BP 7363  Discrimination and Complaints  (Ohlone only) - Delete

Board Approved: 11/09/05

The District’s Vice President/Deputy Superintendents or their designees are responsible for receiving discrimination complaints filed pursuant to Title 5, section 59338 and for coordinating the investigation. The investigation of complaints may be assigned to other staff or to outside persons or organizations.

BP 7365  Discipline and Dismissals - Classified Employees

Reference: Education Code Section 88013; Government Code Section 3300 et seq.
Board Approved: 11/09/05

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

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

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

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

- Fraud in securing employment or making a false statement on an application for employment.
- Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
- Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee in the position.
- Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of, or insulting or demeaning the authority of a supervisor or manager.
- Dishonesty involving employment.
- Being impaired by or under the influence of alcohol or illegal drugs or narcotics while on duty, which could impact the ability to do the job.
- Excessive absenteeism.
- Unexcused absence without leave.
- Abuse or misuse of sick leave.
• The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this Section.

• Discourteous treatment of the public or other employees.

• Improper or unauthorized use of District property.

• Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.

• Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department or division.

• Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of District property.

• Mental or physical impairment which renders the employee unable to perform the essential functions of the job without reasonable accommodation or without presenting a direct threat to the health and safety of self or others.

• Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.

• The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.

• Willful violation of policies, procedures and other rules which may be prescribed by the District, college(s) or departments.

• Working overtime without authorization.

See Administrative Procedure #7365.

BP 7370  Political Activity

Reference: Education Code Sections 7054, 7056; Government Code Section 8314
Board Approved: 11/09/05

Employees shall not use District funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board. This policy prohibits political activity during an employee’s working hours, but shall not be construed to prohibit an employee from urging the support or defeat of a ballot measure or candidate during nonworking time.
BP 7385  Salary Deductions

Reference:  *Education Code Sections 87040; 87833; 87834; 88167*
Board Approved:  11/09/05

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

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

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

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

See Administrative Procedure #7385.

BP 7400  Travel

Reference:  *Education Code Section 87032*
Board Approved:  11/09/05

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

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

See Administrative Procedure #7400.