

**Human Resources
DRAFT as of 6/23/08**

AP 7125 VERIFICATION OF ELIGIBILITY FOR EMPLOYMENT

Reference:

8 U.S. Code Section 1324a

The District will not hire or recruit a person for employment if it knows that the person is not a citizen of the United States and is not authorized to be employed in the United States.

Reliable documentation of eligibility is required for employment from all persons hired. "Reliable documentation" as set out in federal law includes one or more of the following:

- A United States passport or a resident alien card or alien registration card containing a photograph of the prospective employee, that indicates the person is authorized to work in the United States

OR

- A social security card or other documentation issued by the United States government showing authorization to work in the United States AND a driver's license or similar identification document containing a photograph of the prospective employee.

The District will complete for each new employee the verification form or forms required by the United States government. The District will retain such forms for at least three years for persons it does not hire. For persons it does hire, the District will retain such forms for at least three years or until one year after the persons leaves the District's employment, whichever is later.

The District will protect the privacy of the information it collects pursuant to this procedure.

Office of Primary Responsibility: **Human Resource Services**

NOTE: *This procedure 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 procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services.*

Date Approved:

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

AP 7212 TEMPORARY FACULTY

References:

Education Code Sections 87481, 87482, 87482.5, and 87482.8

The District may employ any qualified individual as a temporary faculty member for a complete academic year, but not less than one semester or quarter during an academic year unless the date of rendering first paid service begins during the second semester or third quarter and prior to March 15th. The employment of these persons shall be based upon the need for additional faculty during a particular semester, quarter, or year because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need.

The District may employ any qualified individual as a temporary faculty member for a complete academic year but not less than a complete semester or quarter during an academic year. The employment of those persons shall be based upon the need for additional faculty during a particular semester or quarter because of the higher enrollment of students during that semester or quarter as compared to the other semester or quarter in the academic year or because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need. Such employment may be pursuant to contract fixing a salary for the entire semester or quarter. No person, other than a person serving as clinical nursing faculty, shall be so employed for more than two semesters or three quarters within any period of three consecutive years.

A person serving as clinical nursing faculty may be employed for up to four semesters or six quarters within any period of three consecutive years between July 1, 2007 and June 30, 2014, as long as the hiring of that person does not result in an increase in the ratio of part-time to full-time nursing faculty in the District.

Any person who is employed to teach classes for not more than 60 percent of the hours per week that are considered a full-time assignment for regular employees having comparable duties shall be classified as a temporary employee, and shall not become a contract employee. Service as a substitute on a day-to-day basis shall not be used for purposes of calculating eligibility for contract or regular status.

Screening for temporary faculty shall, insofar as possible, be conducted in accordance with District practices and procedures for employment of regular faculty. In particular, there shall be consideration given to principles of selection that assure the greatest opportunity for participation by underrepresented groups as required by Board Policies and Procedures.

[Also see AP 7120 titled Recruitment and Hiring](#)

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

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Date Approved:

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

**Human Resources
DRAFT as of 8/10/07**

AP 7213 PART-TIME FACULTY: BENEFITS

Reference:

Education Code Section 87860

Refer to the current Palomar Faculty Federation (PFF) Agreement for details regarding part-time faculty benefits.

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **suggested as good practice**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services.

Date Approved:

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

**Human Resources
DRAFT as of 8/10/07**

AP 7214 PART-TIME FACULTY: OFFICE HOURS

Reference:

Education Code Section 87880

Refer to the current Palomar Faculty Federation (PFF) Agreement for details regarding part-time faculty office hours.

Office of Primary Responsibility: Human Resource Services

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CC League and the League's legal counsel)*

**Human Resources
DRAFT as of 6/23/08**

**AP 7215 ACADEMIC EMPLOYEES: PROBATIONARY CONTRACT
FACULTY**

References:

Education Code Sections 87600 et seq.

The District shall employ a faculty member for the first academic year of his or her employment by contract. Any person who, at the time an employment contract is offered to him or her by the District, is neither a tenured employee of the District nor a probationary employee then serving under a second or third contract shall be deemed to be employed for "the first academic year of his or her employment."

A faculty member shall be deemed to have completed his or her first contract year if he or she provides service for 75 percent of the first academic year.

Before making a decision relating to the continued employment of a contract employee, the following requirements shall be satisfied:

- The employee shall be evaluated in accordance with the evaluation standards and procedures established in accordance with law and the Palomar Faculty Federation collective bargaining agreement.
- The Governing Board shall receive statements of the most recent evaluations.
- The Governing Board shall receive recommendations from the Superintendent/President.
- The Governing Board shall consider the statement of evaluation and the recommendations in a lawful meeting of the Board.

If a contract employee is working under his or her first contract, the Governing Board, at its discretion, shall elect one of the following alternatives:

- Not enter into a contract for the following academic year
- Enter into a contract for the following academic year
- Employ the contract employee as a regular employee for all subsequent academic years

If a contract employee is working under his or her second contract, the Governing Board, at its discretion, shall elect one of the following alternatives:

- Not enter into a contract for the following academic year
- Enter into a contract for the following two academic years
- Employ the contract employee as a regular employee for all subsequent academic years

If a contract employee is employed under his or her third consecutive contract, the Governing Board shall elect one of the following alternatives:

- Employ the probationary employee as a tenured employee for all subsequent academic years
- Not employ the probationary employee as a tenured employee

The Governing Board shall give written notice of its decision and the reasons therefore to the employee on or before March 15 of the academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with the Human Resource Services Office. Failure to give the notice as required to a contract employee under his or her first or second contract shall be deemed an extension of the existing contract without change for the following academic year.

The Governing Board shall give written notice of its decision under Education Code Section 87609 and the reasons therefore to the employee on or before March 15 of the last academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with the Human Resource Services Office. Failure to give the notice as required to a contract employee under his or her third consecutive contract shall be deemed a decision to employ him or her as a regular employee for all subsequent academic years.

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **legally advised**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services.

Date Approved:

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

**Human Resources
DRAFT as of 8/21/08**

AP 7216 EMPLOYEE GRIEVANCE/COMPLAINT PROCEDURES

Reference:

Education Code Section 87610.1

Procedures for resolution of grievances or complaints involving contractual issues are contained in the applicable collective bargaining agreement or employee handbook.

Complaints or grievances involving non-contractual issues shall be resolved utilizing the guidelines for Academic Due Process.

- ❖ **From current Palomar College Policy 3.06 titled Questions of Conduct or Grievance (93-16519)**

~~In questions of conduct or grievance, a faculty member uses the guidelines for Academic Due Process.~~

~~GB Rev. 6-28-94~~

Also see BP 7361 titled Academic Due Process

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **legally required**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The information in **black ink** is current Palomar Policy 3.06 titled Questions of Conduct or Grievance adopted on 6-28-94. The language in **green ink** reflects revisions/additions made by Human Resource Services.

Date Approved:

(Replaces current Palomar Policy 3.06)

**Human Resources
DRAFT as of 8/13/08**

AP 7231 SENIORITY

References:

Education Code Sections 87743 et seq., 88017(b), 88117, and 88127

The District shall make assignments and reassignments in a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render. Refer to the appropriate collective bargaining agreement or employee handbook for details regarding seniority.

Also see BP/AP 7211 titled Faculty Service Areas

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **suggested as good practice**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services.

Date Approved:

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

**Human Resources
DRAFT as of 6/23/08**

AP 7232 CLASSIFICATION REVIEW

References:

Education Code Sections 88001 and 88009

Every position in the classified service in the District shall be assigned a classification. These classifications will determine the salary levels that shall be applied to these positions.

Subject to the provisions of applicable employee agreements and handbooks, review of class specifications shall be undertaken to revise and update the duties and/or responsibilities of positions in the classified service.

Office of Primary Responsibility: Human Resource Services

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Date Approved:

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

**Human Resources
DRAFT as of 6/23/08**

AP 7233 CLAIMS FOR WORK OUT OF CLASSIFICATION

Reference:

Education Code Section 88010

Classified employees shall not be required to perform duties that are not fixed and prescribed for the position by the Governing Board unless the duties reasonably relate to those fixed for the position, for any period of time that exceeds five working days within a 15-calendar-day period except as authorized in these procedures.

An employee may be required to perform duties inconsistent with those assigned to the position for a period of more than five working days if his or her salary is adjusted upward for the entire period he or she is required to work out of classification and in amounts that will reasonably reflect the duties required to be performed outside his or her normal assigned duties.

Also refer to the applicable collective bargaining agreement or employee handbook.

Office of Primary Responsibility: Human Resource Services

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Date Approved:

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

**Human Resources
DRAFT as of 8/10/07**

AP 7235 PROBATIONARY PERIOD: CLASSIFIED EMPLOYEES

Reference:

Education Code Section 88013

Subject to provisions in the applicable collective bargaining agreement or employee handbook, the Governing Board establishes a probationary period of one year as permitted by statute.

Office of Primary Responsibility: Human Resource Services

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Date Approved:

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

**Human Resources
DRAFT as of 8/13/08**

AP 7237 LAYOFFS

References:

Education Code Section 87743, 88117, and 88127

Refer to the applicable collective bargaining agreement or employee handbook for details regarding layoffs.

Office of Primary Responsibility: Human Resource Services

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CC League and the League's legal counsel)*

**Human Resources
DRAFT as of 8/10/08**

AP 7240 CONFIDENTIAL EMPLOYEES

Reference:

Government Code Section 3540.1(c)

Confidential employees shall receive the same salary and health benefits as non-confidential employees who work under the same job titles or, in the case of classified employees, who work in the same classifications.

These procedures which include hiring, evaluation, transfer, classification/reclassification work schedule, compensation, benefits, leaving, resignation, complaint procedure, and layoffs are published in the CAST Handbook.

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **suggested as good practice**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services.

Date Approved:

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

**Human Resources
DRAFT as of 8/10/08**

AP 7336 CERTIFICATION OF FREEDOM FROM TUBERCULOSIS

Reference:

Education Code Section 87408.6

Except as provided herein, no person shall be initially employed by the District in an academic or classified position unless the person has submitted to an examination within the past 60 days to determine that he or she is free of active tuberculosis, by a physician and surgeon licensed under the California Business and Professions Code. This examination shall consist of an X-ray of the lungs or an approved intra-dermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs. This examination is a condition of initial employment and the expense shall be borne by the applicant.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under the Business and Professions Code.

Human Resource Services may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intra-dermal tuberculin test be followed by an X-ray of the lungs.

Thereafter, employees who are skin test negative are required to undergo the foregoing examination at least once every four years upon recommendation of the local health officer for so long as the employee remains skin test negative. Once an employee has a documented positive skin test that has been followed by an X-ray, the foregoing examinations shall no longer be required and referral shall be made within 30 days of completion of the examination to the local health officer to determine the need for follow-up care.

After the examination, each employee shall cause to be on file with the District a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis.

This procedure shall not apply to any employee of the District who files an affidavit stating that he or she adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his or her knowledge and belief he or she is free from active tuberculosis. If at any time there should be probable cause to believe that the applicant is afflicted with active tuberculosis, he or she may be excluded from service until the Office of Human Resource Services is satisfied that he or she is not so afflicted.

A person who transfers his or her employment from another school or community college district shall be deemed to meet the requirements of this procedure if the person can produce a certificate that verifies that he or she was examined within the past four years and was found to be free of communicable tuberculosis or if it is verified by the district previously employing him or her that it has a certificate on file that contains that showing.

A person who transfers his or her employment from a private or parochial elementary school, secondary school, or nursery school to the District shall be deemed to meet the requirements of this procedure if the person can produce a certificate as provided for in Section 121525 of the Health and Safety Code that verifies that he or she was examined within the past four years and was found to be free of communicable tuberculosis or if it is verified by the school previously employing him or her that it has the certificate on file.

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

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**Human Resources
DRAFT as of 8/21/08**

AP 7337 FINGERPRINTING

References:

Education Code Sections 87013 and 88024;

Penal Code Section 11077.1

All academic, classified, and contract employees shall be required to have fingerprints taken via Live Scan ten (10) working days prior to the date of employment. The electronic fingerprints and applicable fees will be forwarded to the Department of Justice to ascertain if the applicant or employee has any record of previous arrests or convictions. The Department of Justice will forward any findings to the Human Resource Services Office. Human Resource Services will evaluate findings to ensure all criminal activity was reported and that no offense would disqualify the applicant from employment.

Student workers, substitute, and temporary employees employed for less than an academic year may be exempted from this procedure. All workers or volunteers in the Child Development Center and in other programs requiring fingerprinting must submit to Live Scan fingerprinting. The costs of Live Scan fingerprinting are the sole responsibility of the employee.

Also see AP 7126 titled Background Investigations and AP 7127 titled Restrictions Governing the Employment of Applicants with Criminal Records.

Office of Primary Responsibility: Human Resource Services

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Date Approved:

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

**Human Resources
DRAFT as of 9/7/07**

AP 7342 HOLIDAYS

Reference:

Education Code Section 79020

Official District holidays will be established upon approval by the Governing Board. Designated holidays are determined through the annual state and federally approved holidays and in conjunction with the District's master calendar process and subject to the applicable collective bargaining agreement or employee handbook.

Also see BP/AP 4010 titled Academic Calendar

Office of Primary Responsibility: Human Resource Services

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**Human Resources
DRAFT as of 9/7/07**

AP 7345 CATASTROPHIC LEAVE PROGRAM

Reference:

Education Code Section 87045

The District has established a catastrophic leave program consistent with Education Code Section 87045 to permit employees of the District to donate eligible leave credits to an employee when that employee or a member of his or her family suffers from a catastrophic illness or injury. See the applicable collective bargaining agreement or employee handbook for specific information related to Catastrophic Leave.

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **suggested as good practice**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services.

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**Human Resources
DRAFT as of 8/13/08**

AP 7346 EMPLOYEES CALLED TO MILITARY DUTY

References:

Military and Veteran's Code Sections 389 et seq.;
Education Code Sections 87018, 87700, 87832, and 88116;
Government Code Sections 19775 et seq.;
38 U.S. Code Sections 4301 et seq.

The following applies to any District employee, academic or classified, who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of any branch of the military service, during any period of national emergency declared by the President of the United States or during any war in which the United States of America is engaged.

Leave

Upon presentation of a copy of orders for active duty in the Armed Forces, the National Guard, or the Naval Militia, the District shall grant a military leave of absence for the period of active duty specified in the orders, but not to exceed five years for a permanent, probationary, or exempt employee, or for the remainder of a limited-term employee's appointment or a temporary employee's appointment.

Salary

Any District employee called to active duty who has been in the service of the District for at least one year will continue to receive his or her salary for the first thirty (30) calendar days of ordered military service. Employees who are members of the National Guard will continue to receive salary for the first thirty (30) calendar days of active service regardless of length of service with the District.

In addition, the District may provide for not more than 180 calendar days as part of the employee's compensation all of the following:

- The difference between the amount of his or her military pay and allowances and the amount the employee would have received as an employee, including any merit raises that would otherwise have been granted during the time the individual was on active military duty.
- All benefits that he or she would have received had he or she not been called to active military duty unless the benefits are prohibited or limited by vendor contracts.

Employees returning from military leave shall have their salary adjusted to reflect salary increases that are not based on merit.

Health Benefits

An employee on military leave for less than 31 days shall continue to receive health insurance benefits.

Employees on leave for longer than thirty (30) days may elect to continue health care coverage for themselves and their eligible dependents for a maximum period of eighteen (18) months.

Returning veteran employees whose coverage was terminated because of military leave will not be subject to any exclusion or waiting period prior to reinstatement of health coverage.

Vacation and Sick Leave

Employees on military leave accrue any benefits the District provides to other employees, e.g. if employees on other approved leaves are permitted to accrue vacation or sick leave, employees on military leave will do so as well.

Employees on military leave shall accrue any benefits afforded by any collective bargaining agreement negotiated during their absence.

Any employee on temporary military leave for training who has worked for the District for at least one year shall continue to accrue vacation, sick leave, and holiday privileges up to a maximum period of 180 days.

Reinstatement

An employee on active duty military leave shall be entitled to return to the position held by him or her at the time of his or her entrance into the service within six months after the employee honorably leaves the service or is placed on inactive duty.

In the case of a contract academic employee, absence on military leave shall not count as part of the service required for the acquisition of tenure, but the absence shall not be construed as a break in the continuity of service. If the employee was employed by the District for more than one year, but had not yet become a regular academic employee of the District, he or she is entitled to return to the position for the period of time his or her contract of employment had to run at the time he or she entered military service.

In the case of an academic employee, absence on military leave shall not be construed as a break in the continuity of service.

In the case of a classified employee, absence on military leave shall not be construed as a break in the continuity of service.

Office of Primary Responsibility: **Human Resource Services**

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Date Approved:

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

**Human Resources
DRAFT as of 10/12/07**

AP 7371 PERSONAL USE OF PUBLIC RESOURCES

References:

Government Code Section 8314;
Penal Code Section 424

No employee or consultant shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

Office of Primary Responsibility: Human Resource Services

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Date Approved:

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**Human Resources
DRAFT as of 8/22/08**

AP 7381 HEALTH AND WELFARE BENEFITS

References:

Government Code Sections 53200 et seq.

The District shall permit any eligible employee to enroll in health and welfare benefit plans, as specified in the applicable collective bargaining agreement, employee handbook or associated Board Policy. Enrollment procedures are as indicated in the appropriate employee group benefits handbook.

Also see AP 7380 titled Retiree Health Benefits, BP 2725 Governing Board Member Compensation, and BP 2730 Governing Board Member Health Benefits.

Office of Primary Responsibility: Human Resource Services

NOTE: This policy is **suggested as good practice**. 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.

Date Approved:

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