provided through indemnity-type policies and self-funded policies.
- Student intercollegiate athletic insurance as required by Education Code Section 32221.
- Coverage of student body organizations and Ohlone College Foundation, including liability.
- Such other insurance against "other perils" (Education Code Section 81601) as may be authorized by the Board.

The President/Superintendent or designee shall report to the Board the need for insurance, together with the relevant information, including coverage experience and costs for placing such insurance. Upon authorization, the Vice President of Administrative Services shall put in place such insurance. In an emergency the Vice President of Administrative Services may place insurance, and the

President/Superintendent or designee shall immediately report such acquisition for ratification by the Board.

Insurance may be obtained through negotiation or competitive bids and shall be awarded to those who contract to furnish the coverage required at the lowest and best price consistent with good service and financial security.

As authorized by Education Code Section 81602, the District may contract for investigative, administrative and claims adjustment services. The contract may provide that the contracting firm may reject, settle, compromise and approve claims within limits and for amounts specified by the Board, including execution and issuing of checks in payment of such claims. The contract may also provide that the contracting firm may employ counsel.

Every two (2) years the District shall contract for an actuarial evaluation of the future annual costs of health and welfare benefits and report the findings to the Board.

Valuation of District property for insurance purposes shall be based upon appraisal by a commercial appraisal service. The appraisal service shall update values annually to reflect changes in replacement costs. In determining the necessary amount of coverage, allowance shall be made for non-insurable items. Records shall be maintained listing all pertinent data necessary to establish value of District properties for insurance or loss adjustment purposes.

Demands on payment of insurance premiums based on orders duly authorized and issued shall be paid in the same manner as other demands against the funds of the District.

Insurance policies shall be cancelled when deemed advisable and unearned premiums returned for deposit except that Board-required coverage shall be maintained.

Insurance records and information shall be maintained in the Administrative Services Office and Risk Management Offices and shall include subject of the insurance, insurance providers, agents or brokers through whom policies are written, premiums and rates, experience, and property values.

The Vice President of Administrative Services shall prepare an annual information report to the Board covering the status of the District insurance program as of the beginning of each fiscal year.

Specific provisions apply for construction project fire insurance.

Fire insurance shall be carried on new buildings or other structures constructed under contract only upon acceptance of the completed contract by the Board

During the performance of contracts for alterations, additions, repairs, reconstruction, rehabilitation, or other work in or on existing buildings, fire insurance including extended coverage and vandalism and malicious mischief shall be carried by the District.

Specifications for alterations or new construction shall contain provisions in accordance with this section.

Accident reports and claim procedures (see Administrative Procedure 3810) shall include the following:

A written report of any accident/incident occurring on District premises or involved with District activities resulting in injury to person or property shall be submitted to the District's Risk Management Office.

Any communication, claim or written demand concerning an accident involving the District shall be forwarded immediately to the Vice President of Administrative Services and Risk Management Office. The Risk Management Office will make such acknowledgement as is deemed appropriate, report receipt of the claim in the Board correspondence, and forward the claim to the liability insurance carrier of the District.

On receipt of notice from the liability insurance carrier of the District that a claim is to be rejected, the President/Superintendent shall make such recommendation to the Board and on approval by the Board, shall so notify the claimant.

When any property is lost, damaged, or destroyed and there is applicable insurance, a notice concerning the loss shall be sent immediately to all affected carriers or their designated representatives.

The President/Superintendent or designee shall act as adjuster for the District in the settlement of loss and shall sign proof of the loss as authorized. The President/Superintendent shall recommend to the Board the basis for settlement and the agreed amount which upon authorization of the Board shall be collected and deposited.

See Board Policy #6540.

Adopted: May 2013

AP 6600 Capital Construction

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

Capital Outlay Program

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

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

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

Contracts

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

See **Board Policy #6600**.

Adopted: February 2014

AP 6620 Naming Buildings

References: *Education Code Section 70902*

All recommendations for naming buildings shall comply with one or more of the following established criteria and shall be submitted to the Board of Trustees by the President/Superintendent.

Significant monetary contributions may, at the discretion of the Board of Trustees, be recognized by the naming of a campus area, building, educational center, or facility within the District. The various types of recognition are:

- Recognition plaques may be placed in appropriate locations such as labs, classrooms, division offices, library, or administration building.
- Naming of campus areas or parts of buildings such as classrooms, plazas, lounges, bookstore, cafeteria, and other similar type places.
- Naming of existing buildings.
- Naming of new buildings.
- Scholarship endowments of \$15,000 or more may be listed on a plaque in a prominent spot on the campus.

Criteria for the naming of facilities in honor of meritorious service may be considered under rare circumstances. The President/Superintendent will assure compliance with Board Policy 6620. Facilities may be named in recognition of the following:

- Proposals may honor people or organizations who have supported the District through major gifts
- Proposals may honor people who supported the District through exemplary service.
- Proposals may recognize names that have historical or cultural significance to the District
- Persons currently serving in publicly elected office or currently employed by the District cannot be considered

See Board Policy #6620.

Adopted: September 2016

AP 6700 Civic Center and Other Facilities Use

References: *Education Code Sections 82537 and 82542; Public Resources Code Section 42648.3*

General Provisions

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

The Vice President of Administrative Services or designee is responsible for the coordination and implementation of these procedures. The Vice President of Administrative Services or designee shall determine all applicable fees to be charged.

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

Civic Centers

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

The groups identified in Education Code Section 82542(a) will be permitted, "when an alternative location is not available," as described in the statute, to use District facilities upon payment of the following:

- the cost of opening and closing the facilities, if no District employees would otherwise be available to perform that function as a part of their normal duties;
- the cost of a District employee's presence during the organization's use of the facilities if it is determined that the supervision is needed, and if that employee would not otherwise be present as part of his/her normal duties;
- the cost of custodial services, if the services are necessary and would not have otherwise been performed as part of the custodian's normal duties; and
- the cost of utilities directly attributable to the organization's use of the facilities.

Except as provided herein, other groups shall be charged an amount not to exceed the direct costs of District facilities. Direct costs shall include costs of supplies, utilities, custodial services, services of any other District employees, and salaries paid District employees necessitated by the organization's use of District facilities.

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

- Any church or religious organization for the conduct of religious services for temporary periods where the church or organization has no suitable meeting place for the conduct of such services.

- Entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the District or for charitable purposes.

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

Rules for Facilities Use

Requests for use of the District's Civic Center must be made at least thirty (30) days in advance of the first date of use being requested. Requests shall be on forms provided by the District. Permission to use facilities shall be granted by the Vice President of Administrative Services or designee.

This request requirement does not apply to groups intending to use available designated public forums for expressive activities. In those circumstances the Vice President of Student Services approves these requests in accordance with AP 5550 Speech: Time, Place, and Manner.

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

All charges for the use of District facilities are payable 72 hours in advance.

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

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

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

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

No alcoholic beverages, intoxicants, controlled substances, or tobacco *in any form* shall be brought onto the property of the District. Persons under the influence of alcohol, intoxicants, or controlled substances shall be denied participation in any activity.

Also prohibited are portable heating devices, as well as, liquid or gaseous fuels.

No structures, electrical modifications, or mechanical apparatus may be erected or installed on District property without specific written approval by the Vice President of Administrative Services or designee. All advertising materials, signs, and placards must be approved by the District PIO prior to posting.

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

Priority for the Use of District Facilities

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

1. College-related functions
2. Student clubs and organizations
3. Fundraising entertainment or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the District
4. Senior Citizens' organizations
5. Other public agencies
6. Organizations, clubs, or associations organized for cultural activities and general character building or welfare purposes (such as folk and square dancing)
7. Public agencies, such as the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
8. Private agencies, businesses and corporations

*See **Board Policy #6700.***

Adopted: February 2014

AP 6750 Parking and Traffic

References: *California Vehicle Code Sections 21113, 40200 et seq.*; *Education Code Section 76360*

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

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

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

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

In accordance with Section 21113a of the California Vehicle Code, it shall be an infraction for any person to do any act forbidden or fail to perform any act required in these procedures.

Notices of parking violation are issued, processed, and collected in accordance with the parking violation procedures codified in the California Vehicle Code, commencing with Section 40200 et seq.

The purpose of the Ohlone College Parking Regulations is to provide a reference of all regulations established by the District relating to the operation and parking of motor vehicles and other motorized or non-motorized transportation vehicles and devices operated within the jurisdiction of the District. The regulations contained within the code are intended to provide for the safe and orderly movement of vehicle and pedestrian traffic on and about District properties.

Parking regulations, fee requirements, and parking violation penalties are indicated below in the section titled *Ohlone Community College Parking Regulations*.

Ohlone Community College District Parking Regulations

Parking Rules and Information:

Under state law (Education Code 72247) all parking on a community college campus is subject to payment of a specified fee. It is a privilege extended by the Board of Trustees to the faculty, staff, students, and visitors. Traffic regulations governing the conduct of operation of motor vehicles on the campus of Ohlone College and the Newark Ohlone Center are established in accordance with various provisions of the California Vehicle Code as well as policies established by the Board of Trustees of the District. In the absence of any special regulations not provided for herein, the provisions of the California Vehicle Code relating to vehicular traffic shall apply. Traffic Control Devices: The driver of any motor vehicle shall obey the instructions of any official traffic control device unless otherwise directed by competent authority (Law Enforcement Personnel). No person shall operate any motor vehicle while it is in an unsafe condition upon the campus of Ohlone College.

Fremont Campus:

Parking for students is authorized with a daily parking permit or a semester parking permit in lots B, C, D, E, G, H, and K, except those stalls marked as STAFF parking. A semester parking permit (or staff parking permit) is not valid for parking in lots M, N, O, and P. **DAILY** permits are required to park in these lots. Parking only for staff members is authorized in lots A, T, and W. If these lots are full,

staff may also park in lots B, C, D, E, G, H, and K. A Staff parking permit is not valid for parking in lots M, N, O, and P - a daily permit is required to park in these lots.

Drivers may use keys A and B, located on the north side of the campus, for dropping off and picking up passengers (drivers must stay with their vehicle). Keys C and D on the Ohlone south side of the campus are restricted for use by AC Transit buses and service vehicles only.

Coin Operated Metered Parking:

Coin operated metered parking is located in lots M and N on the Fremont Ohlone campus. These parking stalls are for up to two (2) hour parking. Daily, semester, and staff permits are not valid in these parking stalls.

Motorcycle and Bicycle Parking:

Motorcycle parking spaces are located in lot W. Motorcycles require a parking permit and are subject to permit parking regulations. Special bicycle parking areas, equipped with bike racks, are located adjacent to Building #2 (above lot U) and on the south side of Hyman Hall. No special permit is required for bicycle parking.

Newark Campus:

Parking for students at the Newark Center for Health, Science, and Technology is authorized in Lots A, B, C and, D except those parking stalls marked as STAFF or for Emergency or maintenance vehicles. No student or visitor parking is allowed in the maintenance facilities yard area. Motorcycles may park in any parking space. Motorcycles require a parking permit and are subject to permit parking regulations. Bicycle racks are located along Wing 1. No special permit is required for bicycle parking.

Basic Speed Laws:

The following speed limits shall be observed: **1.** Hard Surface - 25 mph (unless lower speed posted) **2.** Gravel Surface or Unpaved Surface - 15 mph **3.** Parking Areas - 15 mph

Traffic Accidents/Collisions:

Reporting of on-campus accidents is required under Sections 20002, 20005, 20007, and 20008 of the California Vehicle Code. If one is involved in a traffic accident or witness a traffic accident, that individual is to contact Campus Police Services. Violators are subject to prosecution under the California Vehicle Code or disciplinary action per Ohlone Community College policy.

Disabled Persons:

Disabled persons displaying either State of California license plates or placards issued for disabled parking purposes or permits obtained from Ohlone College's Disabled Students Programs and Services may park in spaces reserved for the disabled. These spaces are marked with the standard blue painted Disabled Insignia. Permits are available in the Disabled Services Office (510) 659-6079, which is located in Building 7, 2nd Floor, Room 7217. Disabled parking is enforced 7 days a week and 24 hours a day. No Exceptions. There are disabled parking spaces at the Fremont campus located in lots A, B, C, H, K, M, N, O, P, Q, R, S, T, and U. Staff and students may park in disabled stalls only if they display their staff, semester, or daily parking permit and a state disabled placard or license plate issued to them by the California Department of Motor Vehicles (Refer to 11.2.5 for disabled students). There are disabled parking spaces located in lots A, B, C, and D at the Newark campus. Staff and students may park in disabled stalls only if they display their staff, semester, or daily parking permits and a state disabled placard or license plate issued to them by the California Department of Motor Vehicles (Refer to 11.2.5 for disabled students).

Parking Permits:

Parking permits may be purchased for each semester from the Ohlone College Bookstore on the Fremont campus and on-line. Contact the Ohlone College Bookstore for more information.

Daily Parking Permits:

Daily Parking Permits may be purchased from vending machines located in lots C, D, H, K, M, and P on the Fremont Ohlone campus and in lots A, B, C, and D on the Newark Ohlone campus.

Parking Permits Required:

Mondays-Fridays 7 a.m.-11 p.m., Saturdays 7 a.m.-5 p.m. Parking Permits must be visibly displayed. Daily Permits should be displayed on the vehicle's dashboard. Semester Parking Permits should be hung from the rearview mirror or placed on the vehicle's dashboard.

Free Parking:

Currently, there is no charge for parking on Saturdays after 5 p.m., Sundays, and holidays in Lots A, B, C, D, E, G, H, and K on the Fremont campus and in Lots A, B, C, and D on the Newark campus. There is No Free Parking in Lots M, N, O or P. Visitors and students may not park in the Staff Only designated parking lots at any time. Vehicles must park in marked stalls only.

Adopted: November 2013

AP 6800 Safety

References:

*Cal/OSHA;
Labor Code Sections 6300 et seq.;*
Title 8 Section 3203;
Code of Civil Procedure Section 527.8;
Penal Code Sections 273.6, 626.9, 626.10, and 12021

Definitions

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

Crisis or conflict constitutes any inappropriate or unreasonable disruption that interferes with the normal functioning of one's work.

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

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

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

Injury and Illness Prevention Program (IIPP) is a program that applies to all full and part-time employees, temporary and seasonal employees and volunteers working for the district.

General Safety concerns

Employees shall comply with the requirements of the district's Injury and Illness Prevention Program (IIPP). Employees' responsibilities can be found in section 4.6 of the Program. The IIPP is located at <http://www.ohlone.edu/org/hr/docs/injuryillnesspreventionprogram.pdf>

Emergencies

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

Equipment and Sanitation

Should the duties of an employee require the use of equipment to ensure the safety of the employee, the District shall furnish such equipment. Complaints related to health safety, sanitation and working conditions shall be forwarded to the employee's supervisor or the district's Safety Coordinator for review and recommendation.

Crisis and Conflict Intervention

Any employee experiencing an unsafe work condition should immediately contact his/her supervisor or the Associate Vice President of Human Resources. The supervisor shall immediately notify Campus Police about any acts or threats of violence. The employee will be provided consultation regarding resources available to resolve the unsafe work condition.

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

Restraining Orders/Court Orders

An employee shall notify Campus Police of any restraining orders/court orders when named as a plaintiff, and provide a copy of the order to Campus Safety. In the event the supervisor is informed by an employee of a restraining order, the supervisor will contact Campus Police to ensure they are aware of the court order, and that a copy of the restraining order/court order is on file.

Adopted: November 2013

AP 6950 Drug and Alcohol Testing (U.S. Department of Transportation)

Reference: *49 Code of Federal Regulations Part 40*

The District must comply with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the District must comply with the regulations of the Federal Highway Administration (FHWA) and, if applicable, the Federal Transit Administration (FTA). Adoption of a policy and/or procedure is one of the District's obligations under the regulations. More specific guidelines for supervisors and covered employees can be found on the Human Resources website.

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

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

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

1. Facilities Equipment Attendant/Driver

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

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

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

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

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

- also covered by the FTA and required to comply with FTA alcohol and/or controlled substances testing. e.g., municipal bus drivers.
- granted a full waiver from the requirements of the commercial driver's license program; e.g., the State of California exempts non-civilian military personnel operating military vehicles and

individuals operating farm equipment which incidentally moves over a highway from obtaining a commercial driver's license.

- granted an optional State waiver from the federal commercial driver's license requirements (49 CFR Part 383), e.g., fire fighters holding noncommercial driver's licenses. The State of California issues noncommercial driver's licenses which permit a fire fighter or volunteer fire fighter to operate fire fighting equipment, but not to transport passengers.

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

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

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

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

The following are safety sensitive functions for FTA Agencies:

- Operation of a revenue service vehicle. (**Note**: A vehicle is in revenue service when the vehicle is available to the general public and there is reasonable expectations of carrying passengers that directly pay fares, are subsidized by public policy, or provide payment through some contractual arrangement. This would include bus drivers, subway operators, drivers of van pools, etc. Drivers who operate federally funded van pools for commuting are currently covered by these regulations. Revenue service excludes school buses and charter buses which are not federally funded.)
- Operation of a non-revenue service vehicle that meets the FHWA weight standards. (**Note**: This category includes drivers of snow plows, which are employed by or under contract to the transit entity and meet the designated weight requirements to require a commercial driver's license).
- Controlling dispatch or movement of a revenue service vehicles or equipment used in revenue service. (This includes the dispatchers for the buses, subways, vans, etc.)
- Maintaining a revenue service vehicle. (This includes maintenance workers.)

Prohibitions – The following conduct is prohibited and may result in discipline, up to and including termination:

- Reporting for duty or remaining on duty requiring the performance of safety sensitive functions while having an alcohol concentration level of 0.04 or greater;

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

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

Consequences for Employees – An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 will be removed from his/her safety sensitive position for at least (24 hours under FHWA and eight hours under FTA).

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

- **Pre-Employment Testing.** All driver applicants for classifications which are covered by the DOT regulations (See "covered employees" above) as well as all employees who transfer from classifications which are not covered to classifications which are covered will be required to submit to pre-employment/pre-duty drug testing. Applicants will not be assigned

to a safety sensitive position if they do not pass the test. (**Note:** *There is no pre-employment alcohol test.*).

- Job applicants, who are denied employment because of a positive test, may reapply for employment after six months if a position is available.
- Offers of employment are made contingent upon passing the District's medical review, including the drug test. Driver applicants who have received firm employment offers are to be cautioned against giving notice at their current place of employment, or incurring any costs associated with accepting employment with the District until after medical clearance has been received. All newly hired drivers shall be on a probationary status for 30 days, contingent upon medical clearance for illicit controlled substance or alcohol usage, as well as other conditions explained in human resources policies. Under no circumstances may a driver perform a safety-sensitive function until a confirmed negative result is received.

Post-Accident Testing:

FHWA Agencies:

- Post-Accident drug and alcohol testing will be conducted on employees following an accident. Post-accident alcohol tests shall be administered within two hours following an accident and no test may be administered after eight hours. A post-accident drug test shall be conducted within 32 hours following the accident.
- An accident occurs when as a result of an occurrence involving the vehicle an individual dies or when a State or local law enforcement authority issues a citation to the covered employee driver for a moving violation arising from the accident.
- If no citation is issued, each surviving driver who was performing safety-sensitive functions with respect to the vehicle will be tested if the accident involved the loss of human life.

FTA Agencies:

- Post-Accident drug and alcohol testing will be conducted on employees following an accident unless the District determines, using the best information available at the time of the decision, that the covered employee's performance could be completely discounted as a contributing factor to the accident. Not only will the operator of the vehicle be tested, but so will any other covered employee whose performance may have contributed to the accident, such as a maintenance person.
- Post-accident alcohol tests shall be administered within two hours following an accident and no test may be administered after eight hours. A post-accident drug test shall be conducted within 32 hours following the accident.
- An *accident* occurs in the following circumstances: a) when an individual dies as a result of an occurrence involving the vehicle; b) when an individual suffers bodily injury as a result of an occurrence involving the vehicle; or c) when a vehicle suffers disabling damage.
- Disabling damage means damage to the vehicle which precludes departure from the scene in its usual manner in daylight after simple repairs.

Random Testing – Covered employees will be subject to random alcohol and drug testing as follows:

- A District-wide selection process which removes discretion in selection from any supervisory personnel has been adopted by the District. This process selects drivers through the use of a computerized program;
- Random drug testing will provide for alcohol testing of at least twenty-five percent (25%) and for drug testing of at least fifty percent (50%) of all covered drivers;
- The random testing will be reasonably spaced over any twelve (12) month period.
- On the date an employee is selected for random drug testing, his/her supervisor will ensure his/her duties are covered. The employee will receive a notice in the morning indicating the time he/she is to report to the Human Resources office for the required lab paperwork. The Human Resources office will provide information to the employee about the testing site and time of appointment, if applicable. Once notified, the employee must proceed immediately to the assigned collection site.

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

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

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

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

Testing Procedures

Alcohol Testing. Alcohol testing will be conducted by using an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration. Non-EBT devices may be used for initial screening tests. A screening test will be conducted first. If the result is an alcohol concentration level of less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test will be conducted.

The procedures that will be utilized by the lab for collection and testing of the specimen comply with regulations set forth at 49 Code of Federal Regulations Part 40. The District contracts with a third-

party agency known as TAG/AMS, Inc. TAG/AMS is an employee Drug Testing Consortium. TAG/AMS, Inc. handles compliance matters for Ohlone CCD.

Drug Testing: Drug testing is conducted in full compliance with regulations set forth at 49 Code of Federal Regulations Part 40.

The urine specimen will be split into two bottles labeled as “primary” and “split” specimen. Both bottles will be sent to the lab.

If the urinalysis of the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours to request that the split specimen be analyzed by a different certified lab.

The urine sample will be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine.

If the test is positive for one or more of the drugs, a confirmation test will be performed using gas chromatography/mass spectrometry analysis.

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

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

Records – The District maintains records of the drug and alcohol misuse prevention programs, reports the results in a management information system, and controls access to the recorded information.

The District is maintains the following records for a period of five years:

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

The District retains records documenting the collection process for the alcohol and controlled substances tests and the training of supervisors for two years.

The District retains records of any negative or canceled drug test or any alcohol test result which is less than 0.02 for one year.

By March 15 of each year, the District makes available to the public a report summarizing the results of the alcohol misuse and controlled substances prevention program.

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

Consequences of Failing an Alcohol and/or Drug Test:

A covered employee testing positive for the presence of a controlled substance will be contacted by the District's Medical Review Officer (MRO). The driver will be allowed to explain and present medical documentation to explain any permissible use of a drug. All such discussions between the driver and the MRO will be confidential. The District will not be a party to, or have access to matters discussed between the driver and the MRO. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the District as a negative.

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

If a covered employee is not terminated, the employee:

- Must be removed from performing any safety-sensitive function;
- Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment for his/her alcohol or drug abuse. The District is not required to pay for this treatment;
- May not be returned to his/her former safety-sensitive position until the employee submits to a return-to-duty controlled substance and/or alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled substance test;
- Will be required to submit to unannounced follow-up testing after he/she has been returned to his/her safety-sensitive position.

The District has established an Employee Assistance Program to help employees who need assistance with alcohol and controlled substance abuse. The Human Resources Office will provide a referral. Information about the district's EAP program can be found at :
<http://www.ohlone.edu/org/hr/eap.html>

The District provides employees with information concerning the effects of alcohol and controlled substances and available methods of intervention. This information can be found at:
<http://www.ohlone.edu/org/hr/drugfree.html>

Adopted: April 2013