

Human Resources
DRAFT as of 12/12/08

BP 7310 NEPOTISM

References:

Government Code Sections 1090 et seq. and 12920 et seq.;
Education Code Section 88194;
Family Code Sections 297 et seq.

The District will not discriminate in favor of or against any job applicant because of an immediate family member or domestic partner's employment in the District. Employees shall not be assigned to a position within the same department, division, or site as an employee's immediate family member or domestic partner where either would be in a position to supervise and/or recommend or influence personnel decisions with respect to the other. Any employee of the District is also prohibited from making any admissions, financial aid, work-study, student hourly employment, or internship decisions for student(s) who are immediate family members and/or domestic partners.

Personnel decisions include appointment, reappointment, retention, evaluation, tenure, work assignment, promotion, demotion, termination, leaves, and salary decisions.

For purposes of this policy, immediate family means spouse, parents, grandparents, siblings, children, grandchildren, and in-laws or any other relative living in the employee's immediate household. Domestic partners are as defined by Family Code Section 297 (Also see BP 7510 titled Domestic Partners).

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

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

Prior to accepting any employment decisions, employees have the responsibility for full disclosure in writing to the appropriate supervisor or administrator that a conflict of interest may exist. All applicants have the responsibility for disclosing any immediate family members and/or domestic partners employed by or affiliated with the District.

This policy applies to all types of employment including, but not limited to full-time, part-time, temporary, and student hourly.

❖ **From current Palomar Policy 106 titled Nepotism (84-10417)**

~~The District will not prohibit employment of relatives in the same department or administrative unit, provided that neither relative participates in making recommendations or decisions~~

~~specifically affecting the appointment, retention, evaluation, tenure, work assignment, promotion, demotion, or salary of the other relative. In those instances where developments cause one relative to have recommending or decision-making responsibilities over another relative, these functions, as they apply to the related persons, shall be performed by the next higher supervisor/administrator in the department or administrative unit.~~
GB 11-27-84

Office of Primary Responsibility: [Human Resource Services](#)

NOTE: This policy is **legally advised**. The language in **red type** is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this policy. The language in **black type** is current Palomar Policy 106 titled Nepotism adopted on 11-27-84. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was approved by the Task Force on December 12, 2008.

Date Adopted:

(Replaces current Palomar Policy 106)

Human Resources
DRAFT as of 2/6/09

BP 7365 DISCIPLINE AND DISMISSAL – CLASSIFIED EMPLOYEES

References:

Education Code Section 88013;
Government Code Sections 3300-3313 (Peace Officers' Bill of Rights)

Tricia requested that this policy be reviewed again at a future Task Force Meeting

The Superintendent/President 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 and are subject to the provision of the applicable collective bargaining agreement or employee handbook.

The District utilizes progressive discipline, which involves both informal and formal discipline. Informal discipline is primarily corrective in nature, and does not involve potential loss of property interests. Informal discipline includes adverse or negative evaluations, warnings, reprimands, directives and the denial of any leave. These actions may be used in attempts to resolve problems informally prior to imposing formal disciplinary action.

Formal discipline refers to disciplinary actions, penalties, and/or settlements including dismissal, suspension, or demotion without the classified employee's voluntary consent, and which are subject to due process because of the potential deprivation of an employee's property interest. A permanent classified employee may be subject to formal discipline by the District for cause. The Board's determination of the sufficiency of the cause for formal 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.

Office of Primary Responsibility: Human Resource Services

NOTE: This policy is **legally required**. The language in **red type** is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this policy. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed at the December 12, 2008 Task Force Meeting.

Date Adopted:

(This is a new policy recommended by the CC League and the League's legal counsel)

Human Resources
DRAFT as of 2/17/09

BP 7900 CONSULTANTS

References:

[Education Code Sections 70902\(b\)\(6\), 88003-88003.1](#)
[Government Code Section 53060](#)

❖ From current Palomar Policy 508 titled Consultants

Consultants shall exercise no administrative authority over the work of [District](#) College employees, but shall act only as advisers in those fields in which they are qualified to offer assistance. They shall be selected on a nondiscriminatory basis and without regard to such matters as ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability.

[The role of consultants is also addressed in AP 2712 titled Conflict of Interest Code](#)

[Office of Primary Responsibility:](#) [Finance and Administrative Services](#)

NOTE: The wording in **blue ink** is additional language to consider including in this policy. The information in **black ink** is current Palomar Policy 508 titled Consultants with no adoption date. The language in **green ink** reflects revisions/additions made by Human Resource Services.

Date Adopted:

(This policy is unique to Palomar College – there is no CC League recommended language. Replaces current Palomar Policy 508)

BP 3260 LEGAL OPINIONS/ASSISTANCE

References:

[Education Code Sections 70902\(b\)\(6\) and 88003-88003.1:](#)
[Government Code Section 53060](#)

❖ From current Palomar Policy 506 titled Legal Opinions/Assistance

All general administrative and Governing Board requests for legal [advice and opinions from opinions from the County counsel or counsel](#) shall be submitted in writing to the Superintendent/President [or designee](#), ~~(or his/her designee)~~, who will then forward them for action or request an oral opinion if he/she feels they warrant legal interpretation.

[Office of Primary Responsibility: Superintendent/President](#)

NOTE: The information in **black ink** is current Palomar College Policy 506 titled Legal Opinions/Assistance with no adoption date. The language in **green ink** is recommended by Human Resource Services.

Date Approved:

(Replaces current Palomar College Policy 506)

General Institution
DRAFT as of 2/17/09

BP 3310 RECORDS RETENTION AND DESTRUCTION

References:

Title 5 Sections 59020 et seq.:
Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, and 45

The Superintendent/President shall establish administrative procedures to assure the retention and destruction of all District records in accordance with Title 5 and applicable state and federal laws, including electronically stored information as defined by the Federal Rules of Civil Procedure.

“Records” means all records, maps, books, papers, data processing output, and documents of the District required by Title 5 to be retained, including but not limited to records created originally by computer and “electronically stored information” (“ESI”), as that term is defined by the Federal Rules of Civil Procedure. Such records shall include but not be limited to student records, employment records, and financial records.

The following documents are not "records" and may be destroyed at any time:

- Additional copies of documents beyond the original or one copy (a person receiving a duplicated copy need not retain it)
- Correspondence between district employees that does not pertain to personnel matters or constitute a student record
- Advertisements and other sales material received and
- Textbooks used for instruction, and other instructional materials, including library books, pamphlets and magazines

NOTE: The **red ink** signifies language that is **legally required** and recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **green ink** is recommended by Human Resources Services.

Date Adopted:

(This is a new policy recommended by the CC League and the League’s legal counsel)

General Institution
DRAFT as of 2/17/09

BP 3810 CLAIMS AGAINST THE DISTRICT

References:

Education Code Section 72502;
Government Code Sections 900 et seq. and 910 et seq.

Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title 1, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

Claims must be presented according to this policy and related procedures as a prerequisite to filing suit against the District.

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

- Claims by public entities: claims by the state or by a state department or agency or by another public entity.
- Claims for fees, wages and allowances: claims for fees, salaries or wages, mileage, or other expenses and allowances.

The designated place(s) for service of claims, lawsuits or other types of legal process upon the District is/are:

Office of the President
Palomar Community College District
1140 West Mission Road
San Marcos, CA 92069-1487

❖ **From current Palomar Policy 509 titled Claims Against the District**

~~All claims for money or damages against the District shall be governed by the 800 and 900 code section series of the California Government Code except as provided therein, or by other statutes or regulations expressly applicable thereof.~~

NOTE: The **red ink** signifies language that is legally required. The information in **black ink** is current Palomar College Policy 509 titled Claims Against the District with no adoption date.

Date Adopted:

(Replaces current Palomar College Policy 509)

BP 7330 COMMUNICABLE DISEASE

References:

[Education Code Sections 87408, 87408.6, and 88021](#)
[California Code of Regulations Title 8 Section 5193;](#)
[29 Code of Federal Regulations 1910.1030](#)

All applicants for positions shall affirm, via medical certificate, that they are free from communicable diseases, including but not limited to active tuberculosis, that could be transmitted via activities reasonably within the scope of the position. Employees shall not commence employment service until such medical certificate has been provided to the District.

An applicant's having a communicable disease does not automatically disqualify the applicant from employment unless it poses a significant risk to the health and safety of others and that risk cannot be eliminated through reasonable accommodation. For applicants with communicable diseases who request accommodation, the District shall make a determination as to reasonableness consistent with applicable state and federal laws and the District's Equal Employment Opportunity and Nondiscrimination policies and procedures. Also see BP/AP 3420 titled Equal Employment Opportunity and BP 3410 titled Nondiscrimination.

The District also recognizes the potential danger to certain employment groups from occupational exposure to blood-borne pathogens, and offers information, vaccinations and blood tests for such groups consistent with applicable law. Procedures governing bloodborne pathogens are as outlined in the District's Bloodborne Pathogens Plan, which is available through Health Services.

❖ **From current Palomar Policy 104 titled AIDS (87-12100)**

~~Palomar College will not discriminate against persons with Acquired Immunodeficiency Syndrome (AIDS), AIDS-related-complex, or individuals having a positive test for HIV antibodies in terms of admission to the College, student status, participation in educational programs and related campus activities, or in decisions of employment status.~~

~~If circumstances warrant special accommodations or assignment, actions will be taken only after confidential consultations with the person involved, appropriate campus administrators, and experts from the medical community.~~

~~Palomar College will provide to staff and students educational opportunities to increase knowledge and awareness of AIDS, its related conditions, and methods of prevention. GB 11-24-87~~

Also see [BP/AP 5210 titled Communicable Disease \(related to students\)](#) as well as [AP 7336 titled Certification of Freedom from Tuberculosis](#)

Office of Primary Responsibility: [Human Resource Services](#)

NOTE: This policy is **legally required**. The language in **red type** is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this policy. The language in **black ink** is current Palomar Policy 104 titled AIDS adopted on 11-24-87. The language in **green ink** reflects revisions/additions made by Human Resource Services.

Date Adopted:

(Replaces current Palomar Policy 104)

BP 7120 RECRUITMENT AND HIRING

References:

Education Code Sections 70902(d) and 87100 et seq.:
Title 5 Sections 53000 et seq.:
Accreditation Standard III.1.A

The Superintendent/President shall establish procedures to select and recruit faculty, staff, and administrators who have a clear understanding of and commitment to the mission, vision, and values of the institution. In order to best promote student learning within a culture of inclusion, successful candidates must be sensitive to, understand, and work well with individuals with a broad range of backgrounds and needs, including but not limited to individuals with disabilities and those with diverse academic, socioeconomic, cultural, and ethnic backgrounds. Academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Governors. Classified employees shall possess minimum qualifications described by their classification specification.

Faculty hiring procedures shall be established and implemented in accordance with Board Policies and Administrative Procedures regarding the Faculty Senate's role in local decision-making (see BP 2510 titled Participation in Local Decision-Making) as an academic and professional matter.

Staff hiring procedures shall be established after first affording the staff constituent groups an opportunity to participate in the formulation of staff hiring policies and procedures under the Governing Board's policies regarding local decision-making.

Hiring procedures for administrative, confidential, and supervisory employees shall encourage participation of executive and senior administrators, the Administrative Association, the Confidential and Supervisory Team, faculty, and classified staff in all appropriate phases of the process.

❖ From current Palomar Policy 7120 titled Recruitment and Selection

~~The Palomar Community College District recognizes that excellence in student learning and student success requires that faculty, staff, and administrators have a clear understanding of and commitment to the mission, vision, and values of the institution. Additionally, the District seeks to employ highly qualified faculty, staff, and administrators who are sensitive to and understand the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of the student population in such a way that effective student learning results.~~

~~The Superintendent/President, in cooperation with the appropriate campus constituencies, shall establish procedures for the recruitment and selection of employees including, but not limited to, the following criteria:~~

~~Academic~~

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

~~The criteria and procedures for hiring academic employees shall be established and implemented in accordance with Board policies regarding the Faculty Senate's role in local decision-making. In accordance with AB1725 and BP 2510, the Governing Board elects to rely primarily upon the advice and judgment of the Faculty Senate on Academic and Professional Matters. Faculty hiring is an Academic and Professional Matter.~~

Classified

~~The criteria and procedures for hiring classified employees shall be established after affording the CCE/AFT an opportunity to participate under the Board's policies regarding local decision-making.~~

Administrative and Confidential/Supervisory

~~The criteria and procedures for hiring administrative, confidential, and supervisory employees shall be established in a way that encourages participation of administrators, the Administrative Association and the Confidential and Supervisory Team, faculty, and classified staff in all appropriate phases of the process.~~

~~Education Code Section 70902(d); 87100 et seq Title 5, Section 53000, et seq ; Accreditation Standard III.1.A.~~

~~GB 12-10-02~~

[Also see BP 3410 titled Nondiscrimination and BP 3420 titled Equal Employment Opportunity](#)

[Office of Primary Responsibility: Human Resource Services](#)

NOTE: The language in **red type** signifies **legally required** language recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this policy. The language in **black ink** reflects current Palomar College Policy 7120 titled Recruitment and Selection adopted on 12-10-02. The language in **green ink** reflects revisions/additions made by Human Resource Services.

Date Adopted:

(Replaces current Palomar Policy 7120)