

Human Resources
DRAFT as of 9/12/08

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 this person 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. This procedure was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Approved:

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

Human Resources
DRAFT as of 8/22/08

AP 73817131 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.

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

Human Resources
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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

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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 9/12/08

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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Date Approved:

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

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**

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Human Resources
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AP 7231 SENIORITY

References:

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

The Governing Board 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.

Office of Primary Responsibility: Human Resource Services

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

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

Human Resources
DRAFT as of 9/12/08

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

Human Resources
DRAFT as of 9/12/08

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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Human Resources
DRAFT as of 9/12/08

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, leaves, resignation, complaint procedure, and layoffs are published in the CAST Handbook.

Office of Primary Responsibility: Human Resource Services

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Human Resources
DRAFT as of 9/12/08

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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Date Approved:

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

Human Resources
DRAFT as of 9/12/08

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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Date Approved:

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

Human Resources
DRAFT as of 9/12/08

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

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Date Approved:

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Human Resources
DRAFT as of 9/12/08

AP 7370 USE OF DISTRICT RESOURCES FOR POLITICAL ACTIVITY

References:

Education Code Sections 7050 et seq.

As the District encourages and promotes academic freedom and free speech, this procedure is not intended to limit free speech. The following policies/procedures address academic freedom and free speech: BP/AP 4030 titled Academic Freedom, BP/AP 5550 titled Speech: Time, Place, and Manner, and BP/AP 6700 titled Other Facilities Use (Civic Center Act).

No District funds, services, supplies, or equipment may be used to urge the support or defeat of any ballot measure or candidate, including but not limited to any candidate for election to the Governing Board.

District resources may be used to provide information to the public about the possible effects of a bond issue or other ballot measure if both the following conditions are met:

- The informational activities are otherwise authorized by the Constitution or laws of the State of California and
- The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure

Any administrator or member of the Governing Board may appear before a citizens' group that requests the appearance to discuss the reasons why the Governing Board called an election to submit to the voters a proposition for the issuance of bonds and to respond to inquiries from the citizens' group.

An officer or employee of the District may solicit or receive political funds or contributions to promote the support or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of the District. Such activities are prohibited during working hours. Entry into buildings and grounds of the District for the use of urging the support or defeat of any ballot during working hours is prohibited. Such activities are permitted during nonworking time. "Nonworking time" means time outside an employee's working hours, whether before or after the work day or during the employee's lunch period or other breaks during the day.

Disrupting the work of an employee or student during his/her work or class period for political activities is prohibited.

❖ **From current Palomar Procedure 4.1 titled Political Activities on Campus**

Summary of Legal Requirements and Restrictions:

~~Political Activities by the Officers, Employees, and on the Campus~~

~~The governing body of the College may establish rules and regulations that govern officers and employees engaging in political activities during working hours and political activities on the College premises.~~

~~[CA ED s 7055]~~

~~**Use of College Funds, Personnel, or Property**~~

~~There is a civic center at the College wherein citizens may meet and discuss, as they desire, any subjects including political interests.~~

~~[CA ED s 82537 (a)]~~

~~College representatives are prohibited from using College funds, services, supplies, or equipment for the purpose of urging the support or the defeat of any ballot measure or candidate, including any candidate for election to the governing board of the College. [CA ED s 7054(a)]~~

~~It is important to note that the Code [7054(b)] allows the use of College resources (described above) to provide information to the public about the possible effects of any bond issue or other ballot measure if both of the following conditions are met:~~

- ~~1) The informational activities are otherwise authorized by the Constitution or the laws of this state.~~
- ~~2) The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.~~

~~**Political Contributions**~~

~~During working hours, no employee of the College may solicit or receive political funds or contributions to promote the support or the defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of offices or employees of the College.~~

~~[CA ED s 7056(a)]~~

~~However, a recognized employee organization or its officers, agents, and representatives are not prohibited from soliciting or receiving political funds or contributions from employee members to promote the support or defeat of any ballot measure on College property during non-working time.~~

~~[CA ED § 7056(b)]~~

~~**Campaign Activities**~~

~~Campaign activities are subject to a wide variety of federal and state political laws. In general, nothing prevents an officer or employee of the College from privately (and during non-working time) making contributions of money, goods, or services to candidates for political office and in support of or opposition to ballot measure campaigns. However, these activities are prohibited during working hours (and with College resources) and on behalf of the College.~~

~~[CA ED s 7056(a)]~~

~~**Lobbying**~~

~~Lobbying can generally be described as any attempt to influence the actions of any legislative body or any federal, state, or local government agency or official. As stated above, California Education Code (7055) allows each governing body to establish regulations regarding political activities by officials and employees.~~

~~[CA ED § 7056(b)]~~

~~**Campaign Activities**~~

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~~[CA ED s 7056 (a)]~~

Lobbying

~~Lobbying can generally be described as any attempt to influence the actions of any legislative body or any federal, state, or local government agency or official. As stated above, California Education Code (7055) allows each governing body to establish regulations regarding political activities by officials and employees.~~

Guidelines for Political Activities

- ~~1) There are no restrictions on the expression of personal political views by any individual in the College community, subject to any action under the laws governing libel and slander if there are violations thereof.~~
- ~~2) There are no restrictions on discussion of political issues or teaching of political techniques. Academic endeavors that address political issues, institutions, and policies are in no way affected or restricted. It is expected that in accordance with academic professionalism, controversial issues will be presented in a fair and balanced manner.~~
- ~~3) College representatives may engage in political activities on behalf of the College, on a limited number of issues, mostly those affecting education and related activities, as authorized or directed by the Superintendent/President.~~
- ~~4) College telephones, services (such as campus mail and electronic mail), equipment (such as computers, electronic servers, and copy machines), and other supplies should be used for student education and cannot be used for political activities or issue promotion (except as noted in 1 and 2 above).~~

PAC 4/20/99

[For other issues related to political activity, see BP/AP 4030 titled Academic Freedom, BP/AP 5550 titled Speech: Time, Place, and Manner, and BP/AP 6700 titled Other Facilities Use \(Civic Center Act\)](#)

[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 **black type** is current Palomar Procedure 4.1 titled Political Activities on Campus approved on April 20, 1999. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on April 18, 2008, May 16, 2008, and September 12, 2008 by the Policy and Procedure Task Force.

Date Approved:

(Replaces current Palomar Procedure 4.1)

Human Resources
DRAFT as of 9/12/08

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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