



**PALOMAR COMMUNITY COLLEGE DISTRICT
CONFIDENTIAL AND SUPERVISORY TEAM HANDBOOK**

GOVERNING BOARD APPROVED

JUNE 10, 2003

AMENDED

DECEMBER 9, 2003

JANUARY 13, 2015

**RECEIPT FOR
PALOMAR COMMUNITY COLLEGE DISTRICT
CONFIDENTIAL AND SUPERVISORY TEAM HANDBOOK**

I, the undersigned, acknowledge receipt of the Confidential and Supervisory Team Handbook for the Confidential and Supervisory Team Employees of the Palomar Community College District.

I further understand that I am required to read and become familiar with all the provisions of these policies and the Assistant Superintendent/Vice-President for Human Resources Services will answer any questions concerning these policies.

I understand that neither this handbook nor any provisions of this handbook is or implies an employment contract or any other type of contract.

Printed Name

Signature

Department

Date

TABLE OF CONTENTS

1 – NEW EMPLOYEE MENTOR PROGRAM.....	6
2 – SALARIES	6
3 – EVALUATION PLAN.....	9
4 – TRANSFER/VOLUNTARY DEMOTION	9
5 – PROMOTION.....	9
6 – VACATION	9
7 – HOURS OF EMPLOYMENT AND OVERTIME.....	11
8 – LEAVES.....	14
9 – CATASTROPHIC ILLNESS LEAVE	25
10 – UNPAID LEAVES OF ABSENCE	28
11- FAILURE TO RETURN TO WORK AFTER A LEAVE OF ABSENCE.....	28
12 – RELEASE TIME FOR EXECUTIVE COUNCIL & GOVERNING BOARD MTG.....	28
13 – HOLIDAYS.....	29
14 – PROFESSIONAL DEVELOPMENT	30
15 – PROFESSIONAL DEVELOPMENT LEAVE QUALIFICATIONS	32
16 – PROFESSIONAL DEVELOPMENT LEAVE APPLICATION.....	32
17 – PROFESSIONAL DEVELOPMENT LEAVE APPROVAL.....	33
18 – PROFESSIONAL GROWTH PROGRAM	34
19 – MANAGEMENT DEVELOPMENT PROGRAM.....	39
20 – PERSONNEL FILES.....	40
21 – COMPLAINT PROCESS	40
22 – DISCIPLINE	42
23 – SEPARATION FROM THE DISTRICT	44
24 – POST RETIREMENT EMPLOYMENT.....	45
25 – TERMINATION.....	45
26 – REDUCTION IN FORCE	45
27 – DEATH OF AN ACTIVE EMPLOYEE OR RETIREE	45
28 – FRINGE BENEFITS.....	45

29 – NOTARY PUBLIC	46
30 – TAX SHELTERED ANNUITIES	46
31 – SECTION 125 PRE-TAX FLEXIBLE SPENDING PLAN.....	46
32 – ALCOHOL AND DRUGS	46
33 – UNLAWFUL DISCRIMINATION AND SEXUAL HARASSMENT.....	47
34 – WORKPLACE VIOLENCE.....	47
35 – INCOMPATIBLE ACTIVITIES.....	48
APPENDIX A – CAST STATEMENT OF ETHICS.....	49
APPENDIX B – UNLAWFUL DISCRIMINATION AND SEXUAL HARASSMENT POLICY AND COMPLAINT PROCEDURES	49

THE CONFIDENTIAL AND SUPERVISORY TEAM

Introduction

Welcome to the Confidential and Supervisory Team (CAST) at Palomar Community College. This handbook was written to help make your transition to Palomar as smooth as possible; we welcome your input, your questions, and your enthusiasm. We work hard and have a sense of joy and pride in our accomplishments and in whom and what we are. We are aware of the important role Palomar plays in the community and are proud of the quality education we offer.

Definitions

“Confidential Employee” means an employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.

“Supervisory Employee” means any employee, regardless of job description, having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct them, or to adjust their grievances, or effectively recommend such action, if, in connection with the foregoing functions, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

1. NEW EMPLOYEE MENTOR PROGRAM

- a. Palomar College offers a mentor program for Board-approved CAST members. The staff mentor program will be administered by the CAST Executive Council.
- b. New employees will be assigned a mentor. Typically, the mentor will be someone who works in close proximity of the new employee, oftentimes the individual who will actually be training the new employee.
- c. Mentors are encouraged to involve the new employee in various activities on campus, such as social events, campus sales, attending board meetings or maybe just having lunch together. The purpose of the mentor program is to make new employees feel comfortable and help them adapt to Palomar. The period of time the mentor will be assigned to the new employee will differ, depending on the needs of the new employee.

2. SALARIES

- a. Salary Structure
The current salary schedule for Confidential and Supervisory Team (CAST) employees is available through the following web page link:
<http://www2.palomar.edu/pages/hr/employees/classifications/salary>. This salary schedule is updated from time to time.
- b. Placement
Initial placement beyond Step 1 on the salary schedule must have the written recommendation of the appropriate executive administrator and the approval of the Superintendent/President or designee. When current CAST employees are promoted to a position in a classification, within CAST, in a higher salary range, the salary shall, at a minimum, be adjusted to Step 1 of the new classification provided that there is at least a 5% increase. If Step 1 is lower than the employee's current salary, the employee shall at a minimum be assigned to a step on the new salary range that is the next higher dollar amount above the current salary that represents at least a 5% increase. Promotional salary increases above 5% may be made within the discretion of the District based on experience, length of service, skills, increase in level of responsibility and internal equity.
- c. Salary Advancement
Salary advancement shall occur annually on July 1 until the maximum step has been reached. Other salary increases are considered annually. New employees hired on or prior to the first day of the spring semester will advance on the

following July 1. New employees hired between the first day of spring semester and the following July 1 will advance on the salary schedule on July 1 following one full year of employment.

d. Reclassification

CAST members or their supervisors may initiate requests for position reclassification. Such requests are made when changes occur that significantly affect the position, such as changes in complexity, organization, scope of management responsibility, job demands, extent of authority, or accountability in decision making. Position reclassifications require Governing Board approval. A written explanation is provided to the employee and supervisor whenever a request is denied. Reviews are conducted by Human Resource Services.

i. Reclassification Procedure

1. An employee, the employee's supervisor, or Human Resource Services (District) may initiate a Request for Reclassification.
2. A Request for Reclassification may be initiated at any time. A Request for Reclassification requires the approval signatures of the employee's supervisor and appropriate Executive Administrator.
3. The Request for Reclassification, along with an updated position description, is submitted to Human Resource Services for review.
4. As a part of the review process, Human Resource Services may schedule an on-site audit of the position.
5. The final recommendation including title, salary range and initial placement will be reviewed with the employee and supervisor prior to submission to the Superintendent/President for approval and submission to the Governing Board for action.
6. An employee may submit a written appeal within five (5) working days of receiving notice of the final recommendation.
7. The Appeals Committee shall be composed of two (2) members selected by the Confidential and Supervisory Team and two (2) members selected by the Administration. Each member shall have one (1) vote. Ordinarily, within 30-days of receiving an appeal from an employee, the Appeals Committee shall make a recommendation to the Assistant Superintendent/Vice-President

for Human Resource Services who shall make the final recommendation as set forth in paragraph number six (5) above.

8. Exceptions to timeframes may be made upon mutual consent of the parties involved.
9. Requests that result in a reclassification require the approval of the Superintendent/President and the Governing Board, and become effective the first of the month following Governing Board approval.

ii. Reclassification, Transfer, Demotion Within Cast

1. An employee whose position is reclassified to a higher salary range shall be placed on the first step of the appropriate range, which provides a minimum five (5) percent/upward adjustment in salary.
2. An employee who transfers from one position to another in the same salary range shall receive no salary adjustment.
3. A CAST employee who voluntarily demotes to a position in a lower salary range shall be placed at the same or lower step in the new range. Salary will be determined based on qualifications, experience, and internal equity considerations.
4. A CAST employee who is demoted involuntarily as a result of disciplinary action shall be placed on the new salary range in accordance with the terms of the disciplinary action. Such placement may be at a lower step in the new range than the employee's current step. It may not be higher than the employee's current step.

e. Differential Pay

Any employee who is required to work between 6PM and 10PM as part of the employee's regularly scheduled work hours shall receive differential pay of 3%. Any employee who is required to work between 10PM and 6AM as part of the employee's regularly scheduled work hours shall receive differential pay of 6%.

f. Bilingual Stipend

Any employee who is required to be bilingual as part of the job description or who is specifically designated in writing by the District to serve as a bilingual interpreter shall receive a monthly stipend of \$50.00.

3. EVALUATION PLAN

The primary purpose of performance evaluations are employee development and improved communication between the supervisor and the employee regarding the employee's level of job performance and a mutual understanding of performance requirements and contributions. Performance evaluations are conducted annually and should indicate the areas in which the employee is performing satisfactorily, where improvement is needed, and where the employee has made unique and significant contributions to the department/office or to the College. The rating and evaluation of an employee should be conducted in a manner aimed at improving employee performance. The current CAST employee evaluation instrument is available through the following web page link: <http://www2.palomar.edu/pages/hr/employees/personnel/cast/>

4. TRANSFER/VOLUNTARY DEMOTION

New or vacant CAST positions will be posted internally for a period of five (5) work days before outside recruitment begins. Any permanent CAST member who is currently at the posted range or higher may apply for a transfer/voluntary demotion by submitting a letter indicating such interest by 5:00 p.m. of the final day of position to Employment Services.

5. PROMOTION

CAST employees are encouraged to apply for promotional opportunities in the District for which they are qualified through the open recruitment process. Promotions are based on the ability, qualifications and potential of all candidates for the position. Palomar College seeks to hire and promote those applicants who best meet the needs of the District.

6. VACATION

a. Entitlement

Probationary and permanent CAST employees are entitled to accrue paid vacation in accordance with the terms of this policy:

- i. Vacation is accrued on a monthly basis commencing with the first month of employment.
- ii. Employees who have a regular assignment of forty (40) hours per week shall accrue vacation as follows:

- | | |
|---------------------------|--|
| 1. 0 – 5 years of service | 1.50 days per month (18 days per year) |
| 2. 6-10 years of service | 1.70 days per month (20 days per year) |

3. 10+ years of service 2 days per month (24 days per year)

iii. Employees who have a regular assignment of less than forty (40) hours per week accrue vacation computed pro rata for the hours of their regular assignment.

b. Use Of Vacation

i. A maximum two times the CAST employee's annual vacation entitlement may be accrued /carried over from year-to-year. Vacation accrual ceases once the maximum carry-over limit is reached, until vacation is used and the balance falls below the maximum carry-over limit.

ii. If an employee has accrued the maximum number of vacation days, an exception to b.i. (above) may be granted if the needs of the District require denial of vacation leave. The CAST member must request this exception in writing, and the written request will require approval of the immediate supervisor, the appropriate Vice President, and the Superintendent/ President. Any increase in the maximum that is approved must be taken within six months from the date of approval unless the employee is on sick leave or other approved leave of absence.

iii. Vacation may not be taken in advance except under extenuating circumstances with authorization from the appropriate Executive Administrator.

iv. Whenever an employee retires or resigns, from the District, the last day actually worked by the employee shall be the effective date of retirement or resignation unless otherwise mutually agreed to in writing by the employee and the Assistant Superintendent/Vice President for Human Resource Services. Accumulated vacation shall not be used to extend the effective date of retirement or resignation.

c. Payment For Unused Vacation

i. Upon termination, retirement or resignation from the District, employees are entitled to be paid for accrued but unused vacation.

d. Other Vacation Procedures

- i. Employees are not entitled to accrue vacation while on leave without pay, during a break in service, or after the last day that service is performed.
- ii. Holidays, which occur during vacation periods, will not be charged to vacation.
- iii. If an employee's vacation becomes due during a period when s/he is on leave due to illness or injury, s/he may request that the vacation date be changed.
- iv. An employee shall be permitted to interrupt or terminate vacation leave to begin another type of paid leave without a return to work, provided the employee supplies written notice and supporting information regarding the basis for such interruption or termination.

7. HOURS OF EMPLOYMENT AND OVERTIME

a. Workweek

The workweek for full-time CAST employees shall consist of five (5) consecutive days within any week eight (8) hours per day and forty (40) hours per week. A week shall be defined as a seven-day period from 12:01 a.m. Sunday through Saturday midnight. This policy shall not restrict the extension of the regular workday or workweek on an overtime basis when such is necessary to carry on the business of the District.

The Palomar Community College District may establish and modify within its discretion and with the concurrence of the CAST EXECUTIVE COUNCIL, workday and workweek schedules for classified employees pursuant to California Education Code, Section 88040. Examples of modified schedules are the 9/80 biweekly schedule and the 4/10 weekly schedule. Every position employing a schedule authorized under Section 88040 will be identified as having regular work hours for each day of the weekly schedule. In keeping with the provisions of 88040, such schedules would require that employees be paid overtime rates for hours worked in excess of 40 in a week and/or the specified number of hours for that day.

b. Workday

The length of the workday shall be designated by the District for each classified position at the time of employment. Each employee shall be assigned a fixed,

regular, and ascertainable minimum number of hours. The District may change the times of an employee's assignment.

c. Lunch Periods

When an employee has been scheduled to work six hours, the employee shall be entitled to an uninterrupted lunch period. The length of time for such lunch period shall be for a period of one (1) hour or one-half (1/2) hour and shall be scheduled for part- or full-time employees at or about mid-point of each work shift. Lunch periods shall be scheduled with input from employees. An employee's lunch period may be extended up to a maximum of an additional fifteen (15) minutes if the employee actually participates in an on campus exercise activity during the scheduled lunch period. The employee shall submit written verification of actual participation in the exercise class to the employee's immediate supervisor.

In lieu of any extension of an employee's lunch period for actual participation in an on-campus exercise class, an employee may be granted paid release time up to maximum of an additional fifteen (15) minutes at the beginning or at the end of the workday if the employee actually participates in an exercise class during either time period. An employee must obtain prior written approval from the employee's immediate supervisor. Actual participation in an exercise class must require the employee to be no more than fifteen (15) minutes late to work, or must require the employee to leave work no more than fifteen (15) minutes early. The employee shall submit written verification of actual participation in the exercise class to the employee's immediate supervisor. An employee may participate in only one exercise class per day that requires an extension of the lunch period, a late reporting to work or an early departure from work.

d. Rest Periods

Employees shall be granted paid rest periods which, insofar as practicable, shall be in the middle of each work period at the rate of fifteen (15) minutes per four (4) hours worked or major fraction thereof. Rest periods shall be taken by employees after agreement with the immediate supervisor(s).

Specified periods may be designated when the operations of the District require someone to be present at the employee's work site at all times or when the District determines it is necessary for the efficient operation of the District. Such times shall be determined by supervisors after consultation with the employees involved.

e. Overtime

Overtime must have prior written approval from the employee's supervisor/senior administrator. All overtime hours as defined in this section shall be compensated at a rate of pay equal to time and one-half the regular rate of pay of the employee. Overtime is defined to include any time worked in excess of eight (8) hours in any one day or in excess of forty (40) hours in any calendar week, whether such hours are worked prior to the commencement of a regularly assigned starting time or subsequent to the assigned quitting time leading to the maximum eight (8) hours in any day or on any one shift or in excess of the forty (40) hour week.

A 9-hour-per-day, 80-hour-per-two (2) week work schedule defines overtime as any time worked in excess of nine (9) hours on any scheduled nine (9) hour work day and in excess of eight (8) hours on the single eight (8) hour work day, or any time worked on a day not scheduled for a work day that would cause more than 80 hours to be worked in the two (2) week work schedule.

A 9-hour-per-day for four (4) days and one 4-hour day work schedule, defines overtime as any time worked in excess of nine (9) hours on any scheduled nine (9) hour work day and in excess of four (4) hours on the scheduled 4-hour day, or any time worked on a day not scheduled for a work day that would cause more than 40 hours to be worked in the established work week.

f. Compensatory Time Off

Subject to limitations under the federal Fair Labor Standards Act, an employee may request compensatory time off in lieu of cash compensation for overtime work. Compensatory time off, if granted by the District, shall be granted at the overtime rate based on the employee's rate of pay at the time it was earned. The District in all cases shall determine whether an employee is granted overtime pay or is granted compensatory time off in lieu of cash compensation.

Subject to limitations under the federal Fair Labor Standards Act, compensatory time shall be taken at any time required by the District within twelve (12) months of the date on which it was earned. If the compensatory time has not been taken within twelve (12) months of the date on which it was earned, the District shall pay the employee in cash for all such time at the appropriate overtime rate based on the employee's current rate of pay.

As long as the federal Fair Labor Standards Act or similar statute is applicable to the District, an employee, with District approval, may take compensatory time off in lieu of cash for overtime work, but an employee may accrue no more than 240 hours and must take compensatory time off within twelve months of the time of the overtime work.

The District may take any action necessary to ensure compliance with the federal Fair Labor Standards Act.

g. Call Back Compensation

In the event that it is necessary for CAST members to return to campus after completion of their normal work schedule, the employee shall be compensated at a minimum of two (2) hours at time and one-half.

8. LEAVES

a. Sick Leave: Each CAST member employed on a full-time basis is entitled to twelve (12) days per year leave of absence for illness or injury. A CAST member employed for a full workweek, but less than a full fiscal year, is entitled to a proration of the 12-month CAST sick leave, prorated by their percent of assignment or assignment less than 12 months.

- i. The annual sick leave entitlement is granted on July 1st of each fiscal year, and may be taken at any time during the employee's work year. Sick leave not taken in any year shall be accumulated from year-to-year without limit.
- ii. Sick leave may be used for health-related absence, and concurrently with certain other unpaid leaves as detailed below.

b. Pregnancy Disability Leave

- i. Pursuant to Government Code Section 12945, a pregnant employee shall be entitled to a leave of absence without pay for up to four (4) months so long as the employee's attending physician certifies that she is physically unable to work due to pregnancy or pregnancy-related conditions. At the commencement of a pregnancy leave of absence, employees have the option of using accrued sick leave, vacation, or compensatory time off, as well as disability pay, and, thus, continue to receive pay. District pay will cease when all accrued allowances have been used, and the employee shall receive leave without pay and be subject to all polices except as

modified herein. The use of accrued time-off shall not extend the length of leave.

- ii. When an employee is on pregnancy disability leave, the District shall continue its share of payment of insurance benefits (i.e., health, life, disability, vision, and dental) for the employee and her dependents. The District's continuation of payment of retirement contributions is dependent upon the disability plan in effect at the time the disability leave is requested. Vacation time, sick leave, and holidays shall not accrue during a pregnancy leave of absence unless the employee is continuing to receive her full pay by utilizing accrued sick leave, vacation, or compensatory time. If an employee elects to receive pay for less than her full pay, all employee benefits (other than the insurance benefits listed above) will be pro-rated. Employees on pregnancy disability leave may also be eligible for benefits under the District's Long-Term Disability Plan. Employees must file a claim to receive these benefits.
 - iii. If an employee takes a pregnancy disability leave of absence while on probation, her Probationary Period shall be extended the same length of time as the portion of the pregnancy leave which falls within the probationary period. Any extensions of the probationary period that arise as a result of this policy shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.
 - iv. A request for pregnancy disability leave of absence should be submitted by the employee as soon as feasible after the employee learns of her pregnancy disability. The employee must provide a written statement from her physician indicating the date the physician believes the leave of absence should begin, the estimated date of birth and the estimated date the employee will return to work.
 - v. The District may require a pregnant employee who wishes to continue working to provide a physician's statement approving the continuance of her current work duties.
- c. Personal Necessity Leave: A CAST member may use six (6) days of accumulated sick leave each year in cases of personal necessity, including any of the following:

- i. Death or serious illness of member of the employee's immediate family or household.¹
 - ii. Accident, involving the employee's person or property, or the person or property of a member of the employee's immediate family or household;
 - iii. Appearance in any court or before any administrative tribunal as a litigant, party, or as a witness under subpoena or any order made with jurisdiction;
 - iv. In cases of compelling personal importance such as an emergency requiring prompt response, which response cannot reasonably be made by anyone other than the employee and cannot be made at any time other than during the employee's working hours.
 - v. Except for i, and ii, above, use of sick leave for personal necessity should be requested/approved in advance whenever possible.
- d. Industrial Illness/Injury Leave:
- i. CAST Members are eligible for 60 days full pay industrial accident and illness leave for work-related illness or injury, in which the District's insurance carrier has approved a workers' compensation claim. Employees must have served continuously for three years before they are eligible for the benefits of this leave.
 - ii. Industrial accident and illness leave is granted in accordance with Education Code Section 88192.
 - iii. Detailed information on the use of industrial accident and illness leave is available from Human Resource Services (HRS) and Payroll Services.
- e. Family Medical Care Leave: Eligible CAST members are entitled to take up to twelve (12) weeks of unpaid leave in any twelve (12) month period for family or medical leave inclusive of earned sick leave for one of the reasons in sections i-iii below. This procedure is intended to comply with the Federal Family Medical Leave Act of 1993, 29 U.S.C., 2601 et seq., and the California Family Rights Act of 1991 as amended October 5, 1993, California Government Code 12945.2 and shall be interpreted so that there will be no violation of either state or federal law.

¹ For purposes of this leave and all other leaves that are used for the care or benefit of a member of the employee's immediate family or household, the immediate family/member of household is limited to: spouse, domestic partner, parent, child, son/daughter-in-law, grandparent, grandchild, brother, or sister of the employee or of the spouse of the employee, or any person who lives in the same household as the employee.

- i. The birth or placement of a child for adoption or foster care with the employee within one (1) year of such birth or placement;
- ii. To care for the employee's spouse (including domestic partner), child, parent or member of immediate household with a serious health condition;
or
- iii. If an employee has a serious health condition that makes the employee unable to perform their job.
- iv. If the leave is requested for the placement or birth of a child, and both parents are employees of the District, the total amount of family care and medical leave for both parents is limited to twelve (12) weeks.
- v. Eligibility for Family Care & Medical Leave: CAST members are required to have completed more than one (1) year of continuous service with the District to be eligible for family care and medical leave. Continuous service consists of full-time or part-time employment for the number of months customarily worked by an CAST member in that position. If an employee separates from service after attaining more than one year of continuous service and is subsequently re-employed by the District, the employee is not eligible for family care and medical leave until they complete another year of service.
- vi. If the employee learns of facts necessitating a family care and medical leave more than thirty (30) calendar days prior to the time the leave is needed, the employee shall provide written notice to the District immediately. A minimum of thirty (30) calendar days written notice is required
- vii. If the employee learns of factors necessitating the family and medical care leave less than thirty (30) calendar days prior to the time the leave is needed, the employee shall provide written notice to the District ASAP. The employee is required to provide the District with written notice within five (5) working days of learning of the need for the leave.
- viii. If the employee's need for the leave is foreseeable due to a planned medical treatment for the employee or planned supervision of a child, parent, spouse or member of the immediate household with a serious health condition, the employee shall consult with the District regarding the scheduling of the treatment or supervision so as to prevent undue disruption to the operations of the District. Any scheduling or treatment or

supervision shall be subject to the approval of the health care provider of the individual with the serious health condition. In any event, thirty- (30) calendar day's written notice is required.

ix. Certification of Serious Health Condition from Health Care Provider

1. If the leave is requested to care for a child, parent, spouse, domestic partner, or member of the immediate household with a serious health condition, the District may require certification of the serious medical condition by the individual's health care provider.

The certification shall include:

- a. The date on which the serious health condition commenced;
 - b. The probable duration of the condition;
 - c. An estimate of the time that the health care provider believes the employee needs to care for the individual requiring the care;
 - d. A statement that the serious health condition warrants the participation of the employee to provide care for the employee's child, parent, spouse, or member of the immediate household.
 - e. If additional leave is requested beyond the period stated in the certification, the District may require re-certification in accordance with the procedures set forth above.
2. If the leave is requested for the employee's serious medical condition, the District may require certification of the serious medical condition by their health care provider. The certification shall include:
 - a. The date on which the serious health condition commenced;
 - b. The probably duration of the condition;
 - c. A statement that, due to the serious health condition, the employee is unable to perform the essential functions of his/her position.

- d. If additional leave is requested beyond the period stated in the certification, the District may require re-certification in accordance with the procedures set forth above.
 - e. If the District has reason to doubt the validity of the certification, the District may require the employee to undergo an examination by a health care provider of the District's choice to obtain a second opinion. If the second opinion differs from the opinion in the original certification, the District may require the employee undergo a third examination conducted by a health care provider jointly selected by the District and the employee. The third opinion shall be binding on the District and the employee. All subsequent opinions obtained after the initial certification shall be at the District's expense.
 - 3. Prior to returning to work after an employee has been granted family care and medical leave for their own serious medical condition, the District may require the employee to obtain certification from his/her health care provider that the employee is able to resume his/her duties.
- x. Right to Reinstatement: An employee returning from a family care and medical leave shall be assigned to the position he/she occupied prior to the leave, or an equivalent position with equivalent terms and conditions of employment, including employment benefits such as pay, working conditions, privileges and status. Additionally, an employee's use of family care and medical leave will not result in the loss of any other employment benefit that the employee earned or was entitled to before using the leave.
- xi. Intermittent or Reduced Schedule Leave: Leave taken because of the serious health condition of the employee or the employee's spouse, child, parent, or member of the immediate household may be taken intermittently or on a reduced schedule leave when medically necessary. Intermittent or reduced schedule leave shall not result in a reduction of the total amount of family care and medical leave to which the employee is entitled pursuant to state and federal law.
- xii. Leave taken because of the birth of a child or placement of a child with the employee shall not be taken intermittently or on a reduced schedule leave unless expressly agreed to by the District and the employee.

xiii. If an employee requests intermittent leave, or a reduced schedule leave, the District may require the employee to transfer temporarily to an available alternative position. The alternative position must be one which the employee is qualified for, which has equivalent pay and benefits, and better accommodates the recurring periods of leave than the employee's regular position.

xiv. Terms of Family Care & Medical Leave

1. An eligible employee who requests family care and medical leave for his/her own serious health condition is required to use all accrued sick leave and extended sick leave. Since family care and medical leave is limited to duration of twelve (12) work weeks, it is unlikely the employee will run out of extended sick leave within the duration of the family care and medical leave for a particular individual serious health condition.
2. An eligible employee who requests family care and medical leave to care for the employee's spouse, domestic partner, child, parent, or member of the immediate household is required to use all personal necessity leave and accrued vacation as part of the twelve (12) work week period. Nothing in this policy shall require the District to provide paid sick leave or paid medical leave in any situation in which the District would not otherwise provide any such paid leave.
3. During the period of family care and medical leave, the District shall maintain coverage under the group health plan in which the employee is enrolled for a maximum of twelve (12) workweeks. The coverage shall be under the same terms and conditions as if the employee had continued in employment for the duration of the leave. The District may collect the amount of premiums paid by the District from the employee if the employee fails to return from leave after the contemplated time period for a reason other than the continuation, recurrence or onset of a serious health condition.
4. During the period of the family care and medical leave, the employee is entitled to continue to participate in PERS or STRS, as applicable. The District is not required to make plan payments to any retirement plan or to count the leave period for purposes of time accrued under any such retirement plan during the unpaid

portion of the leave period. However, during the portion of the leave period wherein the employee has elected or the District has required the employee to utilize accrued vacation or other paid leave; applicable payments will be made to the retirement plan. In addition, accrued vacation or other accrued paid time off shall count towards time accrued under the retirement plan in the same manner as if the employee had utilized the paid leave other than for family care and medical leave. Employees are allowed to continue making contributions to their retirement plan, in accordance with the terms of the plan, during the unpaid portion of the leave.

5. The employee shall maintain employee status during the period of the family care and medical leave. The leave shall not constitute a break in service for purposes of seniority and/or longevity.
 6. The employee returning from family care and medical leave shall return with no loss of seniority-related benefits, such as vacation.
 7. Other than as set forth in this policy, the District shall not discharge, fine, suspend, expel, refuse to hire, or discriminate in any fashion against any individual who:
 - a. Utilizes the family care and medical leave set forth in this policy.
 - b. Gives information or testimonies regarding the employee's own family care and medical leave, or another employee's family care and medical leave, in any inquiry or proceeding related to family care and medical leave.
 8. A CAST member on family care and medical leave is subject to layoff as if the employee were working, under the District's layoff policy.
- xv. Effect of Family Care & Medical Care on Pregnancy/Disability Leave: Family Care and Medical Leave are separate and distinct from disability leave for pregnant employees. Pregnant employees *may be* entitled to a disability leave in addition to a family care and medical leave.
1. Leaves Available
 - a. Leave taken under the pregnancy disability policy set forth in Pregnancy Leave runs concurrently with family care and

medical leave under federal law, but not family care and medical leave under California law. Consequently, an eligible employee may take a pregnancy disability leave of up to four (4) months and a family care and medical leave of up to twelve (12) work weeks, for a combination of four (4) months plus twelve (12) work weeks (approximately seven (7) months).

b. Compensation during Leave

- i. Leave necessitated by pregnancy, miscarriage, childbirth and recovery there from shall be treated the same as sick leave. Consequently, an employee shall utilize sick leave and any other available extended sick leave during the period of the pregnancy disability/family care and medical leave.
- ii. The accumulated sick leave shall be used first. After the accumulated leave is exhausted, the employee shall use any available extended sick leave.
- iii. The employee may also elect, or the District may require, the employee to utilize any other paid leave during the pregnancy disability/family care and medical leave. Nothing in this policy shall require the District to provide paid sick leave or paid medical leave in any situation in which the District would not otherwise provide any such paid leave.

xvi. Effect of Family Care and Medical Leave on Industrial Accident or Illness Disability Leave

1. Leave Available

- a. Leave taken under the industrial accident or illness disability policy set forth in Industrial Accident and Illness Leave runs concurrently with family care and medical leave under both federal and California state law.

- b. Eligible employees who suffer an industrial accident or illness on the job are entitled to sixty (60) days of leave at full salary less the amount of temporary disability payments provided by Workers' Compensation. Consequently, an eligible employee may take a combination industrial accident or illness disability/family care and medical leave for a maximum total of twelve (12) work weeks of family care and medical leave. The sixty (60) days of industrial accident disability leave shall be deducted from the twelve (12) workweeks of family care and medical leave. All such payments of salary will be coordinated with any state disability Workers' Compensation or other wage reimbursement benefits for which employees may be eligible. At no time shall an employee receive a greater total payment than the employee's regular salary.
- c. Upon termination of the sixty (60) days industrial accident or illness leave, an employee may elect, or the District may require, the employee to use accumulated sick leave or extended sick leave to compensate the employee for the difference in pay between the workers' compensation temporary disability payments and the employee's regular salary. At no time shall the employee receive more than their full salary.
- d. In the event the employee elects or is required to use sick leave, the accumulated sick leave shall be used first. After the accumulated sick leave is exhausted, the employee must use any available extended sick leave during the remaining period of the industrial accident or illness leave/family care and medical leave.
- e. When an employee has exhausted all available paid leave, they shall be notified, in writing, of the depletion of the leave. The employee shall be offered the opportunity to request additional unpaid leave within five (5) days of the mailing of such notification.

xvii. Benefits and Reinstatement Pursuant to Combined Pregnancy Disability/Family Care and Medical leave or Industrial Illness Disability/Family Care and Medical Leave

1. Benefits during Leave

- a. The District shall maintain coverage under the group health plan in which the employee is enrolled for employees who are eligible for either of the combination leaves for the length of the approved leave. In some instances, the District may recover premiums it paid to maintain health coverage for an employee who fails to return to work following a combination leave.
- b. Employees on a combination leave, whose paid coverage ceases in accordance with this policy, may continue their group health insurance coverage through the District in conjunction with Federal COBRA guidelines by making monthly payments to the District for the amount of the relevant premium. Employees should contact Human Resources Services (HRS) for further information.

2. Reinstatement: An employee returning from a combination leave shall be reinstated pursuant to the reinstatement rights set forth in the section *Right to Reinstatement*. However, if an employee returning from a combination leave is unable to perform the essential functions of the job because of a physical or mental condition, the Americans with Disability Act (ADA) may govern the District's obligations to that employee.

- f. Critical Illness/Accident Leave: CAST members are entitled to three (3) days per year with pay in case of Critical Illness or Accident for a member of the immediate family or household. This leave is in addition to that allowed for personal necessity and is not deductible from any other authorized leaves or absences.
- g. Bereavement Leave: CAST members are entitled to five (5) of paid leave for the death of any member of the employee's immediate family or household.
- h. Jury Duty: CAST members are entitled to leave with pay when required to perform jury duty during scheduled working hours. CAST members shall notify their supervisor when they are notified of pending jury duty service.

- i. Leave for School-Related Activities of a Child: Pursuant to Labor Code Sections 230.7 and 230.8, an employee may use up to 40 hours of paid or unpaid leave annually, not to exceed 8 hours per month, to attend-related activities of a child. Paid leaves available are vacation and personal necessity. Unpaid leave is time off without pay.
- j. Labor Code Section 233 Leave: Pursuant to Labor Code Section 233, an employee may use no more than six (6) days in any calendar year of accumulated sick leave to attend to an illness of a child, parent, or spouse of the employee. All conditions and restrictions for use of sick leave by the employee shall apply.
- k. Military Leave: Military leave is granted in accordance with applicable law.

9. CATASTROPHIC ILLNESS LEAVE

The purpose of this leave is to provide an additional resource for CAST members faced with either their own serious illness or the serious illness of an immediate family member. Catastrophic illness or injury means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's immediate family, requiring the employee to take time off from work for an extended period of time to care for the family member, and taking extended time off from work creates a financial hardship for the employee because he or she has exhausted all their sick leave and other paid time off.

a. Basic Provisions

The following provisions apply to the Catastrophic Illness Leave (CIL) bank available to CAST members:

- i. Any CAST member (excluding temporary replacements and CAST members who have not completed the employment probationary period) with a balance of eligible leave credits of 160 hours or more after such donation, may donate hours to the bank, up to but not over 240 hours per year. Eligible leave credits include vacation leave and sick leave accrued to the donating employee.
- ii. Any CAST member (excluding temporary replacement and CAST members who have not completed the employment probationary period) *may* receive leave credits from the bank when approved in accordance with the required provisions.
- iii. There will be no attempt to evaluate an hour donated or received on the basis of the pay rate of the donor or the recipient.

b. Review And Oversight

- i. Applications for catastrophic illness leave will be reviewed by a committee comprised of two (2) members appointed by CAST, a member of CAST Executive Council and the Assistant Superintendent/Vice President for Human Resource Services.
- ii. The committee will recommend approval of catastrophic illness leave (CIL) to an employee only in qualifying instances of catastrophic illness or injury.

c. Procedure

- i. The applicant (or their agent) for CIL must submit a request in writing. All requests must be accompanied by a physician's statement, which verifies catastrophic illness or injury (as defined above) of the employee or employee's immediate family member.
- ii. The physician's statement and the applicant's request in determining the number of hours to be awarded to the applicant from the bank will guide the (CIL) committee.
- iii. Every attempt will be made to protect the privacy of the applicant.

d. Establishing The Bank And Collection Deposits

- i. There will be subsequent regular, periodic calls for donations to the bank.
- ii. CAST will issue calls for donations when the bank balance falls below 720 hours.
- iii. Donations from those eligible to donate are accepted at any time.

e. Eligibility Requirements

- i. Applicants must be full-time CAST employees (excluding temporary replacements and CAST employees who have not completed the employment probationary period) of Palomar Community College District.
- ii. Applicants must have exhausted all accrued full-pay leave credits. If an applicant is eligible for extended sick leave (half-pay for CAST members), the leave drawn from the bank will be prorated to bring the employee up to, but not over, their base salary excluding any premium compensation such as stipends or differentials.

- iii. Since there are no separate budgetary provisions to pay for replacements, individual departments are responsible for back filling or covering the absence of CAST employees on catastrophic illness leave from their allocation of personnel and/or discretionary budget allocations.
 - iv. Applicants receiving any other disability compensation (LTD, Workers' Compensation) may not concurrently receive CIL.
- f. Length Of Leave
- i. The maximum length of CIL is a total of 720 hours including those, which utilize extended leave (see above note on prorated leave).
 - ii. The CIL committee will approve allotments not to exceed 240 hours at a time. A new request must be submitted to the CIL committee for hours in excess of 240 hours.
- g. Application Process
- i. A written application for Catastrophic Leave must be submitted to Human Resources Services
<http://www2.palomar.edu/pages/hr/files/2013/05/Catastrophic-Leave-CAST-Request.pdf>.
 - ii. The application must be accompanied by a physician's statement that documents that a serious illness exists, and estimates the length of the illness.
- h. Donation Process
- i. A written donation form must be submitted and signed by the donor
<http://www2.palomar.edu/pages/hr/files/2013/05/Catastrophic-Leave-CAST-Donation.pdf>.
 - ii. Donation forms must be submitted to Human Resource Services (HRS).
 - iii. Once leave is donated, it becomes the property of the bank until the CIL committee authorizes its allocation to an applicant. Donation is completely voluntary. Employees are cautioned to consider their own present and future needs when determining how many hours to donate. All donations are irrevocable.

i. Termination Of Catastrophic Leave

CIL terminates when:

- i. The recipient receives any type of disability pay (LTD, Workers' Compensation).
- ii. The recipient terminates employment with the District.
- iii. The need no longer exists (based on physician's recommendation).
- iv. The bank runs out of hours.
- v. Total number of hours requested and granted exceeds 720 hours.

10. UNPAID LEAVES OF ABSENCE

- a. Personal Leave: Upon the recommendation of the Superintendent/President and after exhaustion of all paid leaves, the Governing Board may grant a leave of absence with or without pay and/or benefits to members of the CAST for personal and/or special reasons. Such leaves are limited to one year.
- b. Medical Leave: Upon the recommendation of the Superintendent/President, the Governing Board may grant a leave of absence without pay and without fringe benefits to employees for up to one year. The district may require verification of the extent of disability or illness through consultation with the employee's physician or through a physical examination of the employee by a physician appointed by the District. The District will pay the portion of cost for a physical examination by a physician appointed by the District that is not paid by the employee's health benefit plan.

11. FAILURE TO RETURN TO WORK AFTER A LEAVE OF ABSENCE: An employee's failure to return from any leave of absence is cause for disciplinary action, up to suspension, demotion, and/or termination of employment.

12. RELEASE TIME FOR EXECUTIVE COUNCIL & GOVERNING BOARD MEETINGS

a. PRESIDENT

The CAST president or designee shall be allowed up to a maximum of two (2) hours per week of re-assigned time without loss of compensation to conduct CAST business. This re-assigned time is in addition to re-assigned time without loss of compensation for meet and confer purposes or the processing of grievances. This re-assigned time shall not be used for any concerted refusal to work or any political activity.

b. EXECUTIVE COUNCIL

The District shall grant one (1) hour of release time with no loss of compensation for a one (1) hour meeting per week for the CAST Executive Council (President, Vice-President, and Secretary/Treasurer). Time not used is not accumulated.

c. MEET AND CONFER PREPARATION

The District shall grant one (1) hour of release time with no loss of compensation for each four (4) hours of scheduled meet and confer sessions for the CAST official meet and confer team.

13. HOLIDAYS: Eligible CAST members are granted 15 holidays with pay to be scheduled each year by the District:

Independence Day

Labor Day

Admissions Day

Veterans Day

Thanksgiving Holidays (2)

Christmas Holidays (2)

New Year's Holidays (2)

Martin Luther King, Jr.'s Day

Lincoln's Day

Washington's Day

Spring Holiday

Memorial Day

- a. Employees are eligible for paid holidays provided they are in paid status during a portion of the working day immediately preceding or succeeding the holiday.
- b. Holidays that occur during other paid leaves such as vacation or sick leave are not charged to the paid leave balances.
- c. CAST members are not exempt from overtime provisions of the Fair Labor Standards Act.

- d. CAST members who are required to work on a District holiday are entitled to holiday pay and may take another day off in lieu of the holiday or be paid for the hours actually worked at two and one-half times their regular rate of pay.
- e. Pursuant to applicable and current law, employees shall be granted additional holidays which are declared by the President or the Governor, as provided for in subdivisions (b) and (c) of Education Code, Section 79020 (as may be amended), for a public fast, Thanksgiving or holiday; or any day declared a holiday under Education Code Section 79022 (as may be amended). To be eligible for any such additional holidays, employees must be in paid status during a portion of the working day immediately preceding or succeeding the holiday.
- f. CAST members who are not scheduled to work during the break between fall and spring semesters are entitled to be paid for Christmas Day and New Year's Day provided they work the last work day scheduled by the District before the winter holiday break or the first work day scheduled by the District after the winter holiday break. Compensation for all other holidays requires CAST members to be in a paid status on the workday immediately preceding or succeeding the paid holiday.
- g. CAST members assigned to work during the break between fall and spring semesters shall be granted time off with compensation on any scheduled workday that falls between December 24 and January 1. This period of time includes Admissions Day, which cannot be used in lieu of another work day outside of the period December 24-January 1.

14. PROFESSIONAL DEVELOPMENT (Educational CAST members only)

- a. Educational CAST members may be eligible for a maximum of three (3) months leave, within a six (6) year period.
- b. The eligibility for leave and the utilization of such leave will occur on a six-year cycle, i.e., within a six-year period. Eligible employees may apply for a maximum of three (3) months leave. The minimum length of a paid professional development leave is two weeks.
- c. An eligible employee may take only one professional development leave in any one year.
- d. When approved, the leave may be taken either as consecutive month's full-time leave or as a reduction in normal workday and/or load for a period not to exceed one year.

- e. An eligible employee may apply for an off-campus (external) internship with his/her supervisor's approval. An eligible employee may not earn or receive pay from another organization or individual for the same work or activity for which this leave is granted, unless authorized under the terms of the approved leave request.
- f. By accepting a paid professional development leave, the eligible employee is obligated to return for a period equal to twice the length of the leave period, unless terminated by the District.
- g. The number of eligible employees on paid professional development leave in any one year shall not exceed five percent of the eligible staff as of July 1 of the fiscal year in which application is made, unless the Superintendent/President and the Governing Board approve a greater percentage.
- h. No more than one eligible employee may be on leave simultaneously from the same work unit unless the Executive Administrators and Governing Board approve a greater number.
- i. Vacation taken within sixty calendar days of the beginning or ending date of the leave must be reviewed and approved in advance by the appropriate executive administrator.
- j. Revisions must be submitted and approved by the CAST Professional Development Committee prior to implementation of the revised activity.
- k. Information provided must include the nature of the revised plan and the reason for the revision request.
- l. Revision requests must be processed through the office of the Executive Administrator appropriate to the applicant's assignment.
- m. Failure to complete professional development leave activities or a portion thereof, or failure to deliver an acceptable report by the deadline, or failure to request and be granted the appropriate extension, may result in:
 - i. A letter of reprimand from the CAST Professional Development Committee placed in the employee's personnel file;
 - ii. A letter of unprofessional conduct placed in the personnel file; and/or
 - iii. Full or partial payback of salary.

- n. A report and other acceptable evidence of the completion of commitments will be submitted to the CAST Professional Development Committee within 60 days of the last day of the leave. The CAST Professional Development Committee shall be the final judge of successful completion.
- o. During the leave, eligible employees shall be paid their regular monthly salary, including all benefits, and position on the salary schedule shall accrue.
- p. The District shall allocate funding support for all such leaves in an annual amount approved by the Governing Board.
- q. The District reserves the right to cancel all paid professional development leaves should the District's fiscal condition warrant such action. The District shall provide written notice to the CAST stating the reasons for canceling the Program.

15. PROFESSIONAL DEVELOPMENT LEAVE QUALIFICATIONS

- a. Eligible employees on 50 percent or more regular assignment are eligible for professional development leave after 1) serving the equivalent of six consecutive years of full-time (12 month) CAST service, or 2) after six years of full-time equivalent service has lapsed since a paid professional development leave.
- b. Credit for service is counted from the first day of CAST employment or from the last day of any prior paid professional development or sabbatical leave. Employment on an hourly basis or at less than 50% regular assignment shall not be credited toward eligibility for a paid leave.
- c. Paid professional development leave shall be recommended only for proposals which enhance the eligible employee's effectiveness and which benefit the District.

16. PROFESSIONAL DEVELOPMENT LEAVE APPLICATION

- a. The Assistant Superintendent/Vice President for Human Resource Services shall review the proposals and send the recommendation to the executive administration in time to facilitate final approval by the Superintendent/President and the Governing Board.
- b. The recommendation may include alternates in case those approved for leave are unable to take their leave.
- c. The CAST Professional Development Committee shall decide whether applicant proposals are acceptable, and shall prioritize the acceptable proposals according to objective criteria.

- d. The granting of a paid professional development leave is at the sole discretion of the Superintendent/President and the Governing Board.
- e. Approval for a paid professional development leave depends upon the timely submission of an acceptable professional development leave application and plan, the arrangement for acceptable coverage of the position during the CAST member's absence, and the resources available for supporting professional development leaves in a given year.
- f. Eligible employees with the most recent paid professional development leave will be given the lowest priority among those applying for leaves in a given year.
- g. In reviewing requests by eligible employees for paid professional development leave, the following criteria and guidelines are suggested to evaluate proposals and establish priorities:
 - i. The proposal outlines the benefits to the institution and how the leave activity will address institutional needs.
 - ii. The overall merit of the proposed project is evident and strongly reinforces the purpose of professional development.
 - iii. The proposed project is appropriate to the employee's field of professional activity or it is clearly related to career enhancement and advancement in educational employment for the applicant.
 - iv. The activity is academically or educationally sound.
- h. Seniority of the CAST applicants is considered only if proposals are equally sound.
- i. The CAST Professional Development Committee will recommend the order of priority with final determination made by the Executive Administrators (except those executive administrators applying for leaves).
- j. Applications must be submitted by November 1st for the following fiscal year.

17. PROFESSIONAL DEVELOPMENT LEAVE APPROVAL

- a. The application shall be processed and approved by the office of the executive administrator appropriate to the applicant's assignment and must be approved by the applicant's immediate supervisor and the appropriate senior administrator.
- b. The application for professional leave shall include:
 - i. Name and title of the applicant.

- ii. Start date of the applicant's initial employment as an CAST member with the District and inclusive dates of the professional development leave.
 - iii. The inclusive dates of the last previous paid professional development leave or sabbatical leave.
 - iv. A three-page (maximum) plan describing the professional activities, the professional benefits to the CAST member, and the benefits to the District.
 - v. An acceptable method for determining whether the plan has been successfully completed. The CAST Professional Development Committee shall be the final judge of successful completion.
 - vi. A description of how the position will be filled or handled in the employee's absence.
- c. The CAST Professional Development Committee shall notify the Assistant Superintendent/Vice President for Human Resource Services, no later than three weeks before the last Governing Board meeting prior to July 1 and/or January 1, of its recommendations and the proposed arrangements for covering the duties of the CAST member during the period of leave.
 - d. Revisions to the approved plan proposed by the applicant must be approved by the appropriate executive administrator and the CAST Professional Development Committee, reviewed by the Assistant Superintendent/Vice President for Human Resource Services, approved by the Superintendent/President, and approved by the Governing Board.
 - e. A written certification of completion of commitment according to the plan (as may be amended) shall be given to the appropriate executive administrator within 60 days of the last date of the leave and forwarded to the CAST Professional Development Committee for approval.

18. PROFESSIONAL GROWTH PROGRAM (Classified CAST Members Only) (See Education Code 88190, 88198)

- a. Purpose: The purpose of the Classified Professional Growth Program is to provide incentive to classified CAST members to enhance and update their performance in classified service by offering avenues of improvement through continuing education and involvement in professional organizations and associations.
- b. Eligibility: Only permanent classified CAST members are eligible.

- c. Enrollment
 - i. Notices are sent to all eligible employees time to enroll in the Professional Growth Program for the fall, spring, and summer sessions.
 - ii. Employees must attend at least one Professional Growth Training Workshop before submitting a program for approval.
- d. Professional Growth Plan: Professional growth plans must be job-related or part of a specific career plan. The employee must identify the benefits of the plan to the District and to the employee before the plan can be approved.
 - i. Transcripts must be submitted along with the Declaration of Intent.
 - ii. Programs must be submitted in writing by completing all required forms.
 - iii. The deadline for submission to Human Resource Services is stated in the general notice, usually no later than one week prior to registration for the fall, spring, or summer sessions. It is recommended to list alternate courses in the event some courses aren't available. ALL classes require prior approval.
 - iv. The Professional Growth Committee will notify the employee in writing of the Committee's decision regarding the program submitted.
 - v. Programs must be completed within three (3) years from date of initial approval.
- e. Professional Growth Plan Guidelines
 - i. Employees may be allowed to take up to four (4) hours of class per week during work time if the class is directly related to the employee's current job as determined by the Assistant Superintendent/Vice President for Human Resource Services. Permanent employees on less than a 100% assignment will be eligible for a corresponding percentage of release time. Probationary CAST members, and permanent CAST members not enrolled in a Professional Growth Plan, may still be eligible for release time at the request of their supervisor. The Assistant Superintendent/Vice President for Human Resource Services must approve all such requests.
 - ii. Credit may be earned for seminars and workshops attended during the release time that will improve the level of job performance or skill, provided the employee pays any expenses incurred. Advance written approval is required. No credit is earned for workshops, conferences, or classes paid by the District.
 - iii. Credit may be earned for courses, seminars, and workshops that are job-related; part of a career plan, or that would benefit the District.

- iv. No credit is earned for personal enrichment courses, workshops, and/or seminars.
- v. No professional growth credit is given for:
 - 1. Audited class;
 - 2. Course work requested by a supervisor and taken during the employee's work time;
 - 3. Courses taken while on a paid educational leave;
 - 4. Courses taken at levels below or equal to previous successfully completed course work unless justification is approved by the committee;
 - 5. Courses paid for by the District.
- vi. Professional growth credit may be granted for credit by examination only if that course is a requirement for the degree/certificate program being pursued.
- vii. A course may be repeated for professional growth credit if the college catalog allows repetition of that course for credit.
- viii. A grade of "C" or better must be earned. If letter grades are not given for a course, a letter of satisfactory completion, duly signed by the instructor, is required.
- ix. Attendance at conventions, participation in setting up regional workshops, or serving on a state committee will be subject to approval providing it is job or career-change related. Advance written approval is required. (A copy of the convention program, registration verification, and a report on the convention must be submitted to the Professional Growth Committee following attendance at such conventions or meetings.)
- x. The Professional Growth Committee will review active service/membership in professional organizations, state or national committees, and other professional associations for approval. Such participation must be related to the employee's current position, to a career plan, and/or benefit the District. Released time to attend approved professional organization conventions may be counted for Professional Growth credit.
- xi. Employees seeking professional growth credit for participation in professional organizations, committees, and/or associations must provide verification of their participation. Points for active participation are limited to no more than one point per year.
- xii. The Professional Growth Committee will review active service/membership on recognized campus governance committees and certain task forces for approval. Points for active participation on committees are limited to .50 per year.

- xiii. Employees who elect the one-time \$2,000 lump sum stipend must wait three years before beginning another Professional Growth Plan. There is no waiting period between programs when employees elect the \$500 annual stipend.
- f. Professional Growth Program Point System: The point system, as listed below, includes credit for:
 - i. Credit courses
 - ii. Job-related adult education courses
 - iii. Attendance at job-related workshops and/or seminars
 - iv. Attendance at career-change workshops and/or seminars
 - v. Service in professional organizations
 - vi. Service/membership on Palomar College governance committees
- g. Professional Growth Program Point Structure

A Professional Growth Program is completed when 20 professional growth points have been earned in the approved program. The entire 20 points can be earned through classroom course work. A minimum of 12 Professional Growth points must be earned through classroom course work.

<u>Course Work</u>	<u>Semester Points</u>	<u>Quarter Points</u>
5 unit course	10	6.666
4 unit course	8	5.333
3 unit course	6	3.999
2 unit course	4	2.666
1 unit course	2	1.333
15 week non-credit course	3	
8 week non-credit course	1.5	
<u>Workshops/Seminars</u>		
1-2 hours	.25	
3-4 hours	.50	
5-6 hours	.75	
7-8 hours	1.00	

Hours may be accumulated within a 3-year program toward points.

Professional Association Service = Officer or Committee Chair

Employees seeking professional growth credit for participation in professional organizations, committees, and/or associations must provide verification of their participation. Points for active participation are limited to no more than one point per year.

Governance Committee/ Task Force Membership = .50 for each year of service per committee.

The Professional Growth Committee will review active service/membership on recognized campus governance committees and certain task forces for approval. Points for active participation on committees are limited to .50 a year per committee.

- h. Requests for Changes/Additions to Program: Changes/additions require prior written approval and must be submitted for consideration to the Professional Growth Committee.
- i. Program Completion Procedure
 - i. It is the responsibility of the classified employee to apply for Professional Growth credit and to verify completion of the program no later than February 15, July 15, or September 15 of the semester following program completion.
 - ii. The employee applies for the stipend when 20 Professional Growth points have been accumulated. Notice of Completion form and supporting documentation shall be submitted to Human Resource Services. Supporting documentation consists of transcripts, grade cards, certificates, or in the case of non-credit courses, a statement of completion by the instructor verifying course completion.
- j. Stipends:
 - i. Eligible employees may earn a total of five (5) stipends during the course of their employment.
 - ii. Employees who currently have more than five (5) stipends will continue to receive all stipends but are not eligible to earn additional stipends.
 - iii. Employees have the option to receive an annual stipend of \$500 in pro-rated monthly payments or to receive a one-time lump sum stipend of \$2,000. Annual and lump sum stipends may be combined up to a total of five (5) stipends. The selection of an option is irrevocable.

- iv. Employees who elect the one-time \$2,000 lump sum stipend must wait three (3) years before beginning another Professional Growth Plan. There is no waiting period between programs when employees elect the \$500 annual stipend.
- v. The Professional Growth Committee secretary (Human Resource Services) evaluates the employee's Notice of Completion and recommends the earned stipend to the Superintendent/ President.
- vi. Stipends shall become effective when recommended by the Superintendent/President and approved by the Governing Board. Recommendations are normally submitted to the Governing Board three times a year after the deadline for submission of September 15, February 15, and July 15. Stipends are retroactive to September 1, February 1, and July 1 of the semester in which they are approved.
- k. Professional Growth Committee: The Professional Growth Committee shall have four (4) members: two supervisors, and two confidential employees, The CAST Executive Council will appoint the members and the Assistant Superintendent/Vice President of Human Resources shall serve as an advisor to the Professional Growth Committee. The Professional Growth Committee shall elect a chairperson.

19. MANAGEMENT DEVELOPMENT PROGRAM

- a. Program Summary: The annual Management Development Program (MDP) is funded and supported by the Governing Board and Palomar Community College District. The program provides members of AA and CAST with opportunities to enhance and remain current in professional associations, professional leadership and management development, changing workplace knowledge, skills, and abilities. Such opportunities when completed increase workplace efficiency and effectiveness, contribute to student learning outcomes, and further the mission and specified goals of Palomar College.
- b. Funding Process: Each year, the Presidents of the AA and CAST Associations meet and confer with the Assistant Superintendent/Vice President for Human Resource Services to discuss the funding allocation for the following fiscal year application process. The Governing Board reserves the right to determine the level of funding, if any, that will be provided for this program for any fiscal year. The total funding for both administrator and CAST awards shall not exceed \$25,000 in any single fiscal year.
- c. Awards: MDP awards are allocated annually depending on funding. Members of AA and CAST may apply and receive an award each year. There are no minimum or

maximum awards within the budget allocation for a given year. Each applicant should be reasonable in his/her request(s).

- d. Limitations: The MDP is not intended to augment or replace expenditures already funded by departments. MDP applications related to an activity that is associated with a particular position and historically paid by the district shall not be considered.
- e. MDP qualifying activities, application process, application form, and application/award timelines will be maintained on the Human Resource Services webpage.
- f. Awardee Responsibilities: Each year, awardees are required to complete the following:
 - i. A brief written summary report of the opportunity or activity (to be posted to the Association(s) email list and or website);
 - ii. A presentation, of the information gained and any pertinent handouts received, at a meeting of the AA membership or other college groups;
 - iii. Presentations at other college forums such as Classified Staff Development Day, CAST or AA retreats, or Faculty Convocation, Campus Explorations, or other department/division in-service trainings, meetings, or retreats.

20. PERSONNEL FILES

- a. The District maintains an official personnel file for each CAST member in Human Resource Services (HRS). Each CAST member has the right to inspect his/her personnel file during regular business hours upon timely request. If a CAST member disagrees with materials or the contents of materials placed in the personnel file, the employee may prepare a written statement within ten (10) working days of knowledge of the materials, which will be attached to the materials in the personnel file.
- b. Information of a derogatory nature will not be filed in the permanent personnel file unless the employee is given written notice and an opportunity to respond within ten (10) working days. Written statements and comments from the employee will also be added to the file.

21. COMPLAINT PROCESS

- a. An Ombudsperson shall be appointed by the CAST Executive Council to facilitate equitable resolution of complaints made by CAST members. All matters attended to by the Ombudsperson are confidential, and the Ombudsperson's facilitation of resolution is confidential.

- b. An employee (“complainant”) who believes she/he has been adversely affected by a violation, misinterpretation, or misapplication of a specific District policy may file a formal written complaint. This procedure may not be used to challenge or change a policy, regulation or established procedure of the District, but to resolve an identified complaint regarding a specific violation.
- c. Other matters for which a specific method of review is provided by law, such as discipline, dismissal, FEHA, OSHA, EEOC, are not within the scope of this procedure.
- d. In every case, before filing a formal, written complaint, the complainant will attempt to resolve the complaint by an informal conference with his/her immediate supervisor and/or the person directly involved or occasioning the complaint (respondent). If the complaint is not resolved through informal resolution, the Ombudsperson shall attempt to facilitate an equitable resolution. If the grievance is unable to be resolved informally or through the efforts of an Ombudsman, the complainant should proceed in accordance with the following procedure. All days referenced are “working days”, e.g., days that the District is open for business.
 - i. LEVEL 1: Within fifteen (15) days after the complainant the ombudsperson unsuccessful attempt to resolve the issue, the complainant must present the complaint in writing on the District's form to his/her immediate supervisor. The complaint must specify the circumstances involved, the decision reached at the informal level, and the specific remedy sought.
 - ii. LEVEL II: If the complainant or respondent is not satisfied with the decision, they may appeal the Level 1 decision on the appropriate District form to the Superintendent/President or designee within 15 days. The appeal must include a copy of the original complaint, the decision rendered at Level I, and a clear, concise statement of the reasons for the appeal. The Superintendent/President or designee will communicate a decision to the grievant within 20 days.
 - iii. The Superintendent/President/designee may request a personal conference with any or all parties involved in the grievance. The Superintendent/President may extend the timeframe not to exceed twenty (20) workdays.
- e. LEVEL III: If the complainant or respondent is not satisfied with the decision at LEVEL II, the decision may be appealed to the Governing Board within ten (10) work days. The appeal must include copies of the original complaint and all appeals and decisions and a clear and concise statement of the reasons for the appeal. The Board will review the complaint and make a final decision within thirty (30) work days of receipt of the appeal. If the Board elects to have an independent hearing officer review the complaint, the

hearing officer shall make a recommendation to the Governing Board within thirty (30) days of receipt of the appeal. The decision of the Governing Board is final.

f. Complaint Guidelines

- i. All proceedings, hearings, conferences, and meetings dealing with resolution of complaint will be confidential and private. All employees involved in the complaint have the right and the obligation to maintain confidentiality regarding the complaint and the employee involved.
- ii. Employees who file complaints in bad faith, frivolously, or as retaliation will be subject to disciplinary action. The burden of proof rests upon the employee who files the complaint.
- iii. The complainant, the respondent and other employees involved as witnesses are granted release time as necessary to participate in the complaint procedure.
- iv. It is a violation of District policy to retaliate against complainants.
- v. Failure to follow the above procedure and/or failure to meet stated time periods will result in forfeiting the right to pursue the complaint.

22. DISCIPLINE: An employee may be disciplined for cause. The term “discipline” refers to disciplinary actions, penalties, and/or settlements including demotion, suspension, or dismissal without voluntary consent. All discipline must be reasonable, timely, and related in severity to the seriousness of the offense and imposed with adherence to the concept of progressive discipline. The term “cause” is defined as those actions, omissions or behaviors which are detrimental to the operations of the District and/or its major instructional; student and administrative divisions or which impair the District’s mission, purpose, and objectives. In addition, educational employees may be disciplined for violations of Education Code 87732, and classified employees for violation of BP/AP 7365.

- a. Discipline Procedure: After consultation with the Assistant Superintendent/Vice-President for Human Resource Services, the appropriate administrator or designee will give written notice of the proposed disciplinary action to the employee. All such notices require the signature of the appropriate Executive Administrator. The notice will be served at least ten (10) working days prior to the date when discipline may be imposed. The notice must contain the following information:
 - i. A statement in ordinary and concise language of the specified acts and omissions upon which the proposed disciplinary action is based, as well as the cause of action for the discipline (supporting documentation may be attached.)
 - ii. The specific disciplinary action proposed.

- iii. A copy or statement of applicable regulation(s) policy (s) where it is claimed a violation occurred.
 - iv. A statement that the employee has the right to respond to the matters raised in the notice both orally and in writing including the submission of affidavits, within ten (10) workdays following the date the written notice was served.
 - v. A statement that the employee is entitled to appear personally before the Superintendent/President or designee regarding the matters raised in the written notice with ten (10) workdays following the date the written notice was served.
 - vi. A statement that the employee, upon written request, is entitled to an evidentiary hearing before the Board or a hearing officer designated by the Board. The District shall provide a form for the employee, the signing and filing of which shall constitute a demand for hearing, and a denial of charges. The employee must request the hearing within ten (10) workdays after receipt of the Notice of Discipline, even when requesting a meeting with the Superintendent/President as noted above.
- b. If requested by the employee, an evidentiary hearing shall be scheduled within forty-five (45) calendar days of the request, or as soon as practicable. The employee has the right to appear in person, with counsel, or other representation. The District will have the burden of proof and will present evidence first. Normal procedures are followed; i.e., charging party presentation, defense cross-examination, and defense presentation, charging party cross-examination, and rebuttal evidence from each party. Hearings will be recorded at the request of either party with the expense being borne by both parties.
 - c. The Board's determination of the sufficiency of the cause for disciplinary action will be conclusive in all cases. If a hearing officer is utilized, the hearing officer shall make a recommendation to the Board, and the Board shall take final action.
 - d. Hearings are closed to the public unless otherwise requested by the employee.
 - e. In the absence of a timely demand for a hearing, the Board may act upon the proposed disciplinary action after the time period for hearing demand has expired.
 - f. Probationary employees and other non-permanent employees are not covered by any provision in this disciplinary procedure.
 - g. In lieu of a disciplinary action, the recommendation of the Executive Administrator in consultation with the Assistant Superintendent/Vice-President for Human Resource Services, an employee may be offered as a condition of employment the option to enter certain structured rehabilitative treatment programs and/or medical/psychiatric care for

specified duration's either voluntarily and/or when such treatment is indicated by competent medical authority.

- h. At any time during the disciplinary process, an employee may offer to resign, and, if the Superintendent/President accepts such offer, the employee's official reason for termination shall be recorded as a voluntary resignation. In extenuating and/or unforeseen circumstances exceptions to the time frames may be granted upon mutual agreement of the parties involved.

23. SEPARATION FROM THE DISTRICT

- a. Resignation: Employees who plan to resign should do so with as much written notice to the District as possible (a minimum of thirty (30) calendar days is suggested whenever possible.) The Superintendent/President is authorized by the Governing Board to officially accept the resignation of CAST members.
 - i. Payment for service will be made up to and including the last day that service is performed.
 - ii. Accrued and unused vacation will be paid.
 - iii. When the letter of resignation is received by Human Resource Services, a separation letter will be sent to the resigning employee. This letter will outline details the resigning employee will need to be aware of such as continuation of insurance, converting life and long-term disability insurance, and options with regard to the retirement plan.
 - iv. The separation letter will also include a copy of Palomar's exit interview questionnaire. The resigning CAST member will be invited to schedule an exit interview with the Manager of Human Resource Services to assure proper handling of personal and business matters. The employee shall return all college-owned property and settle any indebtedness to the college prior to their exit interview. The employee shall return all college keys, employee identification card, parking pass and charge card (if one has been issued in the employee's name)
 - v. Only the following information will be provided to prospective employers seeking information on Palomar employees:
 - 1. Date hired
 - 2. Last day worked
 - 3. Last position held
 - 4. Final salary

- vi. Release of any other information will require written permission from the employee, which can be provided on the exit interview questionnaire.

b. Retirement

- i. All employees are required to enroll in the Public Employees Retirement System (PERS) or the State Teacher's Retirement System (STRS) as applicable and should contact Human Resource Services for information on qualifying and applying for benefits upon retirement.
- ii. The Governing Board may, from time-to-time, provide opportunities to eligible employees to participate in an early retirement program. Information on such programs is available from Human Resource Services.

24. POST-RETIREMENT EMPLOYMENT: An employee may be employed on an hourly basis after retirement subject to regulations established by the retirement system from which they retired.

25. TERMINATION: CAST members may be separated from the District for cause in accordance with the discipline process.

26. REDUCTION IN FORCE

- a. The District may lay off employees at any time pursuant to appropriate sections of the Education Code. The District will inform CAST members of pending layoffs. Re-employment will be in accordance with the appropriate sections of the Education Code. In all instances, the District will give CAST members affected by a layoff will be given at least 60 calendar days' notice.

27. DEATH OF AN ACTIVE EMPLOYEE OR RETIREE: Payment for service will be made up to and including the complete workday on the date of death. Payment for service and for earned but unused vacation shall be paid to the CAST member's estate.

28. FRINGE BENEFITS

- a. CAST members who are permanent employees with a 50% or greater assignment are eligible for District-paid health, dental, vision care, and life insurance, long-term disability insurance, and long-term care insurance. All eligible employees of the District must choose coverage in one of the District-paid health organizations. New CAST members must enroll immediately. Employees may change plans during an annual open enrollment period.

- b. Health benefits are District-paid for benefit eligible employees and for their dependents. Palomar College also extends health coverage to domestic partners. Coverage becomes effective for on the first day of the following month from the date of hire.
 - i. The employee must enroll new dependents within 31 days from becoming a dependent, or wait until the District's annual benefits open enrollment.
 - ii. During the annual open enrollment period, employees may change their benefits elections.

29. NOTARY PUBLIC: Employees may obtain notary public services by contacting the Superintendent/President's office.

30. TAX-SHELTERED ANNUITIES: As provided by Federal and State law, CAST members may purchase individual tax-sheltered annuities. The CAST member is solely responsible for arranging voluntary deductions for such purchases, and for all investment risk. The District assumes no responsibility for an CAST member's annuity purchase program.

31. SECTION 125 PRE-TAX FLEXIBLE SPENDING PLAN:

- a. CAST members are given the opportunity to reduce their income taxes and increase their spendable income through enrollment in the Flexible Pre-Tax Benefit Plan under Section 125 of the Internal Revenue Service code. Eligible employees will be provided with a flexible spending account that may be used to pay insurance premiums, for medical reimbursement or for dependent care reimbursement. Federal law regulates the amount allocated to the employee's flexible spending account.
- b. Employees who participate in this plan estimate their expenses for uninsured health, dental, vision and/or dependent care for the year, and then designate the pre-tax earnings dollars to be deducted from each paycheck for deposit into the Flexible Pre-Tax Benefit Plan account. As qualified expenses are incurred, employees must provide evidence of those expenses to receive reimbursement from their benefit account.
- c. All medical expenses must be submitted to the employee's health, dental and vision plan before submitting to the Flexible Pre-Tax Benefit account. Any amount left in the employee's account after reimbursement of benefit expenses incurred during the plan year will be forfeited.

32. ALCOHOL AND DRUGS

- a. Alcohol: The on-campus use of alcoholic beverages by any person is strictly prohibited on campus or at any college-sponsored activity, is subject to the provisions of BP/AP 3560-Alcoholic Beverages, and with the exclusion of the exception provided by BP/AP 3560, is cause for disciplinary action. Alcohol and drug prevention activities are

coordinated through Health Services, and through the District's health care plans. Health Services provides alcohol and drug abuse related information and can refer individuals to area agencies if further assistance is needed.

- b. **Drugs:** The use or possession of any narcotic, dangerous drug or controlled substance by any person who does not have a legal license or valid prescription is strictly prohibited on campus or at any college-sponsored activity. The unlicensed distribution or sale of any narcotic, dangerous drug or controlled substance by any person is strictly prohibited on campus or at any college-sponsored activity.
- c. **No Smoking Policy:** In accordance with BP 3570 – Smoking and/or Other Tobacco Use, there shall be no smoking or use of tobacco-related products on Palomar College District property. The District shall provide and maintain a workplace and learning environment that is smoke and tobacco-free to promote the safety and health. This policy applies to all employees, students and visitors.

33. UNLAWFUL DISCRIMINATION AND SEXUAL HARASSMENT: Sexual harassment is unacceptable conduct and will not be tolerated at Palomar College. See Appendix B for the College's Unlawful Discrimination and Sexual Harassment Policies, Complaint Procedures and Complaint Forms. Students, faculty, staff, and the public are entitled to freedom from sexual harassment in any form. Employees are expected to strictly follow this policy and these procedures, and the policies and procedures in BP/AP 3410 – Nondiscrimination, 3420 – Equal Employment Opportunity, and 3430 – Prohibition of Harassment. CAST members who violate these policies and/or administrative procedures shall be subject to disciplinary action, including suspension, demotion, and/or termination of employment.

34. WORKPLACE VIOLENCE: All Palomar College students, staff and visitors to the college are entitled to learn and work in a safe environment, free of fear for their personal safety and well-being. CAST members are expected to strictly enforce the Governing Board policy BP 3510 – Workplace Violence, and Administrative Procedure AP 3510-Workplace Violence.

- a. Verbal harassment, threats of aggression, anger outbursts, or acts of physical violence will not be tolerated.
- b. Employees who have been the object of such a threat or act must immediately report the incident to their immediate supervisor or to the Assistant Superintendent/Vice President for Human Resource Services. In most instances, a signed statement will be required. Any supervisor who observes, overhears or receives a report of verbal harassment, threats of aggression or acts of physical violence, must immediately report the same to the Assistant Superintendent/Vice President for Human Resource

Services, or in his/her absence, to the Assistant Superintendent/Vice President for Finance and Administrative Services.

- c. Any harassment, threats, or acts of violence will be taken seriously. Upon receiving such a report, an immediate investigation will be undertaken. Reasonable steps will be taken to protect employees, students, visitors, and personal property from harm.
- d. Any employee who is found to have harassed or threatened anyone at or from the workplace either in person or using telephones, fax machines, computers, or other communication devices, will be subject to disciplinary action up to and including termination.

35. INCOMPATIBLE ACTIVITIES (Government Code Section 1126)

- a. An employee shall not engage in any employment, activity, or enterprise which is inconsistent, incompatible, or in conflict with, or inimical to his/her duties as a Palomar College CAST member, or with the duties, functions, and responsibilities of Palomar College. An employee shall not perform any work, service, or counsel for compensation outside of his/her Palomar College employment that would be subject to the approval of any other employing body.
- b. Prohibited activities include but are not limited to:
 - i. Use for private gain or advantage of Palomar College time, facilities, equipment, or supplies; or the badge, uniform, prestige, or influence of his/her Palomar College employment;
 - ii. An outside activity that involves receipt or acceptance by the employee of any money or other consideration from any employer other than Palomar College for acts which would be required or expected to render in the regular course of hours of his/or employment, or as part of his/her duties as a Palomar College employee;
 - iii. An activity or act that may later be directly or indirectly subject to the control, inspection, review, or audit of any other officer or employee of an agency other than that by which he/she is employed; or
 - iv. Involves the time demands as would render performance of his/her duties as a Palomar College employee less efficient.
- c. CAST members shall obtain the prior written approval of the Superintendent/President for any activity or employment this section indicates is incompatible with their Palomar College employment.

- d. CAST employees may appeal the Superintendent/President's decision regarding approval of potentially incompatible duties to the Governing Board. The decision of the Governing Board shall be final.
- e. Nothing in this procedure is intended to abridge or otherwise restrict the rights of political activities of employees under Chapter 9.5 of Title 1, California Code of Regulations.

APPENDIX A

Confidential and Supervisory Team Statement of Ethics

www.palomar.edu/CAST/ethics.html

APPENDIX B

Unlawful Discrimination and Sexual Harassment Policies, Complaint Procedures and Complaint Form

<http://www2.palomar.edu/pages/hr/files/2014/07/UD-SH-Packet-Web.pdf>